

Submissions to The Council of State Governments Shared State Legislation Committee should be sent to staff at least eight weeks in advance of the next scheduled SSL committee meeting in order to be considered for that meeting's docket. Submissions received after this deadline will be held for a later meeting. The status of any item on this docket is listed as reported by the submitting state's legislative website or by telephone from state legislative service agencies and legislative libraries. **Abstracts of the legislation on CSG SSL dockets and in CSG SSL volumes are usually compiled from bill digests and state legislative staff analyses.**

CSG COMMITTEE ON

SHARED STATE LEGISLATION

2021 CYCLE

DOCKET BOOK A

December 4, 2019

December 7, 2019

San Juan, Puerto Rico

This docket and referenced legislation may be downloaded from www.csg.org/ssl.

SSL PROCESS

With the goal of sharing innovations in state policy, the CSG Shared State Legislation (SSL) Committee identifies, curates and disseminates state legislation on topics of major interest to state leaders. Committee members include two state legislators and one state legislative staff person appointed from each member jurisdiction. No private-sector entities are permitted to serve on the CSG SSL Committee.

CSG SSL Committee members meet several times a year to consider legislation. The items chosen by the committee are published online at www.csg.org/ssl after every meeting and are then compiled into an annual online CSG Shared State Legislation volume.

The consideration or dissemination of such legislation by the CSG SSL Committee does not constitute an endorsement nor will CSG advocate for the enactment of any such legislation in any member jurisdictions.

CSG SSL Committee members, other state officials and their staff, CSG Associates and CSG staff may submit legislation directly to the committee. The committee also considers legislation from other sources, but only when that legislation is submitted through a state official. Other sources include public interest groups and members of the corporate community who are not CSG Associates.

It takes many bills or laws to fill the dockets of a one year-long SSL cycle. Items should be submitted to CSG at least eight weeks in advance to be considered for placement on the docket of a scheduled SSL meeting. Items submitted after that date are typically held for a later meeting.

Committee members prefer to consider legislation that has been enacted into law by at least one state. Legislation that addresses a single, specific topic is preferable to omnibus legislation that addresses a general topic or references many disparate parts of a state code. Occasionally, committee members will consider and adopt uniform or “model” legislation or an interstate compact. In this case, the committee strongly prefers to examine state legislation that enacts the uniform or model law, or interstate compact.

The CSG SSL Committee does not draft or create “model” legislation.

In order to facilitate the selection and review process on any submitted legislation, it is particularly helpful to include information on the status of the legislation, an enumeration of other states with similar provisions, and any summaries or analyses of the legislation.

Legislation and accompanying materials may be submitted to the CSG Shared State Legislation Program, The Council of State Governments, 1776 Avenue of the States, Lexington, Kentucky 40511, (859) 244-8000, fax (859) 244-8001, or ssl@csg.org.

SSL CRITERIA

(1) Does this bill:

- a) Address a current state issue of national or regional significance;
- b) Provide a benefit to bill drafters; and
- c) Provide a clear, innovative and practical structure and approach?

(2) Did this legislation become law?

The word “Act” as used herein refers to both proposed and enacted legislation. Attempts are made to ensure that items presented to the CSG SSL Committee are the most recent versions. However, interested parties should contact the originating state for the ultimate disposition of any docket entry in question, including substitute bills and amendments. Furthermore, the SSL Committee does not guarantee that entries presented on its dockets or in a digitally published *CSG Shared State Legislation* volume represent the exact versions of those items as enacted into law, if applicable.

PRESENTATION OF DOCKET ENTRIES

Docket ID#

Title

State/source

Bill/Act

Summary: [These are typically excerpted from bill digests, committee summaries and related materials which are contained in or accompany the legislation.]

Status: [Action taken on item in source state.]

Comment: [Contains references to other bills or information about the entry and issues the members should consider in referring the entry for publication in SSL. Space may also be used to note reaction to an item, instructions to staff, etc.]

Disposition of Entry: [Action taken on item by the SSL Committee.]

SSL Committee Meeting: Year A or B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

*Item was deferred from the previous SSL cycle

SSL DOCKET CATEGORIES – 2021A and later

1. Agriculture
2. Commerce and Labor
3. Education
4. Energy
5. Environment
6. Government
7. Health
8. Justice
9. Technology
10. Transportation

2021 SSL CYCLE
Docket 41A

ITEM NO.	TITLE OF ITEM UNDER CONSIDERATION	SOURCE
(*) Indicates item is carried over from previous SSL cycle.		

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02-41A-01 Disability-Owned Businesses Added to Small Business Set-Aside Program
[HB 1276](#)

Summary:

As enacted, adds "businesses owned by persons with disabilities" to the Tennessee Minority-Owned, Woman-Owned and Small Business Procurement and Contracting Act; requires that the annual report made by the chief procurement officer concerning the awarding of purchases to minority-owned business, woman-owned business, service-disabled veteran-owned business, or small business and the total value of awards made also include the total dollar amount of purchases awarded to all businesses in this state.

Status: Signed by the governor on June 6, 2017.

Comments:

Encourages people with disabilities to establish businesses and aids entrepreneurs with disabilities by including disability-owned businesses in the state's set-aside program.

Innovation: There is a movement in both the public and private sector to include disability in diversity and inclusion programs. This bill is innovative as Tennessee is one of the only states that includes disability-owned businesses in its procurement set-asides, which provides a reliable funding stream to those awarded state contracts. Many states have procurement set-aside policies and programs for veterans with service-connected disabilities, but they are not inclusive to other individuals with disabilities. Also important to note is that people with disabilities are self-employed at a rate of almost double that of people without disabilities (10.2 %, compared with 6.1 % as reported by the U.S. Department of Labor's Bureau of Labor Statistics). Self-employment has long been an option for individuals seeking a new or better career. And today, many individuals with disabilities are turning to the flexibility self-employment offers in assisting them to meet both professional and financial goals. Starting one's own business can offer similar flexibility, allowing people to make a living while maintaining a lot of latitude in choices such as work hours, nature of tasks, and income.

Similar Bills: [Kansas HB2356](#) (May 2017)

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

02-41A-02 Establishes the Alabama Commission on Artificial Intelligence and Associated Technologies

[SJR71](#)

Summary:

Establishes the Alabama Commission on Artificial Intelligence (AI) to review and advise the Governor and the Legislature on all aspects of the growth of artificial intelligence and other rapid technological innovations and their effect on society and the quality of life (including workforce development) in a manner consistent with American values and for the benefit of Alabama citizens, including individuals with disabilities (e.g., in a way that does not compromise civil liberties and freedoms).

Status: Assigned Act No. 2019-269 on May 21, 2019

Comments:

The adoption of AI in the workforce is of particular significance to applicants and employees with disabilities. AI can have the unintended adverse effect of screening out qualified applicants with disabilities (due to algorithm programming that may create unintentional biases that produce discriminatory results) and, at the same time, have an extremely positive impact in the provision of reasonable accommodations that enable persons with disabilities to perform the essential functions of jobs.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

02-41A-03 State Government Fast Track Hiring Authority for Persons with Disabilities
[SB 726](#)

Summary:

Establishes a trainee program for persons with disabilities.

Status: Signed by the governor on August 23, 2019.

Comments:

State agencies may offer at least one position to be filled by a person with a disability through an established training program, regardless of any other provision of law. The trainee position must last for a period of at least 6 months (20 hours per week minimum). Upon successful completion of the trainee program, the hiring authority must issue a certificate of completion. Individuals receiving a certificate are eligible for promotion to the target title without further examination.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

02-41A-04 Income Tax Credit for the Employment of Individuals with Developmental Disability or Severe Mental Illness
[HB 1406](#)

Summary:

A company filing an income tax return may claim a credit against the tax liability for a portion of the wages paid to an employee with a developmental disability or a chronically mentally ill employee severe mental illness.

Status: Signed by the governor on April 11, 2019.

Comments:

This bill provides incentives to businesses willing to hire certain persons with the most significant disabilities who are clients of the state VR program and who require what is known as “customized employment”—an innovative employment strategy under which businesses negotiate with the VR consumer individualized job requirements that modify the essential functions of a job, consistent with the skills of the individual.

Staff Note:**Disposition of Entry:**

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

02-41A-05 Vacation Rentals and Short Term Rentals
[H 2672](#)

Summary:

Relates to vacation rentals; relates to short term rentals; relates to limits on regulation; provides that municipalities may not prohibit vacation rentals or short term rentals; allows a city to regulate vacation rentals or short term rentals for protecting the public's health and safety, adopting and enforcing residential use and zoning ordinances, related to nuisance issues, prohibiting rental for the purpose of housing of obscenity, selling illegal drugs, or other adult oriented businesses.

Status: Signed by the governor on May 21, 2019.

Comments: From [KTAR News](#) (May 22, 2019)

Arizona Gov. Doug Ducey signed a bill Tuesday that adds limits to how short-term rentals can operate in the state.

[HB 2672](#) requires property owners renting out space through apps like Airbnb or VRBO to provide authorities with contact information in case of a complaint, like for excessive noise.

The bill also prohibits rentals for the purpose of holding a special event that would otherwise require a permit or license, or for using the building as a retail space, restaurant or banquet hall.

"Most short-term rental homeowners are good neighbors," Ducey wrote in a letter to Secretary of State Katie Hobbs on Tuesday.

"HB 2672 provides a straightforward enforcement mechanism to penalize 'party house' operators for not upholding existing laws on their properties."

The bill also requires "online lodging operators" to obtain a transaction privilege tax license before offering rentals and list the license number on all advertisements.

Operators who violate these tax-related rules will be fined \$250 for a first offense and \$1,000 for subsequent offenses.

Ducey said he hopes no additional regulation will be needed, and he anticipates the law will have no impact on most renters.

The bill passed the House 41-19 and the Senate 17-12 before being sent to the governor's desk.

Three years ago, Ducey signed a bill that stopped local governments from barring residents from using services such as Airbnb and VRBO to rent property.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

02-41A-06* An Act Relating to Data Brokers and Consumer Protection
[H 764](#)

Summary:

Adopts consumer protection provisions relating to data brokers, including creating a new set of definitions, requiring annual registration, requiring a data security program, and requiring further study of related issues by the Attorney General.

Status: Enacted without the governor's signature on May 22, 2018.

Comments: From [Gizmodo](#) (May 27, 2018)

Earlier this week, Vermont became the first state in the nation to enact a law that will regulate data brokers that buy and sell personal information in an attempt to add a new layer of accountability to the massive, data-trading companies that often operate without much oversight.

As TechCrunch noted, under the guidelines of the bill—which passed into law Tuesday without the signature of Republican Governor Phil Scott—data brokers will have to pay a \$100 annual fee to register with the state, and will have to comply with new rules meant to protect Vermonters from suffering at the hands of another data breach like the one that befell Equifax last year and exposed the data of 145 million (and counting) Americans.

Once data brokers register with the state, they will find themselves exposed to new scrutiny. Vermont will require the brokers to better inform consumers on the data they collect and provide clear instructions for opting out when that option is available. It will also establish new security standards that the companies will be expected to live up to. When data brokers fail to meet those standards or suffer from a breach, they will be required to notify authorities of the incident—something they have inexplicably not been required to do in the past. State regulators will also be able to keep tabs on the companies and if they catch them using data for criminal purposes such as fraud, the state can take action against them.

(In 2015, a data broker was discovered to be collecting financial information from payday loan applicants and selling it to scammers who stole money from the borrowers by debiting their bank accounts and charging their credit cards, so having a mechanism to punish that type of behavior is pretty important.)

Vermont lawmakers snuck in a little benefit for its residents that will remove the \$10 fee required to freeze credit reports and \$5 fee required to lift the freeze. Those will be eliminated, and credit reporting bureaus like Equifax, Experian, and Transunion will have to allow Vermonters to control their accounts without charging.

The law also takes a very broad approach to defining data broker, which could open up a number of companies that make their bones in the data trade to new examinations of their business practices:

“Data broker” means a business, or unit or units of a business, separately or together, that knowingly collects and sells or licenses to third parties the brokered personal information of a consumer with whom the business does not have a direct relationship. Vermont Attorney General TJ Donovan lent his support to the law, saying in a statement that it “slashes fees, helps stop fraudsters, and promotes transparency.” According to Donovan, it will save residents of the state money as well as give them “information and tools to help them keep their personal information secure.”

Governor Scott did share that excitement about the bill and warned lawmakers that he may veto it because it imposed a new fee on data brokers, which he apparently felt violated his pledge not to impose new taxes or costs on Vermonters. (The bill saves citizens of Vermont money by waiving credit freeze fees and requires companies to pay to register within the state, but whatever.) Scott allowed the bill to pass into law but did not lend his signature to it.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

02-41A-07 Wage and Salary Experience
[A 1094](#)

Summary:

Prohibits employer inquiries about worker's wage and salary experience.

Status: Enacted on July 25, 2019.

Comments: From the [Philly Voice](#) (July 25, 2019)

A new wage equity law in New Jersey will ban employers in the state from asking prospective employees about their salary histories, mirroring a similar effort in Philadelphia that has been held up in court.

Acting Gov. Sheila Oliver signed A1094 on behalf of Gov. Phil Murphy, who previously signed an executive order to combat gender inequality and promote equal pay in New Jersey.

"I am proud to sign this bill today for our women, children and families, which will institute this policy as state law, and put an end to this discriminatory workplace practice once and for all," Oliver said.

Proponents of the law see it as an antidote to studies that have shown women who hold full-time, year-round jobs in New Jersey are paid 82 cents for every dollar paid to men. The gap between Latina women and white men is particularly severe in New Jersey, where wage inequality leads to a combined loss of \$32.5 billion every year, according to the National Partnership for Women and Families.

Under the new law, which takes effect in six months, employers will face civil penalties beginning at \$1,000 for a first offense, if they ask an applicant for his or her salary or wage history. Second offenses will cost \$5,000, and all subsequent offenses will be \$10,000.

"A woman working full time, year-round earns \$10,800 less per year than a man, based on median annual earnings. This disparity can add up to nearly a half million dollars over a career, and have immediate, as well as lasting, effects" Assemblyman Dan Benson said. "There is no question that women should be fairly compensated. This can help us continue to bridge the gap."

Similar legislation has been signed in recent years by the Massachusetts legislature, New York City Mayor Bill de Blasio and Philadelphia Mayor Jim Kenney.

The Philadelphia wage equity law, originally proposed by Councilman Bill Greenlee, was signed into law by Mayor Kenney in 2017. The measure faced immediate backlash from the Chamber of Commerce for Greater Philadelphia and large companies in the city, including Comcast, who argued the law created an anti-business environment in the city.

Challenges to the law centered on whether or not preventing employers from asking about salary constitutes a violation of their First Amendment rights, specifically an interpretation of the law that privileges commercial speech. More than two years later, the law's implementation remains held up as the case works its way through appeals in federal court.

“Employers should be hiring and paying potential employees for the experience and qualifications they have with respect to the demands of the specific position,” New Jersey Sen. Loretta Weinberg said of that state's new law. “Knowing how much they were paid in the past is irrelevant and often times leads to a cycle of pay inequity. By eliminating inquiries of salary history, we can help curb wage discrimination based not only on gender, but also race, age and other characteristics.”

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

02-41A-08* An Act to Regulate Telecommunications Service Providers and Third-Party Spoofing Providers
[SB 514](#)

Summary:

Raises the penalty for spoofing (falsifying a robocaller's information, such as using a local phone number prefix or a personal name, that is displayed on caller identification to disguise their identity and increase the likelihood the recipient will answer the call) from a Class B misdemeanor to a Class D felony, which is punishable by up to six years in prison and a fine of up to \$10,000. The bill also puts the onus on telecommunication companies to implement preventative measures to stop the illegal practice by requiring an annual report to the Arkansas Public Service Commission detailing the steps taken to identify and block the robocall perpetrators.

Status: Signed by the governor on April 3, 2019.

Comments: From the [Arkansas Democrat Gazette](#) (March 26, 2019)

Robocallers and spammers who "spoof" -- display a familiar-looking number to trick phone owners into answering -- would be charged with a felony under a bill that unanimously passed in the Senate on Monday.

Senate Bill 514—sponsored by Sen. Jonathan Dismang, R-Searcy, and Rep. Clint Penzo, R-Springdale—was initiated by Arkansas Attorney General Leslie Rutledge.

"I am thrilled that the Senate passed the bill unanimously and look forward to a similar vote in the House," Rutledge said in an emailed statement. "We must work together regardless of political party to solve problems affecting all Arkansans."

SB514 would raise the penalty for spoofing from a Class B misdemeanor to a Class D felony, which is punishable by up to six years in prison and a fine up to \$10,000.

Spoofing is when a caller falsifies information, such as using a local phone number prefix or a personal name, that is displayed on caller identification to disguise their identity and increase the likelihood that the recipient will answer the call, according to the Federal Communications Commission website. The tactic is often used by those with fraudulent motives as a way to get personal financial information, the website said.

The response in the Senate was jovial as Dismang presented the bill. Laughter broke out on the Senate floor when President Pro Tempore Jim Hendren, R-Sulphur Springs, asked if it was "true that this is the most popular bill of the session?"

Sen. Mark Johnson, D-Little Rock, said his wife told him not to come home if he didn't vote for the bill.

Johnson then asked Dismang how out-of-state or out-of-country scammers could be reached for prosecution.

"A problem for the attorney general's office is—and you guys have probably experienced it if you've made a phone call in—is that it's impossible to trace those back at this point," Dismang said. "We're hoping that with the utilization of new technologies, we'll be able to do some of those tracebacks and actually prosecute those individuals making those phone calls."

Rutledge said in a Feb. 10 guest column in the *Arkansas Democrat-Gazette* that "the sheer volume of spoofed robocalls originating out of country turns efforts to identify the source into a perpetual game of whack-a-mole as different phone numbers are continuously used."

SB514 would also put the onus on telecommunication companies to implement preventative measures to stop the illegal practice by requiring an annual report to the Arkansas Public Service Commission detailing the steps taken to identify and block the robocall perpetrators.

"The PSC would then take all that information, compile it then, hopefully, one of the outcomes will be best practices that can later on can be adopted here in the state," Dismang said.

Dale Ingram, spokesman for AT&T, declined to comment when asked about the possible impact of the bill.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

02-41A-09 Independent Contractors
[AB 5](#)

Summary:

States the intent of the Legislature to codify the decision in the case of Dynamex Operations West, Inc. V. Superior Court of Los Angeles and clarify its application. Provides that a person providing labor or services for remuneration shall be considered an employee rather than an independent contractor unless the hiring entity demonstrates otherwise. Exempts licensed manicurists until a specified date. Authorizes an action for injunctive relief to prevent employee misclassification.

Status: Signed by the governor on September 18, 2019.

Comments: From the [Huffington Post](#) (September 18, 2019)

California Gov. Gavin Newsom (D) signed legislation on Wednesday that will reclassify many gig economy workers from independent contractors to employees, a change that could upend the business models of tech companies like Uber and Lyft.

In a letter to California lawmakers on the bill signing, Newsom called Assembly Bill 5 “landmark legislation for workers and our economy.”

“It will help reduce worker misclassification—workers being wrongly classified as ‘independent contractors,’ rather than employees, which erodes basic worker protections like the minimum wage,” Newsom wrote, adding that the bill is an “important step” toward fighting against the “hollowing out of our middle class.”

The new law, which is set to go into effect in January, clarifies the conditions under which a worker should be considered an employee entitled to such benefits as a minimum wage, unemployment and disability insurance, and a right to form a union.

“The misclassification of workers as independent contractors has been a significant factor in the erosion of the middle class and the rise in income inequality,” the new law says.

Uber and Lyft, whose hundreds of thousands of drivers are currently considered independent contractors, had lobbied against the measure. The companies’ bottom lines will be dramatically affected if thousands of drivers are reclassified as employees.

After lawmakers passed the bill on Sept. 11, Uber said it wouldn't reclassify its drivers under the new law, claiming that "drivers' work is outside the usual course of Uber's business."

The law applies an "ABC" test under which workers can be considered independent contractors only if (A) the workers are "free from the control and direction" of the company that hired them, (B) their work falls outside the usual business of the company and (C) they are engaged in work in an independent business of the same type as the company's.

Uber has claimed that its drivers "pass" that test and can still be considered independent contractors.

Exactly how the law will affect ride-hailing companies and their drivers when applied in practice is still unclear. In early September, as AB5 was expected to soon become law, Uber said that it was pursuing "several legal and political options," including a statewide ballot initiative in 2020, to keep from having to classify its drivers as employees.

The law has exemptions for certain groups of workers, including real estate agents, freelance writers, hairstylists and barbers who set their own rates and hours.

Hundreds of Uber and Lyft drivers with the organizing group Gig Workers Rising protested throughout California in August, pushing for the bill's passage.

The legislation overwhelmingly passed the California Senate in early September and in the Assembly in May.

Several Democratic presidential candidates came out in support of the bill and workers' demands in recent months, including Sens. Kamala Harris (D-Calif.), Bernie Sanders (I-Vt.) and Elizabeth Warren (D-Mass.), and South Bend, Indiana, Mayor Pete Buttigieg.

"American history is full of shameful examples where powerful industries exploited workers in pursuit of greater profits," Warren wrote in an op-ed in the Sacramento Bee in August. "In many industries today, it takes the form of worker misclassification."

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

02-41A-10 Open Internet Customer Protections
[SB 78](#)

Summary:

Concerns the protection of the open internet; disqualifies an internet service provider from receiving high cost support mechanism money or other money received to finance broadband deployment if the internet service provider engages in certain practices that interfere with the open internet; requires a governmental body contracting for broadband internet access service to give preference to certain companies.

Status: Signed by the governor on May 17, 2019.

Comments: From [The Denver Post](#) (April 8, 2019)

Colorado is one step away from having its own net neutrality law—one that would prohibit internet service providers from receiving Colorado taxpayer money if they slow access to the internet or unfairly favor certain websites.

Senate Bill 78 passed the House and Senate along party lines, with all Democrats in favor and all Republicans opposed. Polis, who founded an internet company while in college, supports it.

The bill's passage this year, after failure in the Senate last year, is another example of Democrats' show of strength since taking control of the legislature's upper chamber in the 2018 elections.

Net neutrality is the notion that internet service providers should not favor certain types of internet content by speeding it up or slowing other content down. The Federal Communications Commission supported net neutrality under President Barack Obama but has shifted direction under President Donald Trump, formally ending net neutrality protections last year.

SB 78 can't overturn the FCC's decision. Instead, it cuts off public money for internet companies that don't engage in net neutrality. Any provider that blocks lawful internet content, prioritizes paid content, throttles bandwidth or doesn't provide transparency for its practices must refund state grant money it has received in the past two years and is ineligible for more money in the future.

“If you receive taxpayer dollars to go out to rural Colorado and deploy broadband infrastructure,” Sen. Kerry Donovan, a Vail Democrat and the bill’s sponsor, told a Senate committee, “then the state has the authority and the obligation to say that infrastructure is going to be used to treat everyone the same, because you are using state dollars.”

Net neutrality supporters in the legislature say most internet service providers in the state are currently engaged in net neutrality and the legislation will only require them to continue the status quo. Opponents of the bill say that while they favor an open internet, they oppose state mandates.

“We also oppose this legislation because strong consumer protections remain in place today, making it unnecessary,” Gerard Keegan with CTIA, a wireless communications industry group, told senators. “And the FCC has preempted states from acting in this area.”

The Colorado Competitive Council, a business group, also opposes the bill. Its director, Nick Colglazier, said he, too, supports an open internet but sees no need for the legislation.

“Given the limited instances of alleged net neutrality violations over the 20-plus year history of the internet – none of which appear to have happened in Colorado, to the best of my knowledge – even this relatively modest bill seems to be an overreaction,” Colglazier told senators.

An amendment to exclude from net neutrality requirements companies that filter out sexually explicit materials or graphic violent content was defeated on a 32-32 vote in the House on April 3. An amendment to prohibit search engines with biased search results from receiving grants failed 24-40 that day.

Meanwhile, the newly Democratic House in Congress has taken a more direct aim at the FCC’s decision on net neutrality. House Resolution 1644, which would restore net neutrality, has 197 Democratic sponsors and co-sponsors, including Colorado’s four House Democrats. It passed the Energy and Commerce Committee on Friday and now awaits a vote in the full House.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

02-41A-11 Law Recognizing Cryptocurrency as Money
[S 125](#)

Summary:

An act relating to property; classifying digital assets within existing laws; specifying that digital assets are property within the Uniform Commercial Code; authorizing security interests in digital assets; establishing an opt-in framework for banks to provide custodial services for digital asset property as custodians; specifying standards and procedures for custodial services under this act; clarifying the jurisdiction of Wyoming courts relating to digital assets; authorizing a supervision fee; making an appropriation; authorizing positions; specifying applicability; authorizing the promulgation of rules; and providing for an effective date.

Status: Signed by the governor on February 26, 2019.

Comments: From bitcoin.com (February 2, 2019)

A bill defining digital assets as property passed the Wyoming Senate 28-1 with one excused Thursday. The bill classifies “digital assets, including cryptocurrency, as legal property,” the Wyoming Tribune Eagle reported. In addition, “It would subject cryptocurrency to some of the same rules as money by expanding existing laws,” the publication described.

Noting that “The legislation is one of eight bills designed to attract blockchain and other new technology companies to the state,” the news outlet detailed:

Senate File 125, sponsored by Sen. Tara Nethercott, R-Cheyenne, would establish property rights for owners of cryptocurrency and other ‘virtual assets’ under commercial law, clarifying the legal status of digital money. It also helps banks hold these assets in trusts.

“It adds value and legitimacy to the currency by giving financial institutions and businesses the ability to use it more flexibly in ways they are already familiar with,” Nethercott described.

The bill was introduced on Jan. 22. It passed the first reading on Jan. 29, the second reading on Jan. 30 and the third on Jan. 31. It was introduced to the state’s House of Representatives on Feb. 1.

Defining Digital Assets as Property

The bill classifies digital assets under Wyoming's existing laws as "property within the Uniform Commercial Code (UCC)."

A digital asset is defined in the bill as "a representation of economic, proprietary or access rights that is stored in a computer readable format, and includes digital consumer assets, digital securities and virtual currency." Virtual currency is subsequently defined as a digital asset that is "Used as a medium of exchange, unit of account or store of value; and ... Not recognized as legal tender by the United States government."

Virtual Currency as Money for Secured Transactions

Digital assets are classified into three categories: digital consumer assets, digital securities, and virtual currency.

The bill refers to Wyoming statutes' article 9 of the UCC (title 34.1) which lists rules on "secured transactions." For the purpose of this article 9, "Digital consumer assets are intangible personal property and shall be considered general intangibles," the bill reads. Similarly, for the purpose of article 8 and 9 of the same code, "Digital securities are intangible personal property and shall be considered securities." Lastly, according to the bill:

Virtual currency is intangible personal property and shall be considered money ... only for the purposes of article 9 of the Uniform Commercial Code, title 34.1, Wyoming statutes.

Custodial Services

The bill also authorizes "security interests in digital assets," establishes "an opt-in framework for banks to provide custodial services for digital asset property as directed custodians," and specifies "standards and procedures for custodial services under this act." Moreover, the bill states that "The courts of Wyoming shall have jurisdiction to hear claims in both law and equity relating to digital assets."

According to the text of the bill:

A bank may provide custodial services for digital assets consistent with this section upon providing sixty (60) days written notice to the commissioner.

The Wyoming Tribune Eagle elaborated that the bill would "allow banks to hold digital assets in trusts with ease," adding that "While customers could not deposit bitcoin in the bank itself, they could keep it in their personal trust as property."

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

02-41A-12 Tokenized Corporate Stock
[H 185](#)

Summary:

Relates to corporate shares and distributions; authorizes corporations to issue certificate tokens in lieu of stock certificates as specified; makes conforming amendments.

Status: Signed by the governor on February 26, 2019.

Comments: From [The National Law Review](#) (February 27, 2019)

In its most recent legislative sessions, Wyoming has undertaken substantial efforts to build on the momentum created by its 2018 enactment of legislation friendly to the blockchain and digital assets industries. In the months that followed that enactment, industry participants and legislators alike ascertained that further reforms and legislation were needed to cement Wyoming's position as the leading jurisdiction in the sector. Through the public comment and legislative meeting protocols unique to Wyoming, eight blockchain-related bills made it to the floor of the legislature for a vote, all of which were passed and are now poised to become law.

Wyoming's latest wave of blockchain legislation is, in sum, intended to facilitate the creation of blockchain ventures within the state and to further cement Wyoming's status as the leading corporate jurisdiction in the United States for blockchain-related ventures.

HB 74- Special purpose depository institutions

In what is perhaps the most groundbreaking legislation among the bills passed, the Wyoming legislature recognized that blockchain businesses in general have difficulty opening and maintaining traditional banking relationships due to FDIC and OCC inclusion of blockchain ventures in the same buckets as firearms and cannabis. Wyoming now will permit corporate entities to charter "special purpose depository institutions," which will perform all traditional bank functions except for lending. With the lending exclusion, these institutions will be under the primary supervision of the Wyoming Banking Commission and not the federal government. These banks will be required to maintain at least 100% of reserves against deposits as well as (a) \$5 million of capital, (b) three years of operating expenses and (c) private insurance against theft, cybercrime and other wrongful acts.

SF 125- Digital assets (UCC & Custody)

Custody of digital assets has been a global challenge for investors and industry participants. Wyoming has addressed this concern by specifically authorizing banks (including special purpose ones under HB 74) to hold digital assets in custody under their charter trust powers and in accordance with Rule 206-4(2) of the Investment Advisers Act of 1940. In addition, Wyoming amended its provisions of the Uniform Commercial Code to facilitate the custody of these assets along with the means by which security interests may be perfected. Wyoming is now the only U.S. state with comprehensive UCC provisions to address digital assets, which makes it a favorable jurisdiction for those lending or securing funds through digital assets.

HB 57- Financial technology sandbox (includes reciprocity for overseas regulators)

Those entrepreneurs in the blockchain industry who may require special treatment or waivers of unclear regulation in Wyoming may now seek to avail themselves of a “regulatory sandbox” much akin to the one enacted in Arizona last year. Use of the “sandbox” will require applications to state agencies that may have interests in the requested waiver, including the Wyoming Banking Commission and the Wyoming Securities Commission. The “sandbox” will provide a two-year period of relief from legislation for those ventures, all of which must be domiciled and operating within Wyoming.

HB 62- Utility token amendments

Wyoming broke ground in 2018 with its widely reported utility token “exemption” for digital assets having a pure utility function and were not created for investment purposes or for trading on exchanges. Amendments to this legislation were made to further clarify the definition of “utility token” and define when parties may properly seek a token utility designation from Wyoming authorities.

HB 70- Commercial filing system

Wyoming has legislatively determined that records maintained by the Wyoming Secretary of State, including corporate formation records, are to be implemented on blockchain media. In combination with the Series LLC legislation enacted in Wyoming last year, this provision will provide the basis for the swift formation of corporate entities and other related corporate records through blockchain.

HB 185- Tokenized corporate stock

In recognition of the migration of the blockchain industry from “initial coin offerings” to “security tokens,” Wyoming enacted legislation authorizing and permitting the creation of digital assets that represent certificated shares of stock. A “certificate token” under this legislation has been defined as “a representation of shares” that is (a) entered into a blockchain or other secure, auditable database, (b) linked to or associated with the certificate token and (c) electronically transmittable to the issuing corporation, the person to whom the certificate token was issued and any transferee.

HB 113- Special electric utility agreements

Given that Wyoming utilities produce some of the cheapest and most abundant electricity in the United States, Wyoming has through HB 113 enabled those utilities to negotiate power rates with blockchain companies (including miners) and others without approval from Wyoming's Public Utility Commission.

SF 28- Electronic bank records

This legislation enables banking institutions to issue securities and maintain corporate records on blockchain to an extent not permitted by other provisions of Wyoming law. In particular, this provision allows for the creation of non-voting shares of Wyoming banking institutions in tokenized form.

Summary

In short, Wyoming has further honed its regulatory ecosystem to become the most blockchain-friendly jurisdiction in the United States. While all legislation will be effective as of July 1, 2019, it should be noted that many blockchain industry participants are already undertaking significant efforts to take advantage of the opportunities this legislation presents. Blockchain companies in United States and abroad should carefully examine Wyoming's new blockchain legislation with counsel to ascertain suitable business opportunities.

Staff Note:**Disposition of Entry:**

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

02-41A-13 Financial Technology Sandbox
[H 57](#)

Summary:

Creates a fintech sandbox to provide regulatory relief to financial innovators from existing laws for up to three years. It's broadly reciprocal with fintech sandboxes both in the U.S. and globally.

Status: Signed by the governor on February 19, 2019.

Comments: From [forbes.com](https://www.forbes.com) (March 4, 2019)

Wyoming has now enacted a total of 13 blockchain-enabling laws, making it the only US state to provide a comprehensive, welcoming legal framework that enables blockchain technology to flourish, both for individuals and companies. These laws enable innovation and creativity, and are meant to bring capital, jobs and revenue into Wyoming.

Law and technology are discrete systems. For a new technology to attain wide adoption, the law and technology must be "backwards-compatible," as early bitcoin investor Trace Mayer puts it. In a nutshell, that's what Wyoming has now done for blockchain technology.

Here's an analysis of what I think it all means. NONE of what follows is legal or tax advice—this is for educational purposes only. You may not rely on it and you must seek a qualified adviser to advise you about how you can take advantage of the great opportunities Wyoming offers!

In sum, Wyoming is already the "Delaware of digital asset law," a reference to Delaware's lead in corporate law. More than a dozen other US states and Congress are now following Wyoming's lead by enacting our bills (usually just one or two of Wyoming's bills). But no other state is likely to catch up to Wyoming—it's a very tall order for any legislature to enact 13 bills on a single topic in a compressed time frame, especially when another state has already claimed first-mover advantage.

Here are the top highlights regarding Wyoming's newest blockchain laws:

Recognizes direct property rights for individual owners of digital assets of all types (virtual currencies, digital securities and utility tokens) and applies the super-

negotiability rules of commercial law to virtual currencies—which foster their liquidity—by applying the very same rules that apply to money. Wyoming’s commercial law reflects the true nature of digital assets (directly owned, peer-to-peer assets), and I strongly encourage other states to adopt Wyoming’s same commercial law protections;

Creates a fintech sandbox to provide regulatory relief to financial innovators from existing laws for up to 3 years. It’s broadly reciprocal with fintech sandboxes both in the US and globally;

Authorizes a new type of state-chartered depository institution to provide basic banking services to blockchain and other businesses. The bank is required to have 100% reserves, cannot lend, is for business depositors only, and FDIC insurance is optional. Such banks could be operating as soon as March 31, 2020;

Authorizes the first true “qualified custodian” for digital assets which is a bank. Wyoming banks can start such operations as soon as September 1, 2019. Wyoming’s digital asset custodians will stand out above all others because they will respect the DIRECT ownership nature of digital assets! These new custodians won’t be like traditional securities custodians, because for a Wyoming-based custodian investors will still DIRECTLY own their digital assets under custody as a BAILMENT, which means they retain direct ownership while merely giving up control (much like valet parking). Today, institutional investors are forced to be de facto creditors of their securities custodians, since all publicly-traded securities are owned indirectly. Custody under bailment is possible in securities custody today, but it’s neutered by the fact that all securities are owned indirectly—investors can’t directly own the real security, and therefore they’re really just counterparties to the custodian. So, what Wyoming has done is truly revolutionary—BAILMENT + DIRECT ownership! It doesn’t exist in securities custody today! Customers of Wyoming custodians can still choose indirect ownership, but it’s on much more investor-friendly terms than exist in securities custody today. In sum, Wyoming will become known as the home of SOLVENT, investor-friendly digital asset custodians to which investment fiduciaries are likely to migrate over time.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

02-41A-14 Special Purpose Depository Institutions
[H 74](#)

Summary:

This act creates "special purpose depository institutions" as a new form of bank.

Status: Signed by the governor on February 26, 2019.

Comments: From the [Tenth Amendment Center](#) (January 31, 2019)

On Tuesday, the Wyoming House passed a bill that would create a legal framework for the establishment of special banks to serve cryptocurrency and blockchain businesses. The proposed law would help expand the use of digital currency and help undermine the Federal Reserve's monopoly on money.

The House Minerals, Business and Economic Development Committee filed House Bill 74 (HB74) on Jan. 4. The legislation would create a legal framework for chartering "special purpose depository banks." These banks would be tailored to serve cryptocurrency and blockchain businesses.

According to the legislative findings, "The rapid innovation of blockchain technology, including the growing use of virtual currency and other digital assets, has resulted in many blockchain innovators being unable to access secure and reliable banking services, hampering development of blockchain services and products in the marketplace." Blockchain innovators also have greater regulatory compliance challenges under federal anti-money laundering laws. Due to these intricate obligations, many traditional financial institutions refuse to provide banking services to blockchain innovators. Often, they refuse to accept deposits in U.S. currency obtained from the sale of cryptocurrencies or other digital assets.

HB74 would facilitate the development of a new type of financial institution with expertise in customer identification, anti-money laundering and beneficial ownership requirements integrated into their operating models.

"Authorizing special purpose depository banks to be chartered in Wyoming will provide a necessary and valuable service to blockchain innovators, emphasize Wyoming's partnership with the technology and financial industry and safely grow this state's developing financial sector."

On Jan. 29, the House passed HB74 by a 52-7 vote.

Last year, Wyoming enacted several new laws to encourage and facilitate the use of cryptocurrency and to support the development of blockchain businesses. Policymakers in Wyoming have publicly stated they want to position the state to become the national leader in cryptocurrency and blockchain business.

Wyoming's commitment to opening the door for the broader use of cryptocurrencies take an important first step toward generating currency competition. If other forms of money, whether it be cryptocurrencies or gold and silver, gain a foothold in the marketplace against Federal Reserve notes, people will be able to choose them over the central bank's rapidly-depreciating paper currency. This freedom of choice would help allow Wyoming residents to secure the purchasing power of their money.

In a paper published at the Mises Institute, Constitutional tender expert Professor William Greene said when people in multiple states actually start using gold and silver instead of Federal Reserve Notes, it could create a "reverse Gresham's effect," drive out bad money, effectively nullify the Federal Reserve, and end the federal government's monopoly on money.

"Over time, as residents of the state use both Federal Reserve notes and silver and gold coins, the fact that the coins hold their value more than Federal Reserve notes do will lead to a "reverse Gresham's Law" effect, where good money (gold and silver coins) will drive out bad money (Federal Reserve notes). As this happens, a cascade of events can begin to occur, including the flow of real wealth toward the state's treasury, an influx of banking business from outside of the state – as people in other states carry out their desire to bank with sound money – and an eventual outcry against the use of Federal Reserve notes for any transactions."

Once things get to that point, Federal Reserve notes would become largely unwanted and irrelevant for ordinary people.

Cryptocurrencies open up another pathway to this same goal.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

02-41A-15 The Cryptocurrency Property Tax Exemption Bill
[S 111](#)

Summary:

Creates a property tax exemption for cryptocurrencies, like the exemptions that exist for cash, gold and silver.

Status: Signed by the governor on March 10, 2018.

Comments: From the [Tenth Amendment Center](#) (February 28, 2018)

Yesterday, the Wyoming Senate passed a bill to exempt cryptocurrency from property taxes. The proposed law would expand the use of digital currency and help undermine the Federal Reserve's monopoly on money.

A bipartisan coalition of six senators and representatives introduced Senate Bill 111 (SF111) on Feb. 14. The legislation would exempt "virtual currencies" from state property taxes. The bill defines "virtual currencies" as "any type of digital representation of value that is used as a medium of exchange, unit of account or store of value and is not recognized as legal tender by the United States government."

Passage of SF111 would move toward making virtual currencies, such as Bitcoin (BTC), Bitcoin Cash (BCH), Ethereum (ETH), Litecoin (LTC) and Zcash (ZEC), on par with paper currency, gold, silver, other coins, bank drafts, certified checks and cashiers checks. In other words, the proposed law would treat cryptocurrency like money for tax purposes.

On Feb. 16, the Senate Revenue Committee passed SF111 by a 3-1 vote. On Feb. 21, the Senate Rules Committee approved the measure 5-0. Yesterday, the full Senate passed the bill unanimously, 30-0.

Removing tax penalties for holding or using cryptocurrency would open the door for its broader use. When you tax something, you get less of it. When you remove taxes, you will get more of the activity.

Cryptocurrencies are really nothing more than digital money. We don't tax money, so there is no reason a state should tax Bitcoin and other virtual currencies.

“We ought not to tax money—and that’s a good idea. It makes no sense to tax money,” former U.S. Rep. Ron Paul said during testimony in support an Arizona bill that repealed capital gains taxes on gold and silver in that state.

Passage of SF111 into law would take an important first step toward generating currency competition. If other forms of money, whether it be cryptocurrencies or gold and silver, gain a foothold in the marketplace against Federal Reserve notes, people will be able to choose them over the central bank’s rapidly-depreciating paper currency. The freedom of choice expanded by SF111 would help allow Wyoming residents to secure the purchasing power of their money.

In a paper published at the Mises Institute, Constitutional tender expert Professor William Greene said when people in multiple states start using gold and silver instead of Federal Reserve Notes, it would effectively nullify the Federal Reserve and end the federal government’s monopoly on money.

“Over time, as residents of the state use both Federal Reserve notes and silver and gold coins, the fact that the coins hold their value more than Federal Reserve notes do will lead to a “reverse Gresham’s Law” effect, where good money (gold and silver coins) will drive out bad money (Federal Reserve notes). As this happens, a cascade of events can begin to occur, including the flow of real wealth toward the state’s treasury, an influx of banking business from outside of the state—as people in other states carry out their desire to bank with sound money—and an eventual outcry against the use of Federal Reserve notes for any transactions.”

Once things get to that point, Federal Reserve notes would become largely unwanted and irrelevant for ordinary people.

Cryptocurrencies open up another pathway to this same goal.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

02-41A-16 Money Transfer Act-Virtual Currency Exemption
[HB 19](#)

Summary:

This act specifically exempts virtual currencies from the WMTA. This exemption will allow entities that buy, sell, issue or have custody of payment instruments or stored value in the form of virtual currency or which receive virtual currency for transmission to another location to operate in Wyoming without a license under the Wyoming Money Transmitters Act.

Status: Signed by the governor on March 7, 2018.

Comments: From [Thompson Colburn LLP](#) (April 11, 2018)

In March 2018, the state of Wyoming signaled its fervent support for the growth and development of blockchain and cryptocurrency by enacting into law a flurry of legislation intended to make the state a haven for certain types of ICOs and blockchain-related businesses. Of the five bills recently signed into law by Governor Mead, three relax the state's regulatory framework for cryptocurrency and two amend the state's corporations code so as to better facilitate the development of blockchain and cryptocurrency businesses.

HB 19: The "Virtual Currency Exemption" exempts cryptocurrency from the Wyoming Money Transmitter Act, which regulates the licensure of professionals and businesses involved with electronic money transfers or transmittals. A 2015 interpretation of the existing law made the cost of exchanging cryptocurrency in the state skyrocket, forcing exchanges like Coinbase to suspend operations in the state. The enactment of HB 19 will permit exchanges to resume operations in the state.

HB 70: The "Utility Token Bill" tackles the ambiguity surrounding the definition of a "utility token" by exempting them from the state's securities regulations, so long as they satisfy three requirements:

- Issuers do not market them as investments.
- They are currently redeemable for a product or service (this would imply that the tokens are issued in connection with an operational product or service).
- Issuers do not actively support the development of a secondary market for such tokens.

This framework provides blockchain startups with greater clarity on how to structure ICOs and token generation events (TGEs) so as to avoid being deemed unregistered securities offerings in the state of Wyoming. (Note: issuers must still comply with federal securities regulations on sales and trading.)

SF 111: The “Crypto Property Tax Exemption Bill” provides that virtual currency is not subject to taxation as “property” in Wyoming. Under the state’s prior regulatory framework, conventional financial assets such as cash, bank balances and precious metals are exempt from property tax requirements. SF 111 amends the law to include virtual currency on the list of property exempt from property taxes in the state.

HB 101: The “Blockchain Fillings Bill” updates the Wyoming Business Corporations Act to authorize the creation and use of blockchain technology for (i) the purpose of storing records, (ii) the use of a network address to identify a corporation’s shareholder, and (iii) the acceptance of shareholder votes signed by network signatures. HB 101 signals to blockchain developers that the state not only invites them to build their business within its borders, but that it also embraces the technology by incorporating it into its own administrative offices. Delaware has enacted similar amendments to its corporate code.

HB 126: The “Series LLC Bill” amends the Wyoming Business Corporations Act to permit the creation of “series LLCs.” Series LLCs are an entity structure that enables issuers to establish a compartmentalized series of members and managers holding distinct assets and providing for segregated distributions to members.

Wyoming’s inexpensive and stable electrical grid—which allows crypto-miners to operate at substantially less overhead cost—and the fact that there is no state income tax or franchise tax, give it a competitive advantage in the nascent blockchain industry. By relaxing the regulatory framework and signaling that Wyoming is open for crypto business, it may be aiming to be the Silicon Valley of blockchain. Nonetheless, blockchain companies, ICO issuers, and owners and traders of cryptocurrencies must still address and abide by applicable federal regulations—even if they set up shop in Wyoming.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

02-41A-17 Open Blockchain Tokens-Exemptions
[H 70](#)

Summary:

An act relating to securities; providing that a person who develops, sells or facilitates the exchange of an open blockchain token is not subject to specified securities and money transmission laws; providing specified verification authority to the secretary of state and banking commissioner; making conforming amendments; and providing for an effective date.

Status: Signed by the governor on March 10, 2018.

Comments: From WyomingNews.com (February 16, 2019)

Two influential bills designed to make Wyoming an industry leader in blockchain and other new technology passed the Wyoming Senate on Friday.

If signed by Gov. Mark Gordon, supporters hope House Bill 74 and House Bill 70 will attract new business and help diversify the state's economy.

House Bill 74, passed 20-10, would allow the creation of a special depository bank free from FDIC oversight for companies struggling to maintain traditional bank accounts.

This includes cryptocurrency, firearm and oil and gas companies, which, according to some, are discriminated against by banks. Wyoming Blockchain Task force members say banks may turn these companies away due to uncertainty about the source of income.

It would be one of the first of its kind in the country, allowing companies to form an institution funded by its members.

A recent amendment to the bill authorizes two additional full-time Wyoming Department of Audit employees and \$175,604 in special revenue funds from the financial institutions administration account.

"This is all really exciting for Wyoming, and we're getting a lot of attention in this industry," Blockchain Task Force member Caitlin Long said.

Some, including Michael Geesey, executive director of the Wyoming Bankers Association, and others in the traditional banking industry, have argued the institution wouldn't be a bank at all.

Geesey believes that as long as these companies meet federal and state standards, most banks would be happy to work with them.

“This is a cryptocurrency exchange, and we need to call it what it is,” he said at a previous meeting.

The institution would not hold cryptocurrency, though it would likely bank with a number of digital asset companies.

House Bill 70, which asks the Wyoming Secretary of State’s Office to research the feasibility of a blockchain-based business filing system, passed 30-0.

The system would run parallel to the office’s existing program.

The bill allocates \$250,000 in general funds to the Secretary of State’s Office for the study, including potential financial and commercial demand and technology requirements. Results will be reported to the Blockchain Task Force in the interim.

Original drafts of the bill required the office to implement the system on a certain timeline, which Deputy Secretary of State Karen Wheeler said was too aggressive given existing resources.

Wheeler also argued the existing business filing system already does what the bill proposes.

“It’s a complex system created to stay current with changing technology, statutes and processes,” she said.

But supporters of the new system say it would appeal to companies vulnerable to data-driven lawsuits. Blockchain is a secure, time-stamped digital ledger that makes it nearly impossible to change information. This could attract more business to the state, too, according to the bill’s sponsors.

“We’ve been careful not to overpromise because we don’t know,” Long said. “But we’re definitely getting big, established companies and startups that are seriously looking at Wyoming for various reasons.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

02-41A-18 Special Electric Utility Agreements
[H 113](#)

Summary:

Enable those utilities to negotiate power rates with blockchain companies (including miners) and others without approval from Wyoming's Public Utility Commission.

Status: Signed by the governor on February 28, 2019

Comments: From WyomingNewsNow.com (April 2, 2019)

The Special Electric Utility Agreements statute (HB 113) has been signed into law by Wyoming Governor Mark Gordon. The bill, initiated by Black Hills Energy and sponsored by Representative Dan Zwonitzer and the legislature's blockchain task force, is an innovative solution that provides enhanced opportunities to customize rate structures for customers requiring large amounts of power while protecting current customers from possible negative cost impacts. The legislation is in response to inquiries from blockchain and cryptocurrency mining companies interested in doing business in Wyoming. It also applies to other industries requiring more than five megawatts of power.

"The energy requirements of large use customers such as data centers and cryptocurrency companies are significant and our existing service offerings have not been sufficient to support this exciting new area of business growth," said Shirley Welte, Black Hills Energy's vice president of electric and gas operations for Wyoming. "The Special Electric Utility

Agreements statute enhances our ability to work with regulators to attract new large electric loads to Cheyenne, while providing additional protections for our existing customers."

"With this new law, we are even better positioned to support economic development in the state," said Kyle White, Black

Hills Energy's vice president of regulatory strategy. "We can now respond more quickly in providing the customized rate structures and power options required by these new industries. We look forward to growing with our new customers and Wyoming."

The Wyoming legislature has enacted a total of thirteen blockchain-enabling laws in the hopes of growing Wyoming's technology sector. Large use businesses interested in

learning more may inquire about special power agreements by contacting Aaron Carr of Black Hills Energy at 605-721-2368.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

02-41A-19 Local Legislation
[H 234](#)

Summary:

Provides for local regulation of the sale of lemonade or other beverages by children; prohibits a municipality and a property owners' association from adopting or enforcing the occasional sale of lemonade or other nonalcoholic beverages from a stand by an child under a certain age.

Status: Signed by the governor on June 10, 2019.

Comments: From [KLTV](#) (June 12, 2019)

Governor Greg Abbott has been busy signing laws in recent days, but one he signed Monday will likely be the favorite among Texas children.

It's a lemonade stand law; Abbott called it a "common sense law" that had to be passed so that police would not shut down children's lemonade stands. The bill was introduced by Fort Worth Republican State Rep. Matt Krause. It proposed that the sale of lemonade and other non-alcoholic beverages on private property and in public parks would be allowed. It would also prevent homeowner associations from drafting rules that would prevent neighborhood lemonade stands. It was sent to the governor, who signed it with a bit of humor, ending his video with, "cheers."

According to KERANEWS.org, Krause told a committee in May that the legislation was spurred in part by an East Texas case in which a lemonade stand was shut down.

That happened in Overton in 2015. Zoey and Andria Green set up a lemonade stand to raise money to go to Splash Kingdom for a day with their dad. However, a code enforcement officer said they had to have a permit to sell lemonade and shut them down.

Their mom, Sandi Evans, said at the time that she was criticized by some citizens in Overton for "bringing hatred to the community" by calling out law enforcement for shutting the girls' stand down. But, she added, "If we can make change for all the children in Texas to have a legal lemonade stand, then I will take this brutal beating from this community."

Now that Governor Abbott has signed the law, kids like Andria and Zoey can sell lemonade without worry.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

02-41A-20 Cannabis Regulation and Tax Act
[H 1438](#)

Summary:

Creates the Cannabis Regulation and Tax Act; provides that it is unlawful for persons of a certain age to possess, use, and purchase limited amounts of cannabis for personal use; authorizes registered qualifying patients to cultivate limited amounts of cannabis for personal use; provides for the regulation and licensing of various entities and occupations engaged in cultivation, dispensing, processing, transportation, and other activities regarding cannabis for adult use.

Status: Signed by the governor on June 25, 2019.

Comments: From governing.com (June 11, 2019)

The legalization of marijuana has ushered in a booming industry now worth more than \$10 billion and employing a quarter-million people in the U.S. For racial minorities, however, the world of legal weed presents hurdles.

Though marijuana-related arrests have dropped notably overall, black people are still arrested at disproportionately high rates. In Washington, D.C., for example, blacks were arrested for possession at a rate of 8 per 100,000 people in 2016, compared to whites arrested at a rate of 2 per 100,000, according to the Drug Policy Alliance.

When it comes to marijuana businesses, minorities are underrepresented—81% of owners and founders are white, according to 2017 data from Marijuana Business Daily.

Illinois is aiming to tackle these inequalities.

Democratic Gov. J.B. Pritzker signed a bill on Tuesday that makes Illinois the first state to legalize marijuana sales through the legislative process and the 11th state to allow recreational use of the drug. (Vermont's legislature legalized recreational cannabis in 2018 but stopped short of approving its sale.) In contrast to their predecessors in other states, Illinois lawmakers created one of the most far-reaching legalization bills in the country. Unlike other states' legalization laws, Illinois' legislation explicitly seeks to make it easier for people of color to benefit from the booming marijuana industry.

"We are taking a major step forward to legalize adult use [of] cannabis and to celebrate the fact that Illinois is going to have the most equity-centric law in the nation," Pritzker said during a press conference in May. "For the many individuals and families whose

lives have been changed—indeed hurt—because the nation’s war on drugs discriminated against people of color, this day belongs to you.”

What's in the Illinois Marijuana Law?

Under the new law, the state will provide financial assistance to minorities interested in the marijuana industry. Through the Cannabis Business Development Fund, Illinois will help lower licensing fees for and provide low-interest business loans to minority entrepreneurs. The bill allocates \$12 million to the fund as well as a portion of the fees charged for marijuana licenses.

“A person pursuing one of these businesses cannot get a traditional bank loan,” says Edie Moore, executive director of the Chicago branch of NORML, a marijuana legalization advocacy group that worked with Illinois lawmakers on the legislation. “If you can’t get a business loan or you don’t have a rich uncle or an inheritance, then you are just locked out.”

In addition to financial support, the law will establish marijuana job training programs at community colleges. Courses will cover a range of topics—from growing cannabis plants to establishing business best practices. Up to eight schools will roll out these programs by September 2020, five of which must have “a student population that is more than 50% low-income.”

Other jurisdictions around the country, including Denver, Los Angeles and Massachusetts, are establishing social equity programs to support minority-operated marijuana businesses. Some have run into challenges. Unlike Illinois, these efforts have taken place after the states legalized recreational use.

Amid this equity push, there’s also a growing movement to expunge criminal records for low-level marijuana offenses. California, Colorado, Maryland, New Hampshire and Oregon, among other states, have made it easier for past offenders to have their sentences reduced or their records cleared. Illinois’ new law will follow this trend and could result in expungements for more than 750,000 people.

Furthermore, 25% of the marijuana sales tax revenue and other fees will be used to create a Restore, Reinvest and Renew program that will award grants to help revitalize and address violence in communities affected by the war on drugs.

The Legal Marijuana Landscape

With the addition of Illinois, 11 states and the District of Columbia have legalized recreational marijuana use—mostly through ballot measures. Most recently, Michigan voters approved a legalization initiative last year.

Legalization ballot measures are brewing for 2019 or 2020 in Arizona, Florida and Ohio. New York and New Jersey lawmakers had appeared likely to legalize recreational marijuana this year, but intraparty fighting among Democrats halted the conversation in both states. Ralph Weisheit, a criminal justice professor at Illinois State University, says

many lawmakers may support the goal of legalizing marijuana, but when it comes to details—such as home cultivation or criminal justice issues—disagreements can boil over.

But, says Weisheit, lawmakers in other states might be able to use Illinois' law as a roadmap.

“The basic structure of Illinois' bill is something that's been gestating for a long time. It's not an impulsive or rash thing,” says Weisheit. “I don't know what's going to happen in New York or New Jersey, but I expect at some point [the legislation] will come back.”

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

02-41A-21 Peer-to-Peer Vehicle Sharing
[HB 1362](#)

Summary:

Relates to peer to peer vehicle sharing; defines peer to peer vehicle sharing; provides requirements for a peer to peer vehicle sharing program; provides that a shared vehicle may not be shared on a peer to peer vehicle program if any safety recalls have not been repaired; provides insurance requirements for a shared vehicle if the vehicle will be shared on a peer to peer vehicle sharing program; authorizes certain counties to adopt a supplemental auto rental excise tax on such vehicles.

Status: Signed by the governor on May 5, 2019.

Comments: From the [Indianapolis Business Journal](#) (May 15, 2019)

Local Uber and Lyft driver Bill Lantz was taking a group of firefighters downtown last month for the Fire Department Instructor's Conference when he heard them talking about an "Airbnb for cars."

They told him the name of the company—Turo—and, just a few weeks later, Lantz is offering two vehicles for rent on the car-sharing platform.

Similar to peer-to-peer home-sharing platforms, car-sharing apps help individuals make their vehicles available to others for a fee. Turo and Getaround are two of the biggest platforms.

"I'm amazed," said Lantz, who offers his 2016 Hyundai Sonata and 2015 Ford Escape through Turo. "One car has been rented out the whole month."

The peer-to-peer car-sharing industry is still relatively new and small in Indiana, but a regulatory battle between the new companies and traditional car rental agencies has been playing out in statehouses across the country as more platforms start offering services.

The fight, which is similar to those that took place between hotels and Airbnb and between taxis and Uber and Lyft, came to the Indiana Statehouse this year, leading lawmakers to establish regulations and taxes for the car-sharing industry.

The legislation, authored by Rep. Sean Eberhart, R-Shelbyville:

- prohibits vehicles with unaddressed safety recalls from being shared on any platform,

- ▮ outlines insurance requirements to prevent gaps in coverage,
- ▮ prohibits local communities from imposing additional regulations on the industry,
- ▮ allows airport authorities to impose their own car-sharing rules,
- ▮ and establishes an excise tax for the service.

“It’s going to continue to get more popular,” Eberhart said. “And it was unregulated and untaxed.”

In other states, San Francisco-based Turo has opposed legislation that would treat the platform the same way it treats car rental companies. But Turo officials say Indiana has set an example for other states because it recognized the platform as a facilitator for car sharing rather than as a car rental company.

“Indiana is the first state that created this robust framework,” said Lou Bertuca, director of government relations for Turo. “We’re really excited about it.”

Getaround, which doesn’t operate in Indiana now but hopes to in the future, is also pleased with the outcome.

“We appreciate the Indiana Legislature’s efforts to thoughtfully and carefully work with all stakeholders to craft a law that will promote car-sharing in the state,” Brian Poggrund, Getaround’s director of markets for North America, said in an email.

Even Enterprise Holdings, which has lobbied in other states to regulate and tax car-sharing companies the same as the rest of the car rental industry, was OK with the final language. Spokeswoman Laura Bryant said in a written statement that Enterprise was pleased lawmakers agreed peer-to-peer platforms “not only should be held accountable, but that their transactions should be taxable in support of state and local governments.” She said Indiana’s “common-sense legislation” would treat car-rental transactions “more consistently.”

How it works

People who want to rent out their vehicles—who are called hosts—must sign up for a car-sharing platform, then create a profile and upload photos of their vehicle.

Hosts set their own daily rates and decide when to make their vehicles available. They also determine how and where pickups and drop-offs will occur.

Lantz, for example, said he offers three options: He can bring the car to someone flying into the Indianapolis International Airport. He and the renter can meet at the location where he stores the vehicles when they are not being used. Or, he can drive the car to a downtown location.

Bertuca said the convenience of not having to go to a car rental office is one perk of the platform. A car might be available in your neighborhood, for example. Plus, he said, the platform offers a better selection of cars and more affordable prices.

“I think you get a better bang for your buck,” Bertuca said.

Hosts carry their own insurance on their vehicles, but Turo also provides \$1 million in liability insurance. So if anything happens while someone is renting the vehicle, the accident is covered by Turo.

Individuals looking to rent vehicles through the platform also create profiles, and Turo does a background check before approving drivers. Once approved, a driver can search for available vehicles based on location and dates needed and submit a request to book.

Cars can be booked for a day or longer on Turo, and the average trip is three days. The company has more than 1,300 hosts in Indiana and more than 55,000 users signed up.

For example, a check on May 14 found more than 50 cars available on Turo for a one-day booking on May 20, leaving from the Indianapolis International Airport. Among the options were a blue 2016 Hyundai Sonata sedan for \$30, a bright yellow 2007 Honda S2000 convertible for \$78, and a red 2017 Tesla Model X for \$326.

The average host earns \$150 per month from the platform, but some are making much more.

Aaron Juarez, a northwestern Indiana resident who joined Turo in September, said he earns \$800 to \$1,000 per month renting a 2013 BMW X1.

Juarez said that is about double what his car payments and insurance cost.

“The car is paying for itself, and I’m kind of building equity at the same time,” he said. “I’m definitely happy about it.”

Juarez said he wasn’t using the vehicle before renting it out, because he had purchased it to help his girlfriend at the time. After they broke up, the car went unused.

“The BMW was literally just sitting there,” Juarez said.

Lantz, who joined Turo in April, said he bought the two vehicles specifically to earn money by renting them out on Turo.

“I’m having a good time,” he said.

Regulating the industry

The nationwide regulatory debate about peer-to-peer car-sharing often focuses on defining the industry and determining how to tax it.

Vehicle-sharing companies say they are not like car rental companies because they don't maintain a fleet, so they shouldn't be taxed as such.

The platforms also argue for lower tax rates than what's imposed on car rental companies because their hosts have had to pay sales tax when they purchased their vehicles. Car rental companies do not pay sales tax when they buy cars for their fleets. That tax exemption totals \$3 billion nationally, according to car-sharing companies.

But car rental companies, like Enterprise Holdings Inc., argue that, while Turo and other platforms are using a different business model, the basic transaction is the same—someone is renting a car—so it should be taxed in a similar way.

And car-rental taxes can add up to a significant amount.

In Indiana, car rental companies have to collect a 7% sales tax on all transactions, plus a 4% excise tax. In Marion County, rental companies are required to impose an additional 6% excise tax. Even more taxes are applied if someone rents a car at the airport.

Eberhart said lawmakers used the car rental tax structure as a model to establish the taxing system for car-sharing platforms, but opted to significantly reduce the rates. The legislation, which goes into effect Jan. 1, imposes a 2% statewide excise tax and allows for Marion and Vanderburgh counties to impose an additional 1% excise tax.

Car-sharing platforms will also be subject to the state's 7% sales tax.

Turo's Bertuca said the Indiana tax structure and rate are reasonable.

"I think the key part is, the Indiana Legislature identified and recognized that traditional rental car companies already have these giant advantages," Bertuca said.

Car rental companies like Enterprise have also raised insurance and safety concerns about car-sharing, and Indiana's law addresses both subjects. It requires a platform to maintain insurance to eliminate any possible gaps in coverage.

"There's no reason that anyone should be uncovered at any time," Eberhart said.

And similar to a federal law regulating car rental companies, Indiana's law also prohibits vehicles with active safety recalls from being shared on platforms.

The law won't allow local communities to further regulate the industry, but it does give airport authorities the power to establish rules around how car-sharing can operate at those locations.

The Indianapolis Airport Authority doesn't have any rules in place yet, but the board is monitoring the situation.

"We will consider establishing reasonable standards where necessary to ensure the safety and convenience of our passengers, while assuring service and quality remain at the highest possible levels," the airport authority said in a prepared statement. "We

would anticipate beginning to consider these standards no sooner than the third quarter of 2019.”

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

02-41A-22 Long-Term Services and Supports Trust Program
[HB 1087](#)

Summary:

Concerns long term services and supports; creates a long-term care insurance benefit for all eligible state employees, paid through an employee payroll premium.

Status: Signed by the governor on May 13, 2019.

Comments: From [forbes.com](#) (May 15, 2019)

Washington Governor Jay Inslee has signed into law the nation's first public state-operated long-term care insurance program. The Long-Term Care Trust Act will pay benefits of up to \$36,500 for those who need assistance with regular daily activities such as eating, bathing, or help with medications.

The benefits initially will be funded with a payroll tax of 0.58% on employees, and be available for a very wide range of services. However, the state won't begin to collect the tax (or premium) until January of 2022, and won't start paying benefits until 2025.

The most notable fact about this law is that it is the first in the nation. The details are far less important than the politics. For the first time, the majority of a state legislature was willing to vote to create a public program and, critically, raise taxes to pay for it. That may send an important signal to other lawmakers that increasing taxes to finance a need like long-term supports and services is not a political death sentence—at least not in a blue state like Washington.

Still, the new law raises some big questions for the future of public programs. Will it be financially sound? Can the state pay the benefits it promises with the revenue it will raise? Will the private market build new insurance products or other financial tools to wrap around what will be a very modest benefit? How will consumers respond to the program and the need to supplement it?

Here are some important details to know about the new law.

It is not universal. Only Washington residents age 18 or older who have paid the payroll tax for either 10 years without interruption of five consecutive years, or three of the last six years, and who work at least 500 hours a year, are eligible. Self-employed people may choose to participate but do not have to. The work requirement effectively exempts from the program current retirees, children with disabilities, and adults with disabilities

who work less than about 10 hours a week. However, it calls for a study of whether to include those who become disabled before they are 18.

Benefits are broadly defined. People are eligible for benefits once they need assistance with three or more daily activities. Washington State defines those activities more broadly than private long-term care insurance policies, whose benefits are triggered once someone needs help with just two of six ADLs. Benefits do not count as income for determining eligibility for Medicaid or other state safety-net programs. They are paid directly to service providers. However, they may also be paid to family caregivers, as long as they receive minimum levels of training.

The program needs to be sustainable over the long run without general fund revenues. The tax/premium goes into a state trust fund. However, lawmakers cannot dip into the fund for other purposes without notifying participants. And the state is barred from using money from outside the fund to pay benefits. An independent commission and the state actuary must regularly certify that the program is solvent. If it is not, the state must cut benefits.

It is not the CLASS Act. The 2010 Affordable Care Act included its own public long-term care insurance program, called the Community Living Assistance Services and Support (CLASS) Act. But, despite the high hopes of its sponsors, the law never was implemented by the Obama Administration.

The Washington law is different in two crucial ways. CLASS was voluntary while the Washington law is funded by a mandatory payroll tax that every employee (except those doing very part-time work) must pay. The CLASS benefit would have been about \$50-a-day for life. The Washington benefit is a maximum of \$36,500. Thus, premiums for CLASS would have been relatively high, somewhere between \$125 and about \$400 per month, according to various estimates at the time. And they'd likely be much higher today. By contrast, for a middle income worker, the Washington state plan would cost only about \$300 per year.

It is the first. Who will follow? Watch Illinois and Michigan. Both have begun thinking about how to design their own long-term care financing models. Minnesota's department of health has proposed ways to enhance private insurance to make long-term care coverage more accessible. Let's see if any carriers take it up on its creative ideas.

But mostly, watch California. Governor Gavin Newsom says he wants to make services for older adults a top priority of his administration. And advocates are looking to put a long-term financing plan on the state ballot.

It will be nearly a decade before we know whether Washington's initiative is a success. But whatever happens, the state took a critical first step, as the US slowly begins to act on the need for a public long-term care financing program

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

02-41A-23 Race Discrimination Based on Natural Hair or Hairstyles
[A 7797](#)

Summary:

Prohibits race discrimination based on natural hair or hairstyles; defines "race" for certain specific purposes to include, but not be limited to, ancestry, color, ethnic group identification, and ethnic background, and to include traits historically associated with race, including but not limited to, hair texture and protective hairstyles; defines "protective hairstyles" to include, but not be limited to, such hairstyles as braids, locks, and twists.

Status: Signed by the governor on July 12, 2019.

Comments: From the [North Star](#) (July 16, 2019)

New York Governor Andrew Cuomo has signed a bill that will make New York one of the few states to ban race-based hair discrimination.

Cuomo signed Assembly Bill 07797 on July 12, which amended the Human Rights Law and Dignity for All Students Act to ensure that racial discrimination also includes "traits historically associated with race, including but not limited to hair texture and protective hairstyles."

"For much of our nation's history, people of color—particularly women—have been marginalized and discriminated against simply because of their hair style or texture," Cuomo said in a statement. "By signing this bill into law, we are taking an important step toward correcting that history and ensuring people of color are protected from all forms of discrimination."

New York Senate Majority Leader Andrea Stewart-Cousins thanked Cuomo for signing the bill and said diversity in the state should be celebrated.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

02-41A-24 Workplace Harassment Protections
[S 6577](#)

Summary:

Lowers the threshold for filing a harassment complaint; extends statute of limitations for complaints; bans non-disclosure agreements that restrict disclosure of discrimination; authorizes punitive damages for employment discrimination actions.

Status: Signed by the governor on August 12, 2019.

Comments: From [timesunion.com](https://www.timesunion.com) (August 21, 2019)

An overhaul of the state's workplace harassment and discrimination laws was approved Monday by Gov. Andrew M. Cuomo.

The sweeping legislation is billed as an update to laws on the books that, according to advocates, protected harassers and gave limited legal recourse to victims. The measures were the focus of joint legislative hearings this year that were prompted by the efforts of a group of former legislative staffers who were victims of harassment and other forms of misconduct.

The new law lowers the threshold for filing a harassment complaint by eliminating the "severe or pervasive" standard for behavior. Advocates and attorneys have argued that the previous standard—which was previously dropped by New York City and does not exist in federal law—is unreasonable.

Cuomo included the measure in his executive budget and promoted it in recent weeks.

The governor said in a statement that ending the "absurd legal standard" for sexual harassment and making it easier to bring legal claims sends a strong message that New York won't stand for hostile workplaces.

The new law also extends the statute of limitations for sexual harassment complaints under the state's human rights law, bans non-disclosure agreements that restrict the disclosure of discrimination, expands protections for domestic workers and independent contractors, prohibits forced arbitration of discrimination claims, and authorizes punitive damages for employment discrimination actions.

State Sen. Alessandra Biaggi, a Bronx Democrat who sponsored the legislation, credited the group of former legislative staffers—who spoke out about the culture of harassment in the Capitol—for the state's progress in addressing sexual harassment in the workplace.

"With the signing of this legislation, employers across all sectors will be held accountable for addressing all forms of sexual harassment and discrimination in the workplace, and survivors will be given the necessary time to report complaints and seek the justice they deserve," Biaggi said in a statement.

The change is expect to result in an increase in harassment claims, according to Frank Kerbein, director of the Center for Human Resources at The Business Council of New York State.

Kerbein noted that the new law will also increase the potential liability for companies who employ a harasser, even if the company took all the appropriate steps to promote a safe workplace and wasn't aware of any complaints.

He also anticipates the restrictions on arbitration will be changed in court, as Kerbein believes they're inconsistent with long-established federal law.

As the law is implemented, it's important that state agencies communicate the new requirements to employers, according to Greg Biryła, the state director for the state chapter of the National Federation of Independent Businesses.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

02-41A-25 Discrimination: Hairstyles
[SB 188](#)

Summary:

Bans discrimination against students and employees over their natural hairstyles.

Status: Signed by the governor on July 3, 2019.

Comments: From [CBS News](#) (July 4, 2019)

A new law signed Wednesday by Gov. Gavin Newsom makes California the first state to ban discrimination against black students and employees over their natural hairstyles. The authors of this new law say women with kinky and curly hair are sometimes subject to unequal treatment, and can even be viewed as inferior.

A recent study by Dove says that black women are 80% more likely to change their natural hair to conform to social norms or expectations at work.

Chastity Jones was locked in a nearly ten-year legal battle after she says an employer took back a job offer at an Alabama call center because Jones refused to cut her hair.

"She said, 'Are those dreadlocks in your hair?' And I just looked at her, and I was like, 'These?'" Jones said. "And she said, 'Yes.' I said, 'Yes, they are.' She said, 'Um, well, we can't accept that here.'"

"It had nothing to do with the job," she added. "It just had everything to do with my hair."

Jones sued the company in 2013 for discrimination and lost wages, but her claim was dismissed. Last year, the NAACP filed a petition to bring her case to the Supreme Court, who declined to hear the case.

"She just didn't make me feel like I was wanted there," Jones said. "Period."

Jones isn't alone. In August of 2018, Louisiana sixth grader Faith Fennidy was kicked off school grounds because her braided hair violated school policy. A few months later, a wrestling official told New Jersey high school athlete Andrew Johnson he would have to cut his dreadlocks in order to compete.

Dove executive Esi Eggleston Bracey spearheads the CROWN coalition, an alliance of corporate and community organizations that work to highlight bias that pressures women to conform to Eurocentric standards of beauty.

"What happens is, your natural hair is one way and you think you have to change that to go into a work environment—because the view of what's professional is different than what your natural state is," Bracey said.

Now, lawmakers are stepping in. California state Sen. Holly Mitchell introduced the first law to associate hair as an extension of one's race, which is legally protected.

"The way the hair grows out of my head as a black woman is a trait of race" Mitchell said.

Lawmakers in New York and New Jersey have now also introduced versions of the CROWN Act. California Gov. Gavin Newsom said he's proud to lead the nation by being the first to sign it into law.

"There's a human element to this. We don't want to diminish people, we don't want to demean people ... We have to own up to the sins of the past," Newsom said. "I hope that folks are paying attention all across this country."

New York could potentially be the second state to sign this bill into law. The bill has passed both houses of the state's legislature and is awaiting the governor's signature.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

02-41A-26 Keep Washington Working Act (Immigrants)
[SB 5497](#)

Summary:

Establishes a statewide policy supporting the state's economy and immigrants' role in the workplace; establishes a statewide work group to conduct research on methods to strengthen career pathways for immigrants.

Status: Signed by the governor on May 21, 2019.

Comments: From [ACLU Washington](#) (May 23, 2019)

The Keep Washington Working Act (Senate Bill 5497) enhances public safety and promotes fairness to immigrants and protects the privacy and civil rights of all Washington residents. This new law prohibits local law enforcement from routinely questioning individuals about immigration status, notifying ICE that a noncitizen is in custody, and detaining someone for civil immigration enforcement. It will be signed into law by Governor Jay Inslee today.

"Growing up undocumented in Eastern Washington, I felt like my status was something to be ashamed of and that I needed to hide for my own safety. But I know that everyone deserves to be treated with dignity and respect, regardless of the accent with which we speak, where we came from, or what we may look like," said Paúl Quiñonez Figueroa of the Washington Immigrant Solidarity Network. "Communities across the state will benefit from this important legislation, which affirms the inherent worth of all immigrants, of our labor and culture, and recognizes the right to an identity that is seen and valued – not feared and ostracized."

Nearly one million Washingtonians—one in every seven people in this state—are immigrants, and they are an integral part of our communities and workforce. By protecting workers in Washington, the Keep Washington Working Act strengthens local economies across the state.

"If over 1 million immigrants are in Washington and they are scared to do business or move around freely, that is bad for our economy, bad for our image, and bad for us as humans. As a business owner who is also an immigrant, we should be able to do business here safely and freely and contribute to our communities," said Tawfik Maudah, OneAmerica leader and Tukwila business owner.

Jurisdictions that do not use local resources to enforce federal immigration laws have positive outcomes, according to a recent study analyzing the federal government's own data. Specifically, local jurisdictions that say "no" to ICE enforcement have lower rates

of crime, poverty, and unemployment than those that choose to collaborate, and thus, blur the line between local law enforcement and federal agencies.

The primary duty of local law enforcement agencies is to keep our communities safe. Community trust is a critical factor in their ability to carry out their duties. “When local police are viewed as an extension of the immigration system, noncitizens are less likely to report crime or appear as witnesses, making us all less safe,” said Jennyfer Mesa, who testified in support of SB 5497 on behalf of Latinos en Spokane.

When local law enforcement does the work of federal immigration authorities, it subjects people of color to discriminatory racial profiling and harassment; diverts local resources and taxpayer dollars away from local public safety issues; harms Washington’s economy, and discourages people from contacting first responders. The Keep Washington Working Act gives law Washington’s law enforcement agencies the guidance and support they need to remain focused on their essential work of keeping all Washington residents safe.

The federal government does not reimburse the costs of local resources used to collaborate in immigration enforcement. Expending local public safety resources compromises the ability of local governments to meet the needs of their community. And, such enforcement exposes a jurisdiction to costly litigation.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

02-41A-27 New Hope Act (Certificates of Discharge and Conviction Record Vacation)
[HB 1041](#)

Summary:

Promotes successful reentry by modifying the process for obtaining certificates of discharge and vacating conviction records.

Status: Signed by the governor on May 9, 2019.

Comments: From [Washington House Democrats](#) (April 19, 2019)

On Thursday, April 18, the New Hope Act received final passage from both the State House and Senate. Sponsored by Rep. Drew Hansen, House Bill 1041 (the New Hope Act) is a bipartisan criminal justice reform proposal that will help people who have spent time in prison rebuild their lives. The bill passed both the House and the Senate unanimously.

“People who have spent some time in prison need a chance to get their lives back on track,” said Rep. Drew Hansen, D-Bainbridge Island, who sponsored the measure. “This bill removes some of the barriers that are preventing people from rebuilding their lives and gives them hope for a second chance.”

The bill (1) streamlines the process for vacating a criminal conviction, (2) aligns the misdemeanor vacation rules with the felony vacation rules, changing the current laws where people can vacate unlimited felonies but only one misdemeanor, and (3) permits people who meet the criteria to petition a court to vacate certain types of robbery in the second degree, assault in the second degree, and assault in the third degree offenses.

A criminal conviction can mean a lifetime of consequences that can affect employment, business opportunities, housing, and more. These hurdles make it difficult to become a productive member of society. Rep. Hansen’s bill will expand opportunities for people to vacate their criminal convictions when they have turned their lives around.

“The current system doesn’t work for survivors or people who have caused harm,” said Devitta Briscoe, survivor network coordinator with the Public Defenders Association. “People with convictions who have served their time need an opportunity to put their lives back together. Victims want the cycle of violence to stop. None of this can happen without housing and a good job. Convictions prevent both of these years after people with convictions have paid their debt. When you give people hope you help them find the right path in life and avoid a life of crime.”

The bill was supported by a wide coalition, including formerly incarcerated people, judges, prosecutors, and more. “As a prosecutor we try to seek justice and we believe that the principles that are laid out in this bill do seek justice,” said Russ Brown, Executive Director of the Washington Association of Prosecuting Attorneys. “Justice means that an offender pays their debt to society but it also means they have a path forward that is why we support this bill.”

With concurrence passage by the House of Representatives, the New Hope Act now heads to the Governor’s desk for signature.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

02-41A-28 College Athletics
[SB 206](#)

Summary:

Prohibits California postsecondary educational institutions except community colleges, and every athletic association, conference, or other group or organization with authority over intercollegiate athletics, from providing a prospective intercollegiate student athlete with compensation in relation to the athlete's name, image, or likeness, or preventing a student participating in intercollegiate athletics from earning compensation as a result of the use of the student's name, image, or likeness.

Status: Signed by the governor on September 30, 2019.

Comments: From [Politico](#) (October 1, 2019)

When Gov. Gavin Newsom signed state legislation that could change the landscape of college sports, it came as an early Monday morning surprise to many inside California's Capitol building.

But not to LeBron James.

The NBA star was sitting beside the governor in a barber's chair as Newsom, wearing blue jeans and sneakers, picked up a pen and signed the bill during a taping of James' HBO show "The Shop" last Friday. A clip from the show ran on Twitter as part of Newsom's unorthodox bill signing rollout three days later as many Californians were still asleep, and as Washington woke up to the latest in the impeachment drama.

"Let's do it man, alright," a grinning Newsom says in the clip, showing off the piece of paper adorned with his signature to James and others applauding in the room—the Phoenix Mercury's Diana Taurasi, former NBA player Ed O'Bannon, former gymnast Katelyn Ohashi, agent Rich Paul and media personality Maverick Carter. "It's now law in California."

The policy news at hand was the enactment of legislation authored by state Sen. Nancy Skinner (D-Berkeley), to allow student athletes in California to be paid for their names, images and likenesses despite NCAA regulations prohibiting such compensation. Given California's massive university system, that's a big deal; as Newsom put it, the NCAA "can't afford to lose the state of California."

But the celebrity rollout also gave people across the country a new glimpse at a laid-back Newsom, the liberal A-list leader of the world's fifth largest economy, chumming it up with one of the country's most idolized athletes. It was almost Schwarzenegger-

esque hype, some in Sacramento said. And it begged the question, once again, to Newsom-watchers on the East and West coasts: Was this the early makings of a future presidential run?

Newsom's spokesperson Nathan Click says no—it's just a governor who recognizes the value of popular culture in getting his message across. When Newsom was in New York City last week for Climate Week, he made some time to appear on the Daily Show. He appeared on The View back in March to talk about his moratorium on the California death penalty; a few weeks ago, he propped a stuffed animal at a podium to announce legislation in honor of his childhood pet, Potter the Otter.

Newsom knows how to make a statement. And he likes to do it his own way. Whether it's intervening in state legislative debates on Twitter, holding surprise bill signings or posting explanatory videos of the state budget from inside his office, Newsom controls his message.

"He's a 21st century governor who's using the tools of the 21st century to communicate with the people he serves," Click told POLITICO. "All of it kind of falls under his worldview that to effectively lead, you have to effectively communicate. ... This is about breaking down the barriers for every day people to get engaged with government, about bringing the government closer to the people they serve—people he serves."

Newsom and James exchanged praise on Twitter on Monday, with the former San Francisco mayor, who became governor this past January, giving the Lakers star a fist-bump by way of emoji.

"You the man Governor Gav!" James tweeted at Newsom after the bill was signed.

Some saw the Monday episode as an attempt by Newsom to shed his slick persona; the governor is often criticized as elitist in parts of California more rural than his native San Francisco.

"Working class people can tell when affluent people are trying to come across as just folks," says Jack Pitney, a professor of American and California politics at Claremont McKenna College in Los Angeles County. "I see a politician keeping his options open. When you're a governor of California, you're inevitably thinking about the White House. He's playing the long game. In 20 years, he'll still be younger than Trump is today."

Other observers saw parallels to former Gov. Arnold Schwarzenegger, who harnessed his celebrity in the 2000s to promote California to a larger audience.

Rob Stutzman, a former deputy chief of staff for Schwarzenegger's communications team who now runs a firm in Sacramento, said the bill signing, and Newsom's increasingly high profile, hearkens back to Schwarzenegger's tenure.

"When I saw it, I was impressed. I think it's one of the better moments he's had this year," he said of Monday's bill signing announcement. "It was a staple of the types of things we would do with Schwarzenegger, and Newsom is particularly well suited for

these types of opportunities. He's been on late night TV. He's articulate. He can command that kind of attention."

To Dan Schnur, a politics professor at Berkeley and USC, Newsom's moves show why he is "California's first social media governor."

"Hanging out with celebrities for autobiographical credibility is something that politicians have been doing for a long time, but what he did with the bill signing was innovative," Schnur said. "Jerry Brown may have been in office when Instagram and Snapchat became popular. But he didn't seem to care very much."

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

03-41A-01* Armed First Responder in Schools - Possession of a Concealed Weapon
[HB 1332](#)

Summary:

This bill allows schools that either do not have a school resource officer or are located far from law enforcement to work with the North Dakota Department of Public Instruction to develop a plan for an "armed first responder." The bill outlines specifically who qualifies to be an armed first responder.

Status: Signed by the governor on April 10, 2019.

Comments: From [The Bismarck Tribune](#) (April 11, 2019)

Gov. Doug Burgum on Wednesday signed a bill allowing mostly rural schools in North Dakota to develop a plan for an "armed first responder."

Former Burleigh County Sheriff and current Rep. Pat Heinert, R-Bismarck, brought House Bill 1332 after a similar bill failed in the 2017 session.

The bill essentially allows schools without a school resource officer or at great distance from law enforcement to develop a plan with the North Dakota Department of Public Instruction for an "armed first responder," who may not be anyone with direct supervision of students. The bill also outlines training.

The Senate amended the bill to make a school's safety plan a confidential record. The House concurred 75-15 on the amended bill.

Heinert and other lawmakers stressed the bill is not a mandate but an option for schools, mostly rural ones. Opponents of the bill questioned how the person designated to carry a gun may act in a crisis.

The bill takes effect Aug. 1.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

03-41A-02 CalFresh: Postsecondary Student Eligibility: Workstudy
[S 173](#)

Summary:

Requires the state Department of Social Services to create a standardized form to be used by community colleges and universities to verify that a student is approved and anticipating participation in state or federal workstudy for the purpose of assisting county human services agencies in determining the student's potential eligibility for CalFresh.

Status: Signed by the governor on July 30, 2019.

Comments: From the [Times-Herald](#) (July 30, 2019)

Sen. Bill Dodd, D-Napa, had his student food-insecurity bill signed by the Governor Gavin Newsom on Tuesday.

The legislation addresses the growing problem of college student food insecurity by ensuring low-income students have reliable access to nutritious food through the Cal Fresh program.

“Food insecurity is a serious problem on California college campuses today and this is an important step to address it,” Sen. Dodd said. “My bill will ensure students of modest means don’t go hungry by making it easier for them to receive public assistance. Students shouldn’t have to starve in order to get an education.”

The inability to afford food—or food insecurity—is a top concern among college students. A recent Government Accountability Office report shows a third of all college student are struggling to afford food and basic nutrition. It recommends the U.S. Department of Agriculture’s Food and Nutrition Service take steps to enroll people in federal food assistance programs.

Senate Bill 173 removes barriers to students to get subsidies under Cal Fresh, in part by streamlining the application process. More than 50,000 California college students could be enrolled in food assistance thanks to the senator’s legislation. The California Welfare Directors Association, the County of Yolo, student groups and area food banks support the bill.

“Sadly, ‘starving students’ is more than a cliché for many food insecure California college students,” said Don Saylor, chair of the Yolo County Board of Supervisors. “We applaud Sen. Dodd for his leadership in combating student hunger on college campuses.”

Dodd represents Solano, Sonoma, Napa, Yolo, Contra Costa and Sacramento counties.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

03-41A-03 Flexible Instruction Days- An Act amending the Public School Code of 1949
[SB 440](#)

Summary:

Provides flexible instruction for snow days.

Status: Signed by the governor on July 2, 2019

Comments: From [CBS3](#) (June 26, 2019)

With temperatures topping 90 degrees, everyone is trying to beat the heat. On Wednesday, no one was thinking about the freezing weather, school delays and cancellations from winters past.

But lawmakers in Harrisburg are. This week they passed a bill which could affect each and every school district in Pennsylvania, and really shake up how students deal with snow days.

Senate Bill 440 passed the house Monday and now sits on Gov. Tom Wolf's desk.

It would create five so-called "flexible instructional days," where students would work from home, and would effectively eliminate the classic snow day.

"Not at all," one student said when asked if he liked the plan.

That's a similar reaction most students shared. However, parents understand the bill's benefits.

"With the new bill, that's something that could definitely be productive," Justin Johnson said.

"As opposed to kids staying home, watching television, I'm all for that," one woman said.

School districts would have to apply for the program and provide ways for students without internet to gain access to school systems.

A spokesperson for the Philadelphia School District says officials are aware of the bill and are looking into the logistics behind it before they make a decision about whether to participate

Wolf, who spoke about internet access earlier this year, appears to support the bill.

“Cyber snow days, I think it’s a great idea, I would sign it,” he said. “You don’t have broadband, you can’t do cyber snow days.”

As it sits on his desk for a signature, those students soaking up the sun on a blistering hot summer day may never have a snow day again.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

03-41A-04 Community School Model
[HB 589](#)

Summary:

Creates a statewide framework for community schools; authorizes \$2 million for a competitive grant program.

Status: Signed by the governor on April 3, 2019

Comments: From [New Mexico In Depth](#) (March 16, 2019)

It was a good year for education. Whether it was great depended on who you asked.

Gov. Michelle Lujan Grisham and legislative leaders, both Democratic and Republican, extolled investments New Mexico made in education Saturday as the 60-day session came to a close.

“This is a Legislature that delivered a moonshot,” the governor nearly shouted during a post-session press conference in her Cabinet Room on the fourth floor of the Roundhouse.

State lawmakers pumped an additional \$500 million into the public schools budget and created a new early education department. Teachers and school administrators received a salary increase. And money for early childhood programs got a boost.

But bills that emphasized multicultural, bilingual education and strengthened the community school model—ideas that some lawmakers and education advocates consider transformational—seemed destined to die, stuck in legislative committees.

Then in the final hours of the 2019 legislative session, two of them were pulled from certain death and placed on the Senate floor Saturday morning.

The Multicultural Education Framework, a centerpiece of the Transform Education NM coalition of Yazzie Martinez education lawsuit plaintiffs and community advocates, was defeated, going down on a 14-22 vote, with seven Democrats voting against the bill.

In contrast, a bill that strengthens the community school model cleared the Senate after contentious debate on a bipartisan vote of 24-15 and is headed to Lujan Grisham’s desk. A priority of the governor, the community school model provides social supports for struggling students and makes schools a community hub.

Sen. Mimi Stewart, a retired teacher who chairs the Legislative Education Study Committee, put up a spirited defense of the legislation.

The community schools idea had been long studied by the LESC, she said. “This is what we have to do at the end of the session for important bills, and this is an important bill.”

There wasn’t the same level of support in the Senate for the multicultural bill.

Stewart told NM In Depth one reason lawmakers might have opposed it was that it adds bureaucracy to an agency that already has the positions, statutes and structures it needs in place. “That was their argument, why set up more when we already have it,” she said.

Stewart said despite the bill’s failure she was confident its aims would be carried out thanks to increased educational funding and the leadership of PED Secretary Karen Trujillo.

But advocates say without enshrining that multicultural framework in state law, future administration might not prioritize the goals of multicultural and bilingual education.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

03-41A-05 Community Schools Established
[SB 661](#)

Summary:

Authorizes certain local school systems to form a school-community partnership under certain circumstances; requires certain local school systems to review and approve certain community schools; defines community schools to help guide local implementation.

Status: Signed by the governor on May 13, 2019

Comments: From [Brookings](#) (August 1, 2019)

Policymakers and leaders at multiple levels have been paying increased attention to community schools—schools that engage families and community organizations to provide well-rounded support to students. Recently, presidential candidate and former Vice President Joe Biden called for expanding community schools. New York City Mayor Bill de Blasio, another presidential candidate, has created the largest community school initiative in the country with over 200 sites. And Randi Weingarten, president of the powerful American Federation of Teachers, has been a vocal advocate. At the local level, grassroots organizers are calling for more community schools. Community schools seem poised to become an increasing presence in education politics—and policy—going forward.

BACKGROUND ON COMMUNITY SCHOOLS

Community schools identify what students, families, and communities need to succeed and use community assets—partnerships with local organizations and agencies—to meet those needs. The Learning Policy Institute describes four common pillars of a community school: expanded and enriched learning time and opportunities; collaborative leadership and practices; active family and community engagement; and integrated student supports. In identifying a typology of school-community partnerships, my colleagues and I suggest that community schools are more than just wraparound services provided to individual students in need. Rather, community schools use strategic, results-focused partnerships to improve a wide range of outcomes.

Evidence of the potential and effectiveness of community schools is growing. While I am not aware of studies showing adverse impacts of community schools, critics argue that the focus of schools should remain on academics, and not the areas that are outside the traditional purview of schools. Some also claim that community schools are an overreach of the nanny state. On the other hand, supporters argue that providing sick kids immediate medical attention, offering enriching educational opportunities, and making meals available for children and families that are hungry doesn't require research about effectiveness—they are moral obligations. They also argue that

providing these resources support the needs of the whole child, better positioning them for academic success.

More research needs to be conducted to understand how and in which contexts community schools work, how we can identify their causal effects, and how the approach can be sustained after policymakers and school leaders move on to other priorities.

AN ACTIVE AREA OF EDUCATION REFORM

Interest in community schools has grown over the past 20 years, but does this education reform strategy have the staying power of other approaches like charter schools, turnaround schools, and vouchers? Each of these approaches has solidified its prominence through statewide policies.

In recent years, community schools advocates have secured victories at the national level, including sustained and increased funding for the Full-Service Community Schools Grant program and the inclusion of this program in the Every Student Succeeds Act (ESSA). Now, many community school leaders are focusing on state-level policy. As responsibility for education has once again moved to the states with ESSA, there are new opportunities for these local initiatives to advocate for state support to solidify the community schools approach as a large-scale, long-term education reform strategy.

The following examples illustrate considerable recent progress at the state level:

On the final day of its 2019 legislative session, the New Mexico state legislature approved a bipartisan bill that created a statewide framework for community schools and authorized \$2,000,000 for a competitive grant program. How did this happen? Building off strong local examples, a group of community leaders—including nonprofit organizations, after-school state advocacy groups, and families—formed a statewide coalition in 2018 to advocate for legislation that would raise the visibility of the growing community school efforts in the state. Their goal was to establish policy that codified the education reform approach and to secure public funding. This illustrates how the community school movement—built from local school site and district-led initiatives, and supported by national partners—is taking aim at securing its place as a viable education reform strategy through state support.

Maryland, which has a strong community school initiative in Baltimore and a strong statewide after-school network, passed legislation that defines community schools in order to help guide local implementation. The bill also secured dedicated funding for community school coordinators for any school where at least 80% of students receive free or reduced-price meals—over 240 schools in the state.

New York state has been a leader in funding for community schools, providing \$200 million in its latest budget. New York has also recognized the importance of technical assistance for strong implementation of its policy. The state provides \$1.2 million for

three regional technical-assistance centers. This approach provides needed support to new district and school leaders and deepens the knowledge base about community schools across organizations that aren't traditionally focused on this strategy. In Minnesota, Democratic Gov. Tim Walz proposed \$8 million for full-service community schools over four years. His proposal made progress, gaining support from the Minnesota House, but did not make it out of a contentious budget compromise this session.

In Florida, Republican Gov. Ron DeSantis signed legislation authorizing a "Center for Community Schools" at the University of Central Florida along with a grant program, subject to available funds. The center supports implementation and funds community school sites.

Community schools are beginning to find support in purple and conservative-leaning states as well, with legislation introduced this session in Arizona, Georgia, Arkansas, and Mississippi. In Texas, the House passed a bipartisan bill to allow school sites to use the strategy as a campus turnaround plan. While not becoming law, these steps help set the stage for future legislative sessions. And sometimes state action doesn't require new legislation. For example, in its state ESSA plan, Pennsylvania encourages local education agencies to use existing state and federal funds to create community schools and offers state-supported technical assistance.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

03-41A-06 Student Mental Health Days
[HB 2191](#)

Summary:

Allows school principals and teachers to excuse an absence due to "the mental or behavioral health of the pupil."

Status: Signed by the governor on June 17, 2019

Comments: From [NBCNews](#) (August 1, 2019)

Oregon will allow students to take "mental health days" just as they would sick days, expanding the reasons for excused school absences to include mental or behavioral health under a new law that experts say is one of the first of its kind in the U.S.

But don't call it coddling. The students behind the measure say it's meant to change the stigma around mental health in a state that has some of the United States' highest suicide rates. Mental health experts say it is one of the first state laws to explicitly instruct schools to treat mental health and physical health equally, and it comes at a time educators are increasingly considering the emotional health of students. Utah passed a similar law last year.

Oregon's bill, signed by Gov. Kate Brown last month, also represents one of the few wins for youth activists from around the state who were unusually active at the Capitol this year. Along with expanded mental health services, they lobbied for legislation to strengthen gun control and lower the voting age, both of which failed.

Haily Hardcastle, an 18-year-old from the Portland suburb of Sherwood who helped champion the mental health bill, said she and other student leaders were partly motivated by the national youth-led movement that followed last year's Parkland, Florida, school shooting.

"We were inspired by Parkland in the sense that it showed us that young people can totally change the political conversation," she said. "Just like those movements, this bill is something completely coming from the youth."

Hardcastle, who plans to attend the University of Oregon in the fall, said she and fellow youth leaders drafted the measure to respond to a mental health crisis in schools and to "encourage kids to admit when they're struggling."

Debbie Plotnik, executive director of the nonprofit advocacy group Mental Health America, said implementing the idea in schools was important step in challenging the way society approaches mental health issues.

"The first step to confront this crisis is to reduce the stigma around it," Plotnik said. "We need to say it's just as OK to take care for mental health reasons as it is to care for a broken bone or a physical illness."

Suicide is Oregon's second leading cause of death among those ages 10 to 34, according to data from the state Health Authority. Nearly 17% of eighth-graders reported seriously contemplating taking their lives within the past 12 months.

And it's not just an Oregon problem, although the state does have a suicide rate 40% higher than the national average. The national suicide rate has also been on the rise and recently hit a 50-year high, climbing more than 30% since 1999, according to the Centers for Disease Control and Prevention.

Previously, schools were obliged to excuse only absences related to physical illnesses. At many schools, absences must be excused to make up missed tests or avoid detention.

Under state law, students can have up to five absences excused in a three month period. Anything more requires a written excuse to the principal.

Despite little public opposition from lawmakers, Hardcastle said she's received pushback from some parents who say the legislation wasn't necessary, as students can already take mental health days by lying or pretending to be sick. Other opponents have said the law will encourage students to find more excuses to miss school in a state that also suffers from one of the worst absenteeism rates in the nation. More than 1 in 6 children missed at least 10% of school days in the 2015-2016 school year, according to state data.

But those criticisms miss the point of the bill, said Hardcastle. Students are going to take the same amount of days off from school with or without the new law, but they might be less likely to lie about why they're taking a day off if schools formally recognize mental health in their attendance policies.

"Why should we encourage lying to our parents and teachers?" she said. "Being open to adults about our mental health promotes positive dialogue that could help kids get the help they need."

Parents Roxanne and Jason Wilson agree, and say the law might have helped save their 14-year-old daughter, Chloe, who took her life in February 2018.

The Eugene-based couple said the funny and bubbly teen had dreams of becoming a surgeon but faced bullying after coming out as bisexual in middle school.

When things at school were particularly rough, Chloe would pretend to be sick to stay home.

"Because she lied to get her absences excused, we didn't get to have those mental health conversations that could have saved her life," said Roxanne, who now manages a local suicide prevention program.

Chloe was one of five teens to die by suicide in the Eugene area that month. Roxanne and Jason, who moved to the rural city of Dayton following their daughter's death, worry that those against the bill underestimate the hardships today's teens face.

"Calling kids coddled or sensitive will just further discourage them from being honest with adults about what they're going through," Jason Wilson said. "We need to do everything we can to open up that dialogue between parents and children when it comes to mental health."

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

03-41A-07 Pupil Discipline: Suspensions: Willful Defiance
[S 419](#)

Summary:

Applies certain provisions relating to suspension to charter schools. Prohibits the suspension of a pupil enrolled in a school district or charter school in grades 4 and 5, inclusive, for disrupting school activities or otherwise willfully defying the valid authority of those school personnel engaged in the performance of their duties.

Status: Signed by the governor on September 9, 2019

Comments: From [CBS Sacramento](#) (September 9, 2019)

Starting next school year principals and administrators will be banned from suspending students for “willful defiance” of teachers, staff, and administrators.

Senate Bill 419 bans schools from suspending students in grades 4-8 for disrupting school activities or willfully defying school authorities, including teachers and staff. The bill would also ban schools from suspending students in grades 9-12 for the same thing until January 1, 2025. The law would apply to both public and charter schools.

Governor Newsom signed the bill into law Monday. It will go into effect July 1, 2020.

Existing law already prohibits schools from suspending children in grades K-3 for disrupting or willful defiance. Existing law also prevents schools from recommending the expulsion of students in all grades for disrupting or willful defiance.

Students could still be suspended or expelled for other acts, including threatening violence, bringing a weapon or drugs to school, or damaging school property. Teachers could also still be allowed to “suspend pupils from class for the day and the following day who disrupt school activities or otherwise willfully defied valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.”

As part of the new bill, superintendents or principals would be asked to provide alternatives to suspension or expulsion that are “age-appropriate and designed to address and correct the pupil’s specific misbehavior.”

The Alliance for Boys and Men of Color supports the bill, writing:

“SB 419 would eliminate disruption/defiance as grounds for suspensions for all grade levels and keep more students in schools. If SB 419 is not passed, students will

continue to be subject to suspension based on disruption/defiance, which means students will be suspended from school and denied valuable learning time for anything from failing to turn in homework, not paying attention, refusing to follow directions, or swearing in class—including suspensions for just one isolated incident. Because it is so subjective, suspensions based on Section 48900(k) raise serious concerns about their disproportionate impact on students of color and other vulnerable student groups—including students with disabilities and/or those who are lesbian, gay, bisexual, transgender (LGBT), and/or gender non-conforming. Research confirms that there is even greater disproportionality for students in these groups suspended for low level, subjective offenses, like defiance/disruption, compared to higher level, more objective offenses. SB 419 and the elimination of suspension for disruption/defiance will result in an overall reduction in suspensions and an increase in positive outcomes for students and the communities in which they live.”

The Charter School Development Center opposes the legislation, saying:

“Charter schools were created to be public schools exempt from most sections of the California Education Code. Imposing unnecessary restrictions on these schools of choice is counterintuitive to the original intent of the legislature. Charter law requires each school’s petition to address issues of expulsion and this law would effectively overwrite the language of 1,300 charter petitions causing significant disruption at the local level. Further, this bill is based on no credible evidence of an expulsion problem in California charter schools. To the contrary, charter schools often serve as a school of last resort of students who have been expelled from traditional schools and these pupils thrive in a charter school environment.”

Research has shown the category of willful defiance was disproportionately used to discipline minority students, specifically African-Americans. Assembly Bill 420 was signed into law by Governor Brown in 2014, eliminating the expulsion option for schools. It took effect on January 1, 2015.

In the 2015-16 school year, 96,421 students suspended for willful defiance – a decrease of nearly 30,000 from 2014-15 school year. Willful defiance suspensions accounted for 24% of total suspensions statewide that school year. Willful defiance suspensions made up 20% of all suspensions in the 2016-17 school year, and 14% in the 2017-18 school year.

African-American students made up 5.6% of enrollment in California schools in 2017-18, but accounted for 15.6% of willful defiance suspensions. Conversely, white students made up 23.2% of statewide enrollment but made up only 20.2% of willful defiance suspensions.

The bill’s author, Senator Nancy Skinner (D-9th District), previously talked about the need for the bill, saying: “Under this highly subjective category, students are sent to an empty home, with no supervision, and denied valuable instructional time for anything

from failing to turn in homework, not paying attention, or refusing to follow directions, taking off a coat or hat, or swearing in class.”

In Governor Brown’s veto message last year, he wrote in part:

“Teachers and principals are on the front lines educating our children and are in the best position to make decisions about order and discipline in the classroom. That’s why I vetoed a similar bill in 2012. In addition, I just approved \$15 million in the 2018 Budget Act to help local schools improve their disciplinary practices. Let’s give educators a chance to invest that money wisely before issuing any further directives from the state.”

Pilot programs have been conducted in Orange County and Butte County and would provide the framework for the new statewide system. Several school districts, in San Francisco Unified, Los Angeles Unified, and Oakland Unified have already banned schools from issuing willful defiance suspensions and expulsions.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

03-41A-08 Suicide Prevention Bill
[SB 1468](#)

Summary:

Schools; suicide prevention training

Status: Signed by the governor on May 8, 2019

Comments: From [KTAR.com](#) (May 8, 2019)

Arizona Gov. Doug Ducey signed a bill Wednesday that will require all of the state's school faculty to complete suicide prevention training.

Ducey told KTAR News 92.3 FM's Mac & Gaydos on Tuesday that he planned to sign the bill.

"I normally don't comment on legislation until it gets to my desk, but this is a subject that just is way too important," he said.

"We're seeing way too much of this among our youth and inside our school system."

S.B. 1468 also known as the Mitch Warnock Act, will require the training for all faculty who work with students in grades 6-12, starting in the 2020-2021 school year.

Warnock was a student who died by suicide in 2016. His parents, both teachers, have pushed for the legislation to pass.

A similar bill was introduced in the state Legislature last year but failed to come to a vote.

The training required by the bill will include identifying the warning signs of suicidal behavior and implementing intervention and referral techniques.

Ducey said the state lost 50 youths to suicide in 2017.

"There are a lot of kids that are down, that are depressed, that are hurting themselves and taking their lives," he said.

"So the Mitch Warnock Act is going to train teachers ... how to deal with this, what the threat factors there are around dysfunction, in the family, trouble at home, the signs that young people give, so that we can help these kids and turn this around."

The bill passed both the state House and Senate unanimously last week and was sent to Ducey's desk on May 2.

Ducey said he also wants to increase the number of school counselors in the state to help improve students' mental health.

His budget proposes \$12 million that would go toward hiring 224 more counselors for Arizona schools.

"We need more counselors, and we also need teachers and educators to be aware of the warning signs inside the school," he said.

"We want to try to address this from every angle possible."

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

03-41A-09 Workforce Education Investment
[HB 2158](#)

Summary:

Creates a workforce education investment to train students.

Status: Signed by the governor on May 21, 2019.

Comments: From [The Seattle Times](#) (May 5, 2019)

Starting in 2020, more Washington residents will be able to attend college for less money. For many, it will be free.

About 110,000 low-to median-income students will qualify for help each year, including adults who never got a degree and want to go to school. There will be no more financial-aid wait lists.

The changes come from a sweeping higher education bill that passed along with the Legislature's budget last weekend, which will help families who make up to the state's median income—just under \$92,000 for a family of four. It has not yet been signed into law by Gov. Jay Inslee, who called on the Legislature to expand financial aid, but already, experts are calling it nationally significant.

It's a "unique and brilliant" approach, said college-aid expert Sara Goldrick-Rab, a Temple University professor and author of "Paying the Price: College Costs, Financial Aid, and the Betrayal of the American Dream." She called the bill "pretty much the most progressive state higher ed funding bill I've seen at the state level in years."

The Workforce Education Investment Act is expected to raise nearly \$1 billion over four years through a three-tiered hike in the state's business-and-occupation tax. It calls for increased tax rates on about 82,000 of the 380,000 taxpayers who pay the B&O tax, or about one-fifth of all businesses.

It also sets aside \$300 million over two years for public colleges and universities, making targeted investments to boost high-demand fields such as computer science, engineering and health care, and providing what the Legislature calls "foundational support" to recession-proof the state's colleges and universities.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

03-41A-10 Student Suicide Prevention Policy
[S 52](#)

Summary:

Requires school district to adopt policy on student suicide prevention; prescribes requirements of policy; directs school district to adopt policy by beginning of 2020-2021 school year.

Status: Signed by the governor on May 24, 2019.

Comments: From [The Lund Report](#) (May 23, 2019)

SALEM – School districts across the state must adopt comprehensive suicide prevention plans under a bill that passed the Oregon House of Representatives this week.

Representatives unanimously passed Senate Bill 52 on Monday, sending it to Gov. Kate Brown's desk for her signature. The bill, also known as Adi's Act, won unanimously approval by the Senate in March.

A spokeswoman for Gov. Kate Brown said the governor intends to sign the bill pending a legal review.

Named for Adi Staub, a Portland student who died by suicide in 2017, the bill would align Oregon with 47 other states that require district-by-district policies to address rising youth suicide rates in the state. There were 107 youth deaths by suicide in Oregon in 2017, according to the Oregon Health Authority, making it the second leading cause of death among Oregonians between 10 and 24 years old.

"Teenagers face ever-increasing levels of social pressure, whether from social media, school or trauma at home," Rep. Barbara Smith Warner, D-Portland, said on the House floor Monday. "Teachers and school personnel often lack the knowledge and resources to address the early warning signs of emotional and physical instability, which leads to correcting behavior after a major crisis instead of preventing it."

The issue is even more acute for lesbian, gay, bisexual and transgender youth like Staub. Nearly half of eighth-graders with nontraditional gender identities have contemplated suicide, and more than a quarter have attempted it, according to the state health authority's Healthy Teens Survey released last year.

Districts would work with the Oregon Department of Education and Oregon Health Authority under SB 52 to devise plans to diagnose and treat mental illness in children,

with consultation from suicide prevention experts. Those plans would be based on a national model developed by organizations like the American Foundation for Suicide Prevention, the American School Counselor Association and the National Association of School Psychologists, which have established nationwide best practices for suicide prevention.

The model would add a suicide prevention coordinator to each school district staff, train staff to recognize warning signs and risk factors and integrate suicide education into the class curriculum beginning in the 2020-2021 school year.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

04-41A-01 Renewable Natural Gas Bill
[SB 98](#)

Summary:

Sets voluntary renewable natural gas goals for Oregon's natural gas utilities; allows utility investment in the interconnection of renewable natural gas production; supports targets of 15% by 2030, 20% by 2035, 30% by 2050; establishes overall spending limit for renewable natural gas supply; provides local communities a potential revenue source to turn waste into energy.

Status: Signed by the governor on July 15, 2019.

Comments: From [GlobeNewswire.com](#) (July 31, 2019)

Oregon Governor Kate Brown has signed Senate Bill 98 into law, creating the path for renewable natural gas to become an increasing part of the state's energy supply. NW Natural, a subsidiary of NW Natural Holding Company (NYSE: NWN), worked with legislators to propose SB 98 to enable utilities to acquire renewable natural gas on behalf of Oregon customers.

Renewable natural gas is a zero carbon resource produced from local organic materials like food, agricultural and forestry waste, wastewater, or landfills, which can be added into the existing natural gas system.

SB 98 outlines goals for adding as much as 30% renewable natural gas into the state's pipeline system. There will be limits on the total amount paid for renewable natural gas that is overseen by regulators, protecting utilities and ratepayers from excessive costs as the market develops.

"Oregon has long been a place for innovation in environmental protections, and this legislation continues that tradition," said Governor Kate Brown. "Allowing our natural gas utilities to acquire a renewable product for their customers brings us one step closer to a clean energy future."

"This is the first piece of legislation of its kind in the nation and we couldn't be more pleased to lead the way," said David H. Anderson, president and CEO of NW Natural. "This is an important step in supporting our region's move to more renewable energy, closing the loop on waste and investing in homegrown solutions that address climate change."

"I'm proud to have worked with NW Natural and others to shepherd through this innovative policy that carves a renewable energy path for other states to follow," said

State Senator Michael Dembrow (District 23), chair of the Senate Environment and Natural Resources Committee. “This legislation will also create new, sustainable job opportunities throughout the state as this burgeoning local industry develops.”

“It’s essential that natural gas companies invest in renewable technologies to reduce greenhouse gas impacts and this is an important step,” said Meredith Connolly, Oregon director of Climate Solutions. “We appreciate NW Natural’s leadership to develop meaningful plans for clean energy solutions, including this piece of legislation.”

How it works

The new law sets voluntary renewable natural gas goals for Oregon’s natural gas utilities. Additionally, it:

Allows utility investment in the interconnection of renewable natural gas production

Supports targets of 15% by 2030, 20% by 2035 and 30% by 2050

Establishes an overall spending limit for renewable natural gas supply

Provides local communities a potential revenue source to turn their waste into energy

“SB 98 is a groundbreaking piece of legislation,” explains Nina Kapoor, director of State Government Affairs for the national Coalition for Renewable Natural Gas. “Several states have advanced policies in recent years to support renewable natural gas, however, the Oregon law goes further than any other by setting clear goals for renewable natural gas procurement.”

Natural gas utilities are regulated by the Public Utility Commission of Oregon and under current rules have an obligation to deliver the least-cost commodity to customers. This has been a barrier to purchasing and distributing renewable natural gas to Oregon customers, which can cost more in the same way that renewable electricity can cost more.

The market for renewable natural gas is fairly new but growing quickly. There are about 100 projects nationwide, and that’s expected to increase by 50% over the next year. Renewable natural gas is being prioritized as a main energy source for space heating in places like SeaTac Airport, and is being used in fleets like UPS and Waste Management. UPS recently made the largest commitment yet to use it for 40% of its total ground fuel purchases by 2025.

What is Renewable natural gas?

Renewable natural gas is a zero carbon resource produced from local, organic materials like food, agricultural and forestry waste, wastewater, or landfills. As these materials decompose, they produce methane. That methane can be captured, conditioned to pipeline quality and delivered in the existing pipeline system to vehicles, and homes and businesses where it can be used in existing appliances and equipment. This closes the loop on waste and provides a renewable energy option for the natural gas system, in the same way that wind and solar are used to generate renewable electricity.

How much renewable natural gas is possible?

Last year, the Oregon Department of Energy released its first inventory of technical potential and estimated there are enough sources statewide to produce nearly 50 billion cubic feet (BCF) of renewable natural gas. That's equivalent to the total amount of natural gas used by all Oregon residential customers today. Read the study.

Does NW Natural currently have renewable natural gas on its system?

Soon. We plan to begin accepting homegrown renewable natural gas onto our pipeline system through several projects by 2020.

NW Natural is working with the Metropolitan Wastewater Management Commission, a partnership of the cities of Eugene and Springfield and Lane County, to bring renewable natural gas onto the system, generated from methane produced during the wastewater treatment process.

We're also working with the City of Portland Bureau of Environmental Services, operator of the City of Portland's Columbia Boulevard Wastewater Treatment Plant. Some of the renewable natural gas generated here will be used as fuel for City vehicles, while the remainder will be injected onto NW Natural's system.

Enabling the way for hydrogen

Senate Bill 98 will support all forms of renewable natural gas including renewable hydrogen, which is made from excess wind, solar and hydro power. Renewable hydrogen can be used for the transportation system, industrial use, or blended into the natural gas pipeline system.

Staff Note:**Disposition of Entry:**

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

04-41A-02 Energy Efficient Light Bulb Law
[AB 54](#)

Summary:

Revises certain provisions relating to energy efficiency.

Status: Signed by the governor on May 27, 2019

Comments: From [American Council for an Energy-Efficient Economy](#) (May 28, 2019)

Joint statement by ACEEE's Jennifer Amann, ASAP's Andrew deLaski, and SWEEP's Tom Polikilas

Washington, DC—Nevada Governor Steve Sisolak signed AB54 into law this week, pushing back against the Trump administration's efforts to roll back energy-saving light bulb standards by adopting federal standards into state law. The measure will safeguard millions of dollars in consumer savings from the federal government's misguided attack on efficient light bulbs.

Jennifer Amann, American Council for an Energy-Efficient Economy (ACEEE)'s buildings program director:

"Nevadans are helping to hold the line against the administration's proposed rollback of light bulb standards. This bill will not only save Nevadans more than \$85 million in electric bills, but it will also help reduce carbon equal to a year's emissions from 60,000 cars from entering our atmosphere and destroying our climate."

Andrew deLaski, Appliance Standards Awareness Project's (ASAP) executive director:

"Just when the Trump administration seems dead set on a senseless rollback of federal light bulb standards, Nevada is joining other states in stepping into the breach to ensure their residents will get the energy- and bill-saving benefits of these commonsense standards."

Tom Polikalas, Nevada Representative, Southwest Energy Efficiency Project's (SWEEP)

"AB 54 will ensure that Nevadans obtain and benefit from energy-efficient light bulbs, even if the Trump Administration proceeds with its proposed rollback of efficiency standards on reflector and other specialty lamps. SWEEP applauds the Nevada Governor's energy office for proposing this bill, and the legislature for adopting it."

Nevada will become the fourth state after Vermont (H.411 from 2017), Washington (HB1444 enacted this month) and California (existing regulations already apply 2020 federal standards to some bulbs sold in state) to put the federal light bulb standards into state law.

A bill with the same anti-rollback measure (HB19-1231) is sitting on Colorado Governor Jared Polis' desk, and he is expected to sign it Thursday, May 30th.

California has a regulatory proceeding underway to expand the range of bulbs subject to their state standards to match the broader federal scope of coverage that the Trump DOE has proposed to eliminate.

Several other states are considering similar measures, at various stages of development.

According to ASAP, in 2025 alone, keeping the light bulb standards in place for Nevada will:

- Save Nevadans more than \$85 million in electricity bills
- Save an average of \$80 dollars per household
- Reduce global warming CO2 emissions by 280,000 metric tons, equal to a year's emissions from 60,000 cars

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

04-41A-03 Energy Efficiency
[HB 1257](#)

Summary:

Concerns energy efficiency; provide incentives and regulations that encourage greater energy efficiency in all aspects of new and existing buildings, including building design, energy delivery, and utilization and operations; establishes energy performance standards for larger existing commercial buildings; provides financial incentives and technical assistance for building owners taking early action to meet these standards before they are required to be met.

Status: Signed by the governor on May 7, 2019.

Comments: From [The National Law Review](#) (July 10, 2019)

As part of its comprehensive effort to reduce greenhouse gas emissions in Washington, the 2019 legislature adopted a new measure, HB 1257, aimed at reducing greenhouse gas emissions from Washington's commercial building sector. The new legislation, along with three companion bills—the Washington Clean Energy Transformation Act, which requires Washington's electric utilities to phase out greenhouse-gas emitting generation by 2045, a bill limiting emissions of hydrofluorocarbons (gases used in refrigeration and other industrial processes), and a bill encouraging electrification of Washington's transportation system—promise to profoundly change Washington's energy consumption patterns over the next two to three decades.

HB 1257 adopts a series of legislative changes designed to substantially improve the energy performance of commercial buildings, to encourage the conservation of natural gas and the use of renewable natural gas, and to make new commercial buildings ready for electric vehicle (EV) infrastructure.

Energy Performance Standards for Commercial Buildings and Early Adoption Incentives
HB 1257 adopts energy performance standards, aimed at reducing the energy intensity of Washington's commercial building stock, for commercial buildings exceeding 50,000 square feet. For such buildings, the Department of Commerce (Commerce) will adopt rules setting energy intensity targets (measured by energy consumption per square foot of commercial space) by building type. The rules will also require energy management plans that include operations and maintenance improvements, energy efficiency audits, and investment in energy efficiency measures designed to meet the energy intensity targets.

The rules are to be adopted by November 1, 2020, with a staggered compliance schedule: June 1, 2026, for buildings of more than 220,000 square feet; June 1, 2027,

for buildings between 90,000 and 220,000 square feet; and June 1, 2028, for buildings of 50,000-90,000 square feet. Buildings failing to meet the energy intensity targets may be subject to penalties of up to \$5,000 plus \$1 per square foot per year.

Building owners that adopt measures that exceed the energy intensity targets adopted by Commerce by at least fifteen energy use intensity units will be eligible for incentive payments of up to 85 cents per square foot, subject to an overall program cap of \$75 million. The incentive payments will be administered by utilities, with the costs of the program treated as a credit against the public utility tax owed by the utility, similar to the model successfully used for Washington's program encouraging community solar developments.

Because building owners will be responsible for financing energy conservation measures sufficient to meet the energy use intensity requirements, and to qualify for the early-adoption incentives, the legislation places a premium on creative energy efficiency financing solutions. For example, the innovative MEETS transaction model (recently adopted as the "Energy Efficiency as a Service" pilot program by Seattle City Light) may be an avenue for building owners to make energy efficiency a profit center while financing deep energy retrofits. In addition, the new legislation adds urgency to the case for Washington to adopt legislation permitting Property Assessed Clean Energy loans for commercial buildings, which have successfully facilitated large-scale financing of energy efficiency and clean energy measures in many other states.

Natural Gas Conservation and Renewable Natural Gas

Recognizing that natural gas remains a major source of heating for Washington's commercial buildings, HB 1257 adopts two new programs applicable to Washington's natural gas distribution utilities. First, the legislation requires those utilities to "identify and acquire all conservation measures that are available and cost-effective." To achieve this goal, the legislation requires the utilities to establish a conservation acquisition target every two years and, in determining whether an efficiency measure is cost-effective, to include the Obama Administration's "social cost of carbon" measure in its assessment. The legislation borrows heavily from the conservation standards applied to Washington's electric utilities under Initiative 937, which similarly requires the acquisition of all cost-effective energy conservation measures based on two-year planning cycles.

Second, the legislation adopts measures to encourage the use of renewable natural gas, which includes methane derived from the decomposition of organic matter, wastewater treatment facilities, and anaerobic digesters. The legislation requires Washington's natural gas utilities to offer a voluntary renewable natural gas tariff, which will allow gas customers to be served with renewable natural gas by agreeing to the tariff. In addition, the legislation permits natural gas utilities to propose a renewable natural gas program for a portion of the gas delivered to all retail customers. These programs will be subject to review and approval by the Utilities & Transportation Commission. Further, charges for renewable natural gas may not exceed the charge for ordinary natural gas by more than 5%.

Changes to Building Codes to Drive Energy Efficiency and EV Charging Stations
HB 1257 makes two significant changes to the laws governing Washington's building codes. First, for building codes governing nonresidential buildings, the legislation explicitly incorporates the requirement that new construction achieves a 70% reduction in energy use by 2031, using the 2006 energy code as a baseline. The legislature adopted this target in 2009, but HB 1257 explicitly incorporates the target into the process for establishing Washington's nonresidential energy building code, requiring the code to be updated every three years to move incrementally toward the 2031 target.

Second, the legislation mandates new building code provisions that require new construction with on-site parking to allow for EV charging infrastructure. Specifically, all new parking facilities must be constructed with either wiring or a raceway sufficient to accommodate Level 2 (240-volt) charging stations. Level 2 charging allows electric vehicles to be charged in a fraction of the time required to charge EVs from an ordinary 120-volt household socket. The legislation should therefore help remove charging as a perceived barrier to adoption of EVs, especially for potential EV purchasers who reside in multi-family buildings. The requirement should dovetail with transportation-related provisions of the other greenhouse gas legislation also adopted this year. These provisions include new legislation aimed at speeding electrification of Washington's transportation system, and the Clean Energy Transformation Act applicable to Washington's electric utilities, which includes alternative compliance options that permit utilities to encourage electrification of transportation if such measures achieve greenhouse gas reductions equal to or better than retiring fossil-fired generation.

Transformative Legislation

By prioritizing energy efficiency for Washington's commercial buildings and creating new programs to encourage renewable natural gas, HB 1257 promises to transform how commercial buildings operate in the state over the next two decades. The legislation is likely to create substantial new business opportunities for energy efficiency contractors, institutions interested in financing energy efficiency investments, and for producers of renewable natural gas such as dairy digesters.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

05-41A-01 Toxic Substances and Hazardous Materials Regulation
[S 55](#)

Summary:

Establishes an Interagency Committee on Chemical Management to evaluate chemical inventories in the state and identify potential risks from the inventories; makes requirements of a manufacturer of a children's product containing a chemical of high concern to children; authorize the commissioner of health to restrict the sale or require labeling of a children's product with a chemical of high concern to children in certain circumstances.

Status: Signed by the governor on June 19, 2019.

Comments: From mondaq.com (July 5, 2019)

By December 2019, drinking water systems in Vermont must conduct testing to measure all PFAS substances detectable from standard laboratory methods.⁴³ Senate Bill 49, signed into law in May 2019, also requires drinking water systems to continue monitoring for PFAS substances regulated by the state (perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorohexane sulfonic acid (PFHxS), perfluorononanoic acid (PFNA), and perfluoroheptanoic acid (PFHpA)) if any of these substances are detected during the initial monitoring. The frequency of required monitoring depends on the levels at which the substances are detected. If a drinking water system detects any of these substances individually or in combination at levels above the Vermont Department of Health advisory level of 20 ppt, the drinking water system must issue a "do not drink" notice that is applicable until the water system has implemented treatment to bring the levels below 20 ppt.

On June 19, 2019, Vermont's governor signed Senate Bill 55, which amends the state's chemical disclosure program for children's products.⁴⁴ The amended law requires manufacturers of children's products to include the brand name, product model, and universal product code in their disclosures for products that contain a chemical of high concern to children (CHCC). The amended law also changes the criteria for adding chemicals to the list of CHCCs by eliminating a requirement that findings be based on "the weight of" evidence. In addition, the law gives the Commissioner of Health more discretion and lowers the threshold to adopt rules regulating the sale and distribution of children's products containing CHCCs. The law also requires the Commissioner of Health to issue regulations regarding the timing and process for manufacturer disclosures when the manufacturer plans to introduce a new product between the CHCC program's required reporting dates. In addition, the Commissioner must submit a report on the CHCC program to the legislature by January 15, 2020. The report must discuss how to make disclosed information more "consumer-centric" and whether it

would be feasible to require review and approval prior to sale of the safety of children's products containing CHCCs. The legislation also codifies the existence of an Interagency Committee on Chemical Management (previously established by executive order). The Committee is charged with reviewing chemical use in Vermont and recommending legislative and regulatory action to address regulated chemicals as well as unregulated chemicals of emerging concern. The Committee will also monitor EPA actions under TSCA and notify Vermont agencies of EPA actions relevant to state agencies' jurisdiction.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

05-41A-02 Disposition of Human Remains
[S 5001](#)

Summary:

Revises provisions relating to the disposition of human remains; adds permit and endorsement requirements for cremation, alkaline hydrolysis, and natural organic reduction facilities.

Status: Signed by the governor on May 21, 2019.

Comments: From [The Seattle Times](#) (May 21, 2019)

On Tuesday, Gov. Jay Inslee signed SB 5001, “concerning human remains,” making Washington the first state in the U.S. to legalize human composting.

The law, which takes effect May 1, 2020, recognizes “natural organic reduction” and alkaline hydrolysis (sometimes called “liquid cremation”) as acceptable means of disposition for human bodies. Until now, Washington code had permitted only burial and cremation.

The bill had passed both legislative chambers with ample, bipartisan majorities: 80-16 in the House and 38-11 in the Senate.

This paves the way for Recompose, a project to build the first urban “organic reduction” funeral home in the country. Washington already has several “green cemeteries,” such as White Eagle Memorial Preserve in Klickitat County, where people can be buried without embalming, caskets or headstones. The Recompose model is more like an urban crematorium (bodies go in, remains come out), but using the slower, less carbon-intensive means of “organic reduction,” or composting.

The process, which involves using wood chips, straw and other materials, takes about four weeks and is related to methods of “livestock composting” that ranchers and farmers have been using for several years. Lynne Carpenter-Boggs, a soil scientist at Washington State University, says that practice can turn a 1,500-pound steer—bones and all—into clean, odorless soil in a matter of months.

Designer Katrina Spade started the endeavor as a nonprofit, called the Urban Death Project, back in 2014. Over the years, Spade has assembled a board of volunteer advisers, including scientists, attorneys and death-care professionals, then converted it to a small-business model called Recompose.

Carpenter-Boggs designed and managed a pilot study of the process in the summer of 2018 with the remains of six terminally ill people who supported the Recompose idea and had donated their remains for that research. The result, she said, was clean, rich, odorless soil that passed all federal and state safety guidelines for potentially hazardous pathogens and pollutants, such as metals.

Nora Menkin, executive director of the People's Memorial Association, a funeral-home cooperative and consumer advocacy group established as an alternative to higher-priced funeral homes, said around 20 supporters showed up for the signing in Olympia—with six kids (including her own), from 1 to 14 years old.

"Inslee congratulated Katrina pretty effusively," Menkin said. Menkin has heard of a few people around the country, including in Massachusetts and Michigan, who've been following the bill and hope to introduce it to their legislators.

"I think this is great," said Joshua Slocum, director of the Funeral Consumers Alliance, a national public-advocacy group based in Vermont. "In this country, we have a massively dysfunctional relationship with death, which does not make good principles for public policy. Disposition of the dead, despite our huge emotional associations with it, is not — except in very rare cases — a matter of public health and public safety. It's a real tough thing for people to get their minds around, and a lot of our state laws stand in the way of people returning to simple, natural, uncomplicated, inexpensive ways of doing things."

Rob Goff, executive director of the Washington State Funeral Directors Association (WSFDA), said Spade came to their spring meeting to talk about Recompose and faced close questioning from those in the industry. "I think some people were fine with it, others were not so fine with it, but it all boils down to personal choice for the families we're serving," Goff said. "People, primarily in Eastern Washington, are interested but not necessarily excited to run out, promote this, and get this product in our market."

The association, Goff explained, is officially neutral on all means of disposition as long as they're legal and the licensing requirements offer a level playing field to everyone in the business. "But I will say that people are talking about changing means of disposition all over the country, and we're excited to be in a state that's progressively moving forward. There hasn't been a lot of change in the past 100 years of funeral service. Now we get to be the front-runners."

Now Recompose has to build its first facility. Spade said she has been looking in Sodo and hopes to have the first one up and running, starting with 20-25 "vessels" for individuals, by late 2020. Recompose has already begun talks with the state Department of Licensing and the Funeral and Cemetery Board.

"I feel so happy," Spade said. "I can't believe we've come all this way, but here we are."

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

05-41A-03 An Act Relating to the U.S. Department of Veterans Affairs' Airborne Hazards and Open Burn Pit Registry
[S 111](#)

Summary:

Relates to the U.S. Department of Veterans Affairs Airborne Hazards and Open Burn Pit Registry.

Status: Signed by the governor on June 17, 2019.

Comments: From vtdigger.com (June 17, 2019)

There were tears in the audience when Gov. Phil Scott signed into law a bill promoting awareness about military burn pits.

The legislation, S.111, which Scott signed under bright sunshine outside Norwich University, calls for the creation of educational materials around the dangers of burn pits. It also makes enrollment in the Airborne Hazards and Open Burn Pit Registry opt-out instead of opt-in.

Burn pits were a common method of waste disposal in both Iraq and Afghanistan. Veterans and their families, however, are worried about the impact of inhaling the pits' fumes, and the new bill is a response to their concerns.

The U.S. Department of Veterans Affairs website claims that the health effects of burn pits are unknown. But for those who believe they have felt those effects, the correlation is clear: The bill saw testimony from several veterans and family members, including military widow June Heston of Richmond. Heston lost her husband seven months ago to pancreatic cancer, and doctors attribute the loss to toxins from the pits.

Sen. Jeanette White, D-Windham, who co-sponsored the bill, said she had never before seen an issue rouse as much "anger, frustration and sadness" as S.111. It passed easily in both the House and the Senate, a rapidity that multiple speakers called "necessary."

After its uncontentious run through the Legislature, Scott signed the bill next to Norwich's Gold Star Families Memorial Monument.

University President Richard Schneider said the monument was "very special" to Brig. Gen. Michael Heston, June Heston's late husband who served three tours in Afghanistan. Schneider recalled the day two years ago when the monument was built—a process that Heston helped with.

“[He] was actually here with a shovel, and the governor was here behind the big backhoe,” Schneider said.

Scott, who called Norwich the “best of the best in terms of the military,” emphasized the sacrifices of military families in his remarks before signing the bill.

“I know protecting your fellow soldiers and families is part of your duty, but you deserve our gratitude for doing so with honor,” he said. “We’re here to make S.111 law, because it’s our responsibility as civilians and as a government to do whatever we can to support the brave men and women who serve in our armed forces.”

After comments from Schneider, Scott, White and Rep. Chip Troiano, D-Stannard, the morning ended with June Heston herself. Most of the earlier speakers had referenced her story—but her personal appearance was met with lengthy applause.

“Mike knew the burn pits were a problem. What he didn’t know is that he would die as a result of war off the battlefield, in the battle of his life,” Heston said. “He would say to me, maybe now people will pay attention, so others won’t have to go through the same thing. So he was not only fighting for his life, he was fighting for his family, and he was fighting for his soldiers and their families.”

Upon signing the bill, Scott’s first action was to give Heston a hug.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

06-41A-01* Anti-Sexual Harassment Policies for State & Local Government
[HB 524](#)

Summary:

Requires state and local government agencies to enact anti-sexual harassment policies that include a process for handling complaints, a ban against retaliation when someone files a complaint and mandatory prevention training each year.

Status: Signed by the governor on May 17, 2018.

Comments: From the [Associated Press](#) (May 10, 2018)

Louisiana will enact its first government-wide policy against sexual harassment, under a measure given final passage by lawmakers after the secretary of state and a top aide to the governor resigned amid sexual misconduct allegations.

Rep. Barbara Carpenter, the Baton Rouge Democrat who sponsored the bill, asked female lawmakers to surround her Wednesday as the House sent the proposal to Gov. John Bel Edwards with a 98-0 vote. The Democratic governor supports the measure and is expected to sign it into law.

The bill will require state and local government agencies to enact anti-sexual-harassment policies that include a process for handling complaints, a ban against retaliation when someone files a complaint and mandatory prevention training each year. The requirements will take effect Jan. 1, though agencies are encouraged to enact them sooner.

Agency heads will have to compile annual reports, due Feb. 1 of each year, documenting the number of employees who have completed the training requirements, the number of sexual harassment complaints received over the last year and the number of complaints that resulted in disciplinary action. The records are required to be available to the public.

Female lawmakers called for a review of state policies against sexual misconduct after accusations across the nation spurred by the #MeToo movement unseated people in positions of power.

Louisiana has let government agencies cobble together their own standards, but hasn't required anti-sexual harassment policies to be enacted or set any parameters for them. The state's civil service department says most state agencies have established their own internal policies.

Approval of Carpenter's legislation came the day after Tom Schedler left office as Louisiana's secretary of state amid allegations he sexually harassed an employee and punished her when she rebuffed his advances. Schedler's spokeswoman said the pair had a consensual sexual relationship. The woman's lawyer denies that. Schedler's chief assistant, Kyle Ardoin, started working Wednesday in the interim role as the state's chief elections official until a successor is selected in a fall election.

Months earlier, Johnny Anderson resigned as Edwards' deputy chief of staff after a woman accused Anderson of sexually harassing her when they worked together in the governor's office. Anderson denied wrongdoing.

A legislative audit released in April shows Louisiana has spent more than \$5 million on 82 lawsuits involving sexual harassment claims since 2009. That includes payments to people who filed claims as well as lawyers' costs. Louisiana recently paid \$85,000 to settle the misconduct claims against Anderson.

Beyond the lawsuits, Legislative Auditor Daryl Purpera's office said executive branch agencies reported 330 internal complaints involving sexual harassment from 2013 through 2017. The attorney general's office told auditors that it doesn't track such complaints.

The most significant disagreement that emerged during the bill debate was over whether to keep certain details of sexual-misconduct investigations shielded from public view. Those public records exemptions didn't make it into the final version of the measure heading to the governor.

A separate anti-harassment proposal that would have banned employers from requiring their workers to sign contracts that keep them from filing sexual misconduct lawsuits in civil court failed to win support and was jettisoned in the House.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

06-41A-02 Drinking Water
[S 200](#)

Summary:

Establishes the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and the long terms. Authorizes the state board to provide for the deposit into the fund of certain moneys and would continuously appropriate the moneys in the fund to the state board for grants, loans, contracts, or services to assist eligible recipients.

Status: Signed by the governor on July 24, 2019.

Comments: From acwa.com (July 24, 2019)

Gov. Gavin Newsom today signed SB 200 (Monning), which creates the Safe and Affordable Drinking Water Fund, providing the legal structure and process for funding safe drinking water solutions for disadvantaged communities in California that currently do not have that access.

“ACWA is pleased that Governor Newsom has signed SB 200, enacting a durable funding solution for Californians who lack access to safe drinking water,” ACWA President Brent Hastey said. “We’re thankful to the governor, Senate President pro Tem Toni Atkins and Assembly Speaker Anthony Rendon for their leadership and to Senator Monning and other legislators who played key roles in solving this complex problem.”

The passage of SB 200 follows the June 27 enactment of the 2019-'20 State Budget, which sets forth the first part of the funding solution. The State Budget provides \$130 million for Fiscal Year 2019-'20 for safe drinking water solutions in disadvantaged communities that do not have access to safe drinking water.

In the first year, \$100 million of the funding will come from the Greenhouse Gas Reduction Fund (GGRF) and \$30 million from the General Fund. After the first year, SB 200 will provide that the funding will be 5% of the GGRF continuously appropriated – capped at \$130 million per year. The agreement includes General Fund funding as a backstop if 5% of the GGRF is less than \$130 million in any year. The funding will sunset in 2030.

Moving forward, ACWA and other stakeholders will provide valuable input to the State Water Resources Control Board on how to effectively and efficiently use the funding to solve this problem. Examples include closing the funding gap for operation and maintenance costs for treatment and consolidating small, unsustainable systems with other systems to provide safe drinking water.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

06-41A-03 Parental Rights and Separation

[H 836](#)**Summary:**

Amends the Probate Act; defines administrative separation; provides that the court lacks jurisdiction to proceed on a petition for the appointment of a guardian or standby guardian of a minor if it finds that the minor has a living parent whose parental rights have not been terminated, unless, among other things, the parent or parents, in the event of an administrative separation, are not presently located in the United States.

Status: Signed by the governor on July 23, 2019.

Comments: From [ABC7](#) (July 24, 2019)

Governor JB Pritzker signed Tuesday legislation that protects immigrant youth in Illinois.

House Bill 836 ensures children are able to have short-term guardians if they have a parent detained or deported by ICE. House Bill 1553 helps undocumented youth to obtain visas by aligning state laws with existing federal laws.

"The accomplishments we have secured together have been done in the name of this shared belief: Nobody should ever be treated as less than a person because of where they were born," said Governor Pritzker. "That's not the message coming from Washington. Just this morning, the Trump administration announced a new class of undocumented immigrants to be subjected to expedited deportation. Once again, they are demonizing people who don't look and think like they do. There is no place for that in Illinois. I'm proud to sign legislation that offers greater stability to the lives of immigrant children who deserve all the hope we can give them."

Staff Note:**Disposition of Entry:**

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

07-41A-01* Invisible Reinsurance Pool for the Individual Health Insurance Market
[HB 1106](#)

Summary:

Upon approval of a 1332 waiver, HB 1106 will be finalized. HB 1106 establishes a reinsurance program for North Dakota. The signed bill provides excellent definitions for future programs.

Status: Signed by the governor on April 18, 2019.

Comments: From the [Insurance Journal](#) (April 22, 2019)

North Dakota Gov. Doug Burgum has signed a bill that allows for establishing a reinsurance pool for the individual health insurance market in that state.

House Bill 1106, backed by the North Dakota Department of Insurance, was passed unanimously by the state House of Representative and received only one negative vote in the Senate.

HB 1106 outlines a plan developed by the department proposing the creation of a reinsurance mechanism called “invisible” reinsurance. The approach of invisible reinsurance allows enrollees to remain in the individual market with their current plan and carrier, while a portion of their claims are reimbursed by the reinsurance pool. The enrollee would not be aware that their claim is being paid via the reinsurance pool meaning there would be no effect on the enrollee as the task of ceding claims to the reinsurance pool is completed on the back end of the process and is without consequence to the enrollee.

The reinsurance program would cover 75% of paid claims per individual between \$100,000 and \$1,000,000 for 2020 and 2021.

A study conducted by the department in 2018 shows that the invisible reinsurance pool would reduce premiums and provide a low-cost alternative for healthier individuals. This would result in more individuals with health insurance, a more stable individual market and protection for health insurance companies from unpredictable high cost claims. This would also result in companies being more willing to participate in the North Dakota individual insurance market.

The reinsurance pool would be funded by a combination of federal funds and assessments. The assessments would be placed on insurance companies selling in North Dakota's health insurance market.

With the passage of HB 1106, the department will now finalize a 1332 waiver under the Affordable Care Act and seek approval from the federal government to implement this reinsurance program. Final approval is expected by the end of Sept. 2019.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

07-41A-02* Health Plans; Calculation of Enrollee's Contribution
[HB 2515](#)

Summary:

Requires any carrier issuing a health plan in the Commonwealth to count any payments made by another person on the enrollee's behalf, as well as payments made by the enrollee, when calculating the enrollee's overall contribution to any out-of-pocket maximum or any cost-sharing requirement under the carrier's health plan.

Status: Signed by the governor on March 21, 2019.

Comments: From [CBS 19 News](#) (March 27, 2019)

A new state law will protect patients in Virginia from an insurance practice that may undermine a patient's access to care.

Governor Ralph Northam signed the bill into law on Tuesday.

It will combat a tactic called copay accumulator adjustments, and Virginia is the first state in the United States to enact this kind of law.

The Fair Health Care VA coalition says, as the cost of health care increases, manufacturers have implemented copay assistance programs that help defray the cost of care through copay cards or coupons.

But now insurance companies have created copay accumulator adjustment programs that potentially aim to deny patients benefits by refusing to count the value of the copay assistance toward the patient's deductible.

The coalition says this is causing patients to face unexpected out-of-pocket costs before they can get the care they need.

"As out-of-pocket costs continue to rise, Virginia patients already face enough barrier to accessing the health care coverage that they need. Copay assistance programs are a critical resource, particularly for patients whose health care costs could bankrupt their families or force them to live without the care they need," said Dr. Bruce A. Silverman, a nephrologist and advocate for Fair Health Care VA. "Patients should not be denied one of the key benefits of copay assistance programs, particularly since insurers are already getting the value of negotiated drug price discounts while withholding these benefits from patients."

Under the new state law, any payments made toward a patient's cost of care, including out-of-pocket and copay assistance, will count toward the overall out-of-pocket maximum payment or deductible.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

07-41A-03 Alternative Treatment Options for Veterans

[H 501](#)

Summary:

Relates to alternative treatment options for veterans; authorizes the Department of Veterans Affairs to contract with a state university or Florida College System institution to furnish specified alternative treatment options for certain veterans; provides university or institution responsibilities; provides requirements for provision of alternative treatment options and related assessment data; provides alternative treatment eligibility requirements.

Status: Enacted on June 26, 2019.

Comments: From the [Daytona Beach News Journal](#) (June 30, 2019)

Before steering state tax dollars toward hyperbaric oxygen therapy for veterans, Sen. Tom Wright put down some of his own money.

Wright donated tens of thousands of dollars to help eight Florida veterans suffering with post-traumatic stress disorder and traumatic brain injury prior to his 2018 election. The results so convinced him of the effectiveness of the alternative treatments, he made it a top priority in his first legislative session to champion a bill providing additional money and program evaluation for a statewide pilot program.

Gov. Ron DeSantis signed the Alternative Treatment Options for Veterans bill last week.

“Meeting these veterans before and after the treatments, it’s amazing,” said Wright, a New Smyrna Beach Republican. “The wives say, ‘My husband’s back.’ The kids say, ‘My dad’s back.’”

About 72,000 U.S. veterans died from suicide between 2005 and 2012, according to a 2018 Veterans Administration report. At least some of these deaths, and the suffering of many other veterans can be attributed to PTSD and TBI.

“And the only thing we’ve been doing for them is putting them into a drug-induced stupor. They feel useless to themselves. They can’t keep a job or a marriage,” Wright said. “We think helping them with their PTSD will be helping them come back to the man or woman they were before PTSD took over their lives.”

Hyperbaric oxygen therapy, which involves breathing pure oxygen in a pressurized environment, increases oxygen in blood flow throughout the body, promoting healing and fighting infection. Studies and leading medical institutions suggest the jury is out on whether the treatment is effective for brain injury and other disorders, but Wright

convinced other lawmakers it's worth a pilot program that helps to gather more evidence.

The bill covers four other treatments: accelerated resolution therapy — a form of psychotherapy — music therapy, equine therapy and service animal training therapy, and creates a \$200,000 pilot program.

“With more than 1.5 million veterans living in Florida, this community makes up an important part of our state’s identity,” DeSantis said. “While we may never be able to fully repay these men and women for their sacrifices, we will continue to do everything we can to support them and their families.”

Brian Anderson, a veteran who served three deployments in Iraq and Afghanistan, saw three fellow soldiers killed in battle, another die by suicide and yet another by a drug overdose. It weighed heavily on him.

“I faced a lot of demons,” he said.

The accelerated resolution therapy helped him get on the road to healing, and 40 sessions of hyperbaric oxygen therapy also “helped tremendously,” Anderson said.

Toward the end of his third deployment, his mother sent him a social work textbook, which he read. It inspired him to enroll in a social-work program and in 2014 he opened Veterans Alternative Inc., a nonprofit organization in Holiday, a Pasco County community north of the Tampa Bay area.

The organization uses some of these therapies and a wellness program to help veterans and their families.

Wright’s bill makes Florida the first state to offer multiple treatments “on this scale” to veterans.

Anderson said he lobbied in support of the bill. “But every person I went to, every committee member or chairman, would say, ‘Oh, we already know this is Sen. Wright’s priority. He’s advocating hard.’”

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

07-41A-04 An Act Relating to the Rural Health Services Task Force
[H 528](#)

Summary:

This act creates the 14-member Rural Health Services Task Force to evaluate the current state of rural health care in Vermont and identify ways to sustain the system and to ensure it provides access to affordable, high-quality health care services. The Task Force must provide its findings and recommendations to the General Assembly by January 15, 2020. The act directs the Department of Mental Health to evaluate and determine the mental health bed needs for residential programs across the state by geographic area and provider type and to report its findings and recommendations to the General Assembly by December 15, 2019. The act also requires the Department of Mental Health, in collaboration with community service organizations, to initiate efforts to increase the number of affordable housing opportunities for individuals with mental health needs by identifying potential funding sources for supportive housing and by maximizing the use of Section 8 vouchers. If funding is available to invest in affordable housing opportunities, the act expresses legislative intent that the funds be used to create new options for affordable permanent housing around the State based on evidence-based supportive housing models.

Status: Enacted on May 15, 2019.

Comments: From vtdigger.com (March 19, 2019)

With Vermont's hospitals struggling to make ends meet, the House Health Care Committee wants to take a closer look at the future of rural health care.

The committee has approved H.528, which seeks to establish a Rural Health Services Task Force. That would bring together state officials, medical practitioners, mental health professionals and others to "identify ways to sustain the system and to ensure it provides access to affordable, high-quality health care services."

The bill comes in the wake of major financial problems at Springfield Hospital. But lawmakers said they're also interested in a larger examination of a system that's tasked with delivering modern health care in sparsely populated areas.

"I think it's a response to a much bigger issue," said Rep. Lucy Rogers, D-Waterville and a member of the Health Care Committee. "At the same time, Springfield is on our minds, clearly, right now."

Springfield Hospital's issues have led to job cuts and a state bailout. But Springfield is not the only Vermont hospital that's struggling: A recent analysis by the Green Mountain

Care Board found that a majority of the state's hospitals lost money on operations in fiscal year 2018.

The care board's report also found that the growth in hospital expenses is outpacing revenues statewide, and operating margins are eroding.

Rep. Ben Jickling, I-Randolph and a member of the Health Care Committee, said the state was "completely caught off guard" by the Springfield Hospital situation. He doesn't want to see that happen again, and he also wants to know how the state can better support its small hospitals.

"We as a state have to be in a better position to react to these situations, and to be more proactive," Jickling said.

Jickling had introduced H.446, which created a new Rural Health Commission and imposed a tax on the revenues of "walk-in" health care facilities like independent urgent care centers. Proceeds from that tax would have been used partly to fund rural health care pilot projects and partly to compensate hospitals that treat large numbers of Medicaid and uninsured patients.

Jickling's bill didn't advance. But in the days before the legislative "crossover" deadline for this year's session, the Health Care Committee took the idea of studying rural health care and placed it in a new bill—H.528—that the committee approved on Friday.

The legislation's Rural Health Services Task Force would include representation from the Agency of Human Services and the Green Mountain Care Board, as well as from the Office of the Health Care Advocate at Vermont Legal Aid.

There also would be two task force members from rural hospitals "that are located in different regions of the state and that face different levels of financial stability."

Additionally, the task force would include an independent, rural doctor and a licensed mental health professional along with representatives from federally qualified health centers, designated mental health agencies, home health agencies and long-term care facilities.

The task force would examine the rural health care system in Vermont and determining how to "ensure the sustainability" of that system, "including identifying the major financial, administrative and workforce barriers." The group is supposed to come up with ways to overcome those barriers and analyze "the potential consequences of the failure of one or more rural Vermont hospitals."

Vermont has not seen any closings, though Springfield came close. Nationwide, there have been more than 100 rural hospital closures in less than a decade.

“Is there a way we can go forward and support our hospitals so that we’re not a part of that trend?” Rogers asked.

At the same time, she noted that “hospitals don’t work in a vacuum—they work as part of a whole system.”

“The end goal is that everyone has access to high quality and affordable health care in rural places. Hospitals are a piece of that system, but we don’t want to be narrow in our view of that,” Rogers said. “We really wanted to bring together stakeholders from all the different parts of the rural health care system, not just hospitals, to talk about these issues.”

The task force’s report is due by Dec. 31. After that, the group would dissolve.

Rogers said the committee wanted to allow the task force room to set its own agenda for discussion while also giving lawmakers a prompt report on which to base legislation in 2020.

“Next year, it will be the same group of people (on House Health Care), which is really important to us, because there clearly is momentum surrounding rural health care in this committee,” she said.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

07-41A-05 Living Organ Donor Insurance
[H 1253](#)

Summary:

Concerns a prohibition on discrimination against a living organ donor in certain insurance policies; requires the Department of Human Services to develop materials related to live organ donation in order to educate the public on the benefits of live organ donation and the effect of live organ donation on the access of a living organ donor to insurance.

Status: Enacted on May 30, 2019.

Comments: From the [American Transplant Foundation](#) (May 3, 2019)

Today marks a huge victory in the transplant community through the passage of the Colorado Living Organ Donor Insurance Act! This lifesaving legislation was passed on the last day of the legislation session and we couldn't be more thrilled. Next step: Governor Polis' desk!

What it's all about: Colorado Living Donor Insurance Act will prohibit health, life, disability, and long-term care insurers from discriminating against living organ donors by charging them higher premiums or denying them insurance.

Right now, Colorado and New York are the only two states in the country that include health insurance in their bills. This provides extra protection for living donors in case the Affordable Care Act goes away and gives living donors peace of mind in the present.

The battle: This bill was introduced in March of 2019. Originally, it included life insurance, disability, and long-term care insurance providers.

American Transplant Foundation thought it was necessary to include health insurance companies to the list of entities that cannot discriminate against living organ donors in Colorado.

First, the Senate voted to include health insurance. However, it was rejected by the House. We rallied our volunteers, and thanks to consistent grassroots outreach campaign, the joint House and Senate Conference Committee decided to add health insurance back. Finally, during the last two days of the legislative session, both the Senate and the House approved this critical addition.

A message from American Transplant Foundation's Executive Director, Anastasia Henry: "We applaud the Colorado legislators who made this bill the best it can be. We have worked tirelessly to ensure living organ donors are protected in a way they

deserve to be. This bill complements the Living Organ Donor Support Act that we championed in 2018, and gets us a step closer to our vision of making Colorado the first state in the country where nobody dies while waiting for a transplant. Our hope is that as a result of this bill, more lives will be saved in Colorado and more states will follow this example."

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

07-41A-06 Employer Accommodation for Pregnancy
[H 2341](#)

Summary:

Makes unlawful employment practice for employer to deny reasonable accommodation to known limitations related to pregnancy, childbirth or related medical condition or to take certain actions related to reasonable accommodations to known limitations related to pregnancy, childbirth or related medical condition; requires employer to post notice to employees of provisions of law prohibiting employment discrimination because of pregnancy and protections provided under Act.

Status: Enacted on May 22, 2019.

Comments: From jacksonlewis.com (May 24, 2019)

Beginning January 1, 2020, Oregon employers must provide reasonable accommodations to employees and job applicants who have limitations related to pregnancy, unless doing so would impose an undue hardship. The new law applies to employers with at least six employees.

The Employer Accommodation for Pregnancy Act amends Oregon's civil rights code and its mandate extends to medical conditions related to pregnancy, including childbirth and lactation. The Act also expands protections against pregnancy-related discrimination by making it unlawful for an employer to deny employment to an applicant based upon the need to make a reasonable accommodation; take adverse action against an employee for inquiring about, requesting, or using a reasonable accommodation; require an employee to accept unnecessary reasonable accommodations; or use leave provided under the Family and Medical Leave Act (FMLA) instead of a reasonable accommodation.

In addition to providing reasonable accommodations, employers must provide a written notification of the Employer Accommodation for Pregnancy Act to new hires at the time of hire and within 180 days of the Act's effective date (i.e., by June 29, 2020) to all existing employees. Such written notification also must be provided within 10 days to an employee who has informed her employer of a pregnancy.

Finally, employers must post signs in a conspicuous and accessible location on their premises informing their employees of the protections under the Act.

Reasonable Accommodations

The Act provides examples of reasonable accommodations an employer may have to provide to an employee who is limited due to pregnancy, related medical conditions, childbirth, or lactation. Possible accommodations include:

- Acquisition or modification of equipment or devices;
- More frequent or longer break periods or periodic rest;
- Assistance with manual labor; or
- Modification of work schedules or job assignments.

Undue Hardship

The Act considers a reasonable accommodation constitutes an undue hardship if it requires “significant difficulty or expense.” In determining whether significant difficulty or expense exists, an employer must consider the nature and cost of the accommodation, the financial resources and size of the facility providing the accommodation, the financial resources and size of the employer, and the type of operations conducted by the employer.

Violations

Aggrieved employees may bring civil actions against their employers. Employees also may file complaints with the Oregon Bureau of Labor and Industries.

Compared with Existing Laws

The Act significantly expands what must be provided under existing law by requiring employers to accommodate employees who have pregnancy-related limitations. It remains to be seen how broadly Oregon courts interpret the term “limitations” used in the Act. Currently, the Act goes beyond protections for those who are considered disabled, as under the Americans with Disabilities Act Amendments Act (ADAAA) or under existing Oregon laws, or those who are unable to perform an essential function of their job due to a serious health condition, as under the FMLA.

In addition, employers covered by the Fair Labor Standards Act (FLSA) are required only to provide non-exempt employees with lactation breaks (subject to an undue hardship defense for smaller employers) and a private space (other than a bathroom) to express breast milk for up to one year following the birth of a child. The new Oregon law, however, also applies to exempt employees and does not limit how long an employer is required to accommodate a nursing mother.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

07-41A-07 Tobacco Products – Under 21
[HB 345](#)

Summary:

Prohibits the sale or furnishing of tobacco products, electronic cigarettes, or alternative nicotine products to a person under 21 years of age. Prohibits the purchase of tobacco products, electronic cigarettes, or alternative nicotine products by a person under 21 years of age.

Status: Signed by the governor on April 8, 2019.

Comments: From the [Journal Gazette & Times Courier](#) (June 30, 2019)

Starting today, (July 1) it will officially become illegal in Illinois for anyone to sell or provide tobacco cigarettes or other tobacco products to people under age 21.

The so-called “Tobacco 21” bill, House Bill 345, which Gov. J.B. Pritzker signed into law April 8, is one of several new laws that take effect today, the start of the new state fiscal year.

It prohibits anyone from selling or providing cigarettes, electronic cigarettes or any other “alternative” tobacco product to a person under age 21.

Both Illinois and Virginia passed Tobacco 21 laws this year, making them the seventh and eighth states to have such laws in effect, according to the Campaign for Tobacco-Free Kids. The others are Hawaii, California, New Jersey, Oregon, Maine and Massachusetts.

Delaware, Arkansas, Texas, Vermont, Connecticut, Maryland, Washington and Utah have enacted similar laws that are set to take effect between now and July 1, 2021...

SMOKING AGE TO 21

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Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

07-41A-08 Mental Health Parity Act
[H 7125](#)

Summary:

Requires each health carrier to submit an annual report concerning parity for mental health and substance use disorder benefits; requires the joint standing committee of the General Assembly having cognizance of matters relating to insurance to conduct an annual public hearing concerning such report; requires nonquantitative treatment limitations to be applied equally to mental health and substance use disorder benefits and medical and surgical benefits under certain health insurance policies.

Status: Signed by the governor on July 8, 2019.

Comments: From [The CT Mirror](#) (July 8, 2019)

Beginning in 2021, Connecticut insurance providers will have to submit annual reports detailing their coverage of mental health and substance abuse services.

The push toward greater transparency is aimed at ensuring the companies comply with state and federal mandates that bar them from placing greater restrictions on access to mental health services than on surgical or medical care.

“Mental health and substance abuse needs touch every family across the state ... whether you’re rich or poor, white, black, Latino or Asian,” said Sen. Matthew Lesser, D-Middletown. “It doesn’t matter what zip code you live in or how you came to this country. These issues of substance abuse and mental health can touch anybody.”

Gov. Ned Lamont on Monday signed into a law the bill that requires the providers to turn in yearly reports about their coverage. Reports on services covered next year are due to the state insurance commissioner in March 2021.

In April 2021, the commissioner will share the records with the legislature’s Insurance and Real Estate Committee, the attorney general, the state health care advocate and the head of Connecticut’s Office of Health Strategy. The following month, the insurance committee may hold a public hearing on the reports. Lesser and Rep. Sean Scanlon, two key backers of the bill, are co-chairs of that panel.

The new law does not include penalties for noncompliance, but advocates say the public scrutiny should provide an incentive.

“You would think the shame factor would count for something when you’re entering a big dialogue in the next few years on the future of health care in this country,” said former Rhode Island Congressman Patrick Kennedy, a proponent of the measure. “The

largest insurance companies in this country are here in Connecticut. You would think they would want to be proactive.”

Kennedy suggested the state do more to hold providers accountable, such as prohibiting them from bidding on state contracts if they flout federal or state parity laws.

The Federal Mental Health Parity and Addictions Equity Act was signed into law a decade ago.

Connecticut’s own parity mandate took effect in 2000. It required insurers to provide benefits for most mental or nervous conditions defined in the Diagnostic and Statistical Manual of Mental Disorders. But years after its passage, state officials said the bill was no guarantee of practical results. Some psychiatrists do not accept private insurance, and patients have trouble getting services covered.

Dita Bhargava, a one-time Democratic candidate for state treasurer, said coverage was limited during her son’s years-long struggle with opioid addiction. He died last July of a Fentanyl overdose.

“My son is no longer here. This bill would have helped him tremendously,” Bhargava said Monday. “He went through seven rounds of treatment. Every round was faced with the same challenges of trying to get insurance companies to approve his treatment.”

“Treatment was always only partially covered,” she said. “It was never more than 28 days, and we know this is a lifelong disease.”

Other provisions in the bill that required insurers to cover drugs prescribed for substance abuse treatment and to cover treatment regardless of whether it is court ordered were stripped before its final passage. The House approved the measure in May, and the Senate signed off on it in early June.

State officials regarded the law as an initial step in a protracted battle to ensure parity laws are followed.

“Nobody up here is going to say, ‘Hey, we’ve solved mental illness and substance abuse disorders and we’re going to go home and never talk about this again,’” Scanlon said. “This is the first step in a very long process.”

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

07-41A-09 Assisted Living and Home Care Rights

[H 90](#)

Summary:

Relates to health; establishes consumer protections for residents of assisted living establishments; prohibits deceptive marketing and business practices; establishes provisions for independent senior living facilities; establishes an assisted living establishment license; changes the name for Board of Examiners for Nursing Home Administrators; imposes fees; establishes a health services executive license.

Status: Signed by the governor on May 22, 2019.

Comments: From [WCCO](#) (June 5, 2019)

Minnesota Gov. Tim Walz signed historic elder abuse legislation Wednesday that will license assisted-living centers for the first time.

Minnesota had been the only state in the nation that did not regulate the centers that more than 55,000 seniors call home. This bill changes that.

Walz signed the bill at a Brooklyn Center conference aimed at preventing elder abuse.

"It is not only going to improve the lives of our parents our seniors, it's also going to be an acclamation that our democracy can still work," Walz said.

It was a bipartisan effort.

Related: Vulnerable adult protection and elder abuse

"Taking care of our seniors has no party behind it. There is no Democrat, no Republican. It's the right thing to do," Sen. Karin Housley said.

Minnesota's nursing homes have been regulated for years, while the state's 1,200 assisted living facilities are not. This at a time when the nursing home population has dropped to under 30,000 and the number of Minnesotans living in assisted living facilities has grown to more than 55,000.

The bill requires all assisted living facilities to be licensed and creates a resident's bill of rights.

The bill also has a provision that will allow people to put a hidden camera in their loved ones room if they suspect abuse.

The hidden camera provision becomes law in January of 2020 and the overall bill in August 2021. Until then, state officials will use the \$30 million the legislature allocated to help set up the infrastructure for enforcement of the bill.

For those at the Elder Abuse Conference, this legislation has been a long time coming.

“I think this will make a tremendous difference in Minnesota to older adults, allows for greater protections, consumer protections, older adults who are living in licensed care facilities. It’s momentous,” said Amanda Vickstrom, executive director of the Elder Justice Center.

If you have concerns before the new law goes into effect, you can call the Minnesota Adult Abuse Reporting Center. The toll-free number is 1-844-880-1574.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

07-41A-10 Immunization Requirements

[H 586](#)**Summary:**

Removes exemptions from immunization requirements based on religious or philosophical beliefs for students in elementary and secondary schools and postsecondary schools and employees of nursery schools and health care facilities; directs the Department of Education and the Department of Health and Human Services to remove any immunization exemptions based on religious or philosophical beliefs from their rules.

Status: Signed by the governor on May 24, 2019.

Comments: From [CNN](#) (May 27, 2019)

Maine has become the fourth state in the nation to prohibit people from opting out of immunization for religious or philosophical reasons.

Governor Janet Mills (D) signed a bill into law on Friday removing all non-medical exemptions to vaccination from the books.

"As governor, it is my responsibility to protect the health and safety of all Maine people, and it has become clear that our current laws do not adequately protect against the risks posed to Mainers," Mills said in a statement shared with CNN.

Mills cited an outbreak of whooping cough in three Maine counties, adding that her state has the worst rate of whooping-cough infection in the nation.

She also acknowledged that the immunization issue was "very emotional" for the people of her state.

"People of good will hold sincere beliefs on both sides of the issue," she said, "but Maine has a vaccination opt-out rate that is three times higher than the national average for students entering Kindergarten and the state ranks seventh in the country for the rate of non-medical exemptions taken among school-age children."

The State Senate's Republican leadership did not immediately respond to requests for comment.

The law will take effect in September 2021. Schoolchildren who claimed a non-medical exemption prior to the law taking effect will be allowed to attend school if their parent or guardian provides a written statement from a healthcare professional indicating they've been informed of the risks of refusing immunization.

Medical exemptions to vaccinations will still be granted.

With Mills' signature, Maine becomes just the fourth state in the nation to rule out religious or philosophical exemptions to immunization. California, West Virginia and Mississippi also lack non-medical exemptions from school immunization requirements, according to data maintained by the National Conference of State Legislatures.

Maine's new law comes amid a resurgence of measles across the nation. According to the Center for Disease Control and Prevention, 880 cases of measles were confirmed across 24 states between January 1 and May 17 of this year.

Measles vaccinations are 97% effective, according to the CDC. The disease had previously been declared eliminated in the U.S. in 2000.

Maine recorded its first case of measles since 2017 this month, in a child who had been vaccinated against the disease. Maine's Center for Disease Control and Prevention said the child has since made a full recovery.

Maine's CDC reported in April that immunization rates among school-age children was on the decline across the state for most diseases, and was already below the level required for so-called "herd immunity"—the threshold at which enough individuals in a population are immune that disease transmission is unlikely even among the unvaccinated.

The agency reported that roughly half of the state's kindergarten classes do not meet the herd immunity threshold of 95% vaccination.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

07-41A-11 Immunizations: Medical Exemptions

[S 276](#)

Summary:

Requires the state Department of Public Health to develop and make available for use by licensed physicians and surgeons an electronic, standardized, statewide medical exemption request that would be transmitted using the California Immunization Registry, and would be the only documentation of a medical exemption that a governing authority may accept.

Status: Signed by the governor on September 9, 2019.

Comments: From [KPBS](#) (September 4, 2019)

California's state Assembly approved legislation Tuesday designed to crack down on doctors who sell fraudulent medical exemptions for vaccinations. But Gov. Gavin Newsom's office said immediately after the vote that he will seek additional amendments affecting one of this legislative session's most hotly debated issues.

The bill by Democratic Sen. Richard Pan of Sacramento would allow state public health officials to investigate doctors who grant more than five medical exemptions in a year and schools with vaccination rates of less than 95%.

The debate has drawn hundreds of advocates to the state Capitol in emotional support or opposition. A vaccination opponent faces a misdemeanor assault charge after forcefully shoving Pan earlier this month, a confrontation that the activist filmed and shared on social media. Opponents also disrupted a committee hearing Friday even after lawmakers advanced the measure to the full Assembly.

Newsom "appreciates the work the Legislature has done," his office said in a statement after the Assembly approved the measure on a 47-17 vote. However, "there are a few pending technical—but important—changes to the bill that clarify the exemption and appeal process that have broad support."

Newsom spokesman Nathan Click said Wednesday that changes are needed to make the rules clear.

The governor is seeking amendments making it clear that enforcement will start next year. They would also remove a requirement that doctors swear under penalty of perjury that they are not charging fees to fill out medical exemption forms.

Pan said he hasn't recently discussed changes with the governor.

RELATED: California Assembly Committee Backs Vaccine Exemption Law

Supporters said lower vaccination rates erode the "community immunity" that limits measles outbreaks like those that reached their highest level in decades this year, while opponents said the measure improperly interferes with doctor-patient relationships.

"This protection is being undermined by a handful of unscrupulous physicians who are profiting from putting children at risk and making our schools less safe," said Democratic Assemblywoman Lorena Gonzalez of San Diego, a principal co-author of the bill.

But even some lawmakers who said they support vaccinations objected that the measure goes too far or sets up an expensive, unwieldy bureaucracy.

"We want to promote and support legitimate medical exemptions so that children don't get hurt," said Assemblyman Al Muratsuchi, a Democrat from Torrance. "It's going to have a chilling impact on legitimate medical exemptions, and I fear that that would be bad public policy that may lead to some children being injured."

The Democratic governor, a father of four, earlier expressed his own reservations and negotiated changes with Pan after it initially passed the Senate.

As amended, it would bar doctors from charging fees to fill out medical exemption forms or conducting related medical examinations. They would have to sign the forms under penalty of perjury.

State public health doctors or registered nurses would review exemptions issued by local medical providers who issue five or more a year or at schools with high exemption rates.

The state public health officer, who is a doctor, could revoke any exemptions that don't meet national guidelines. Parents could appeal to an independent panel of doctors.

Officials could consider families' medical histories in allowing exemptions in addition to immunization guidelines issued by federal medical authorities.

The debate has received national attention, with actress Jessica Biel joining prominent vaccination critic Robert F. Kennedy Jr. at the Capitol in June to lobby against the bill. Biel later said she supports children being vaccinated but also backs giving families the "right to make educated medical decisions."

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

07-41A-12 An Act Concerning Regulation (Coverage for Epinephrine Autoinjectors)
[HB 3435](#)

Summary:

Provides that a policy of accident and health insurance or a managed care plan shall provide coverage for medically necessary epinephrine autoinjectors for persons 18 years of age or under.

Status: Signed by the governor on August 9, 2019.

Comments: From [Illinois Public Media News](#) (August 21, 2019)

Illinois will soon require insurers to cover EpiPens and similar devices for children 18 and under. But questions remain about whether the law will really lower costs for consumers.

Some have raised concerns about whether the new law will make any difference for people with high deductibles, co-pays or other out-of-pocket costs, since it does not limit the prices manufacturers can charge for epinephrine auto-injectors, commonly known by the name brand EpiPen.

But State Rep. Jonathan Carroll (D-57), who sponsored the bill, said he's optimistic insurers will negotiate to keep costs for epinephrine auto-injectors down for themselves, since they'll have to cover them—and that should help lower out-of-pocket costs for consumers.

"I think they're in a much better position to negotiate drug prices, moreso than the individual consumer," Carroll said in an interview on Illinois Public Media's statewide talk show, The 21st.

Carroll said he worked with lobbyists for insurers to come up with language in the bill that was agreeable to them.

"So it wasn't that we passed a law and then they said, 'Oh no, we're not going to do this.' They were agreeable to it," he said.

Epinephrine can be lifesaving for people with severe allergies, by narrowing the blood vessels and opening the airways in the lungs during an allergic reaction. But they've gotten more expensive over the years and can now cost more than \$700 for a two-pack, according to a statement from Gov. J.B. Pritzker's office.

Carroll said he brought this bill to the floor after he tried to get an EpiPen for his daughter and realized it cost hundreds of dollars.

"I said to my wife, 'Thank God we're in a position we can (pay for it) but what about the Illinois families that can't?'" he said.

State Sen. Julie Morrison (D-29), another sponsor of the measure, said steady increases in food allergies and other serious allergic conditions have led families to rely on EpiPens more than ever before.

"We should be doing everything we can to expand access to affordable lifesaving drugs and medicines," Morrison said in a statement. "No child with a serious allergy should be without an epinephrine injector because they cannot afford one."

Carroll said since Pritzker signed the bill into law earlier this month, he's received an outpouring of thanks from families of children with allergies.

And he said if the law doesn't work as intended, he's open to revising it.

"Everything is an evolving process in legislation," he said. "Obviously if there are hiccups, we can look at those when they come up."

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

07-41A-13 Anaphylactic Policies for Child Care Services
[S 218](#)

Summary:

Amends the Public Health Law; requires anaphylactic policies for child care services setting forth guidelines and procedures to be followed for both the prevention of anaphylaxis and during a medical emergency resulting from anaphylaxis.

Status: Signed by the governor on September 12, 2019.

Comments: From [Allergic Living](#) (June 19, 2019)

The New York State Assembly has passed legislation the food allergy community has been waiting for: Elijah's Law, which tells early education programs in New York they must follow state food allergy guidelines and protocols to prevent, recognize and respond quickly to life-threatening anaphylactic reactions.

The result of an initiative known as "Elijah's Echo," the legislation, which passed the Assembly on June 17, hails from the inspiring advocacy of Thomas Silvera and Dina Hawthorne-Silvera, whose 3-year-old son Elijah-Alavi tragically died of anaphylaxis after a New York City daycare employee fed him a grilled cheese sandwich. The governor must simply sign it now to become law.

The failure in the system was that Elijah had a known severe dairy allergy, among other food allergies, and asthma. Not only did the daycare center give Elijah food to which he was severely allergic, they also failed to call 911. They only told Elijah's mother that he was having an asthma attack; she was not told that he had eaten and therefore needed epinephrine.

This is what Elijah's Law will address directly: that proper education and training is critical to preventing a devastating failure in care like this from happening again.

Thomas Silvera told Allergic Living: "Elijah's Law will go a long way to ensure that all children in every learning environment—daycare center, pre-K programs, and K-12—are better cared for when it comes to food allergies."

The New York Assembly passed a second important piece of allergy-related legislation on June 18. Called Gio's Law (A1024B), this bill authorizes state police and firefighters to be trained on how to administer epinephrine auto-injectors and to carry these auto-injectors in their vehicles. Georgina Cornago Cipriano spearheaded this legislation after her son Giovanni, who had a peanut allergy, tragically passed away due to anaphylaxis. The law's passage came as a shock, as Cornago Cipriano had lost hope the bill would

succeed in this session. But then last-minute amendments for first responder education led to a swift and favorable vote.

“Giovanni’s name will forever be known, never forgotten now, and this bill will continue to save lives because of him. Just as Elijah will continue saving lives through their newly passed legislation,” she told Allergic Living. “It’s unfortunate that these laws have had to be written in the blood of our children’s loss. We don’t want to have to write these like this anymore.” She stressed the critical need for food allergy treatments and better education from health-care providers.

What Elijah’s Law Says

Commenting on Elijah’s Law, Kenneth Mendez, CEO and president of the Asthma and Allergy Foundation of America, summed up the crux of the matter: “One preventable death of a child is one too many.”

Elijah’s Law (A6971B) essentially extends food allergy protections currently in place in K-12 schools to all early child-care programs, like Elijah’s daycare center.

As Mendez explains, “Although daycare centers and preschools are obligated to accept students with food allergies, there is no federal requirement for early education centers to have food allergy management policies and procedures in place. Thomas Silvera set out to ensure that children with food allergies in New York are properly cared for in daycare centers.”

The new law requires the Health Commissioner to establish for daycare providers guidelines and procedures for the prevention of and response to anaphylaxis. These protocols will include training courses, guidelines for the development of individualized emergency health-care plans, communication and treatment plans, and risk-reduction strategies. Child-care programs will be required to have protocols in place for communicating about foods that are safe and unsafe, along with strategies to avoid allergen exposure.

Silvera describes the ultimate goal of Elijah’s Law as threefold:

- “Access: for every daycare to be stocked with epinephrine auto-injectors.
- Education: for every adult that works in daycares to know the signs of anaphylaxis and be able to treat children experiencing it.
- Equity: to make sure that all children in every school in every neighborhood regardless of socioeconomic conditions, culture, or class, are safe when their parents drop them off at school.”

‘Elijah’s Echo’ Pushes Forward

The New York State Assembly's vote approving Elijah's Law follows the state Senate's passage in late May. The bill appeared to be stalled in the Assembly, so the food allergy community sprang into action. Mendez said AAFA's Kids With Food Allergies community gave the bill a boost by sending over 200 letters from New York residents to their state lawmakers. Food Allergy Research & Education (FARE) similarly mobilized a letter-writing campaign. All that's awaited now is Governor Andrew Cuomo's signature, which will represent the culmination of the untiring advocacy of the Silvera family, the lawmakers who backed them, and the food allergy community which has stood with them.

Thomas Silvera hopes the strength and reach of Elijah's legacy and his family's advocacy doesn't stop at the state borders. He told Allergic Living, "Governor Cuomo once said, 'When New York does something, the rest of the country pays attention.' He's right."

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

07-41A-14 An Act Relating to Insurance (Life Insurance Policies) and Naloxone Prescriptions
[S 799](#)

Summary:

Prohibits a life insurance company to deny or otherwise discriminate in the offering of insurance based solely on the applicant having been issued a prescription for naloxone or has purchase naloxone.

Status: Signed by the governor on July 8, 2019.

Comments: From [The Associated Press](#) (June 25, 2019)

Rhode Island's General Assembly is sending a measure to the governor's desk that would prohibit life insurance companies from denying or limiting policies for people with a prescription for an opioid overdose-reversal medication.

The bill will be sent along to Democratic Gov. Gina Raimondo after passing the House on Monday and the Senate last month. Raimondo spokesman Josh Block said Tuesday that naloxone is a life-saving medication and that the governor "strongly supports" this effort to ensure no Rhode Island resident is denied a life insurance policy for filling a prescription for it.

Democratic Senate President Dominick Ruggerio and Democratic Rep. Justine Caldwell, of East Greenwich, sponsored the bill. The issue came to Ruggerio's attention because a nurse who got a naloxone prescription was denied life insurance in Rhode Island, according to his spokesman.

The state should be encouraging anyone who may come in contact with overdose victims to have naloxone accessible, including people who work in health care or public safety and people who know someone with an opioid addiction, Ruggerio said.

The bill says no life insurance company in Rhode Island can deny a policy application solely on the basis that the applicant has a prescription to carry or possess naloxone. If Raimondo signs, insurers will have to reopen the application process for anyone denied life insurance due to a naloxone prescription.

Merely being in possession of naloxone doesn't make someone an insurance risk, Caldwell said. Rhode Island has an "open prescription" for naloxone, meaning anyone can obtain it at a pharmacy.

The number of accidental drug overdose deaths in Rhode Island has continued to decline, unlike in many other states. There were 314 overdose deaths in 2018,

compared with 324 in 2017 and 336 in 2016, according to the Rhode Island Department of Health.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

07-41A-15 Relating to Prohibited Practices by a Life Insurance Company Relating to an Individual's Prescription for or Obtainment of an Opioid Antagonist
[SB 437](#)

Summary:

Establishes prohibited practices by a life insurance company relating to an individual's prescription for, or obtainment of, an opioid antagonist.

Status: Signed by the governor on September 1, 2019.

Comments: From the [Denton Record-Chronicle](#) (January 23, 2019)

State Sen. Jane Nelson, R-Flower Mound, filed three bills Thursday aimed at the opioid epidemic.

On average, 115 Americans die each day from an opioid overdose. The death rate from opioid overdoses in Texas has increased about 10% each year since 2014.

To confront the epidemic, Nelson filed the following:

Senate Bill 435, which directs local school health advisory councils to recommend appropriate opioid addiction and abuse curriculum for their districts.

SB 436, which expands the Texas Alliance for Innovation in Maternal Health program to curb maternal opioid abuse disorder, a leading cause of maternal deaths in Texas.

SB 437, which makes it easier for good Samaritans to carry the lifesaving drug Naloxone by prohibiting life insurance companies from denying coverage solely because a person possesses an opioid antagonist drug.

Lawmakers can continue to file bills for the current legislative session through March 8.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

07-41A-16 An Act to Amend Sections 740 and 741 of the Business and Professions Code, Relating to Healing Arts
[AB 714](#)

Summary:

Existing law (AB2760) requires a prescriber, as defined, to offer to a patient a prescription for naloxone hydrochloride or another drug approved by the United States Food and Drug Administration for the complete or partial reversal of opioid depression when certain conditions are present, including if the patient presents with an increased risk for overdose or a history of substance use disorder, and to provide education on overdose prevention to patients receiving a prescription and specified other persons. This bill would make those provisions applicable only to a patient receiving a prescription for an opioid or benzodiazepine medication and would make the provisions specific to opioid-induced respiratory depression, opioid overdose, opioid use disorder, and opioid overdose prevention, as specified. The bill, among other exclusions, would exclude from the above-specified provisions requiring prescribers to offer a prescription and provide education prescribers when ordering medications to be administered to a patient in an inpatient or outpatient setting. The bill would define terms for purposes of those provisions.

Status: Signed by the governor on September 5, 2019.

Comments: From the [California Legislature](#) (September 10, 2018)

Bill that was amended was the following:

Assembly Bill No. 2760
CHAPTER 324

An act to add Article 10.7 (commencing with Section 740) to Chapter 1 of Division 2 of the Business and Professions Code, relating to healing arts.

[Approved by Governor September 10, 2018. Filed with Secretary of State September 10, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2760, Wood. Prescription drugs: prescribers: naloxone hydrochloride and other FDA-approved drugs.

Existing law provides for the regulation of health care practitioners and requires prescription drugs to be ordered and dispensed in accordance with the Pharmacy Law. Existing law authorizes a pharmacist to furnish naloxone hydrochloride in accordance

with standardized procedures or protocols developed by both the California State Board of Pharmacy and the Medical Board of California.

This bill would require a prescriber, as defined, to offer a prescription for naloxone hydrochloride or another drug approved by the United States Food and Drug Administration for the complete or partial reversal of opioid depression to a patient when certain conditions are present and to provide education on overdose prevention and the use of naloxone hydrochloride or another drug to the patient and specified others, except as specified. The bill would subject a prescriber to referral to the board charged with regulating his or her license for the imposition of administrative sanctions, as that board deems appropriate, for violating those provisions.

DIGEST KEY

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

BILL TEXT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Abuse and misuse of opioids is a serious problem that affects the health, social, and economic welfare of the state.

(b) After alcohol, prescription drugs are the most commonly abused substances by Americans over 12 years of age.

(c) Almost 2,000,000 people in the United States suffer from substance use disorders related to prescription opioid pain relievers.

(d) Nonmedical use of prescription opioid pain relievers can be particularly dangerous when the products are manipulated for snorting or injection or are combined with other drugs.

(e) Deaths involving prescription opioid pain relievers represent the largest proportion of drug overdose deaths, greater than the number of overdose deaths involving heroin or cocaine.

(f) Driven by the continued surge in drug deaths, life expectancy in the United States dropped for the second year in a row in 2016, resulting in the first consecutive decline in national life expectancy since 1963.

(g) Should 2017 also result in a decline in life expectancy as a result of drug deaths, it would be the first three-year period of consecutive life expectancy declines since World War I and the Spanish flu pandemic in 1918.

SEC. 2. Article 10.7 (commencing with Section 740) is added to Chapter 1 of Division 2 of the Business and Professions Code, to read:

Article 10.7 Opioid Medication

740. For purposes of this article, "prescriber" means a person licensed, certified, registered, or otherwise subject to regulation pursuant to this division, or an initiative act referred to in this division, who is authorized to prescribe prescription drugs.

741. (a) Notwithstanding any other law, a prescriber shall do the following:

(1) Offer a prescription for naloxone hydrochloride or another drug approved by the United States Food and Drug Administration for the complete or partial reversal of opioid depression to a patient when one or more of the following conditions are present:
(A) The prescription dosage for the patient is 90 or more morphine milligram equivalents of an opioid medication per day.

(B) An opioid medication is prescribed concurrently with a prescription for benzodiazepine.

(C) The patient presents with an increased risk for overdose, including a patient with a history of overdose, a patient with a history of substance use disorder, or a patient at risk for returning to a high dose of opioid medication to which the patient is no longer tolerant.

(2) Consistent with the existing standard of care, provide education to patients receiving a prescription under paragraph (1) on overdose prevention and the use of naloxone hydrochloride or another drug approved by the United States Food and Drug Administration for the complete or partial reversal of opioid depression.

(3) Consistent with the existing standard of care, provide education on overdose prevention and the use of naloxone hydrochloride or another drug approved by the United States Food and Drug Administration for the complete or partial reversal of opioid depression to one or more persons designated by the patient, or, for a patient who is a minor, to the minor's parent or guardian.

(b) This section does not apply to a prescriber when prescribing to an inmate or a youth under the jurisdiction of the Department of Corrections and Rehabilitation or the Division of Juvenile Justice within the Department of Corrections and Rehabilitation.

742. A prescriber who fails to offer a prescription, as required by paragraph (1) of subdivision (a) of Section 741, or fails to provide the education and use information required by paragraphs (2) and (3) of subdivision (a) of Section 741 shall be referred to the appropriate licensing board solely for the imposition of administrative sanctions deemed appropriate by that board. This section does not create a private right of action against a prescriber, and does not limit a prescriber's liability for the negligent failure to diagnose or treat a patient.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

07-41A-17 Insulin Prices
[HB 1216](#)

Summary:

Requires a carrier to reduce the cost sharing a covered person is required to pay for prescription insulin drugs by a certain amount of the total rebates received by the carrier per prescription insulin drug, including price protection rebates, or an amount that ensures cost sharing will not exceed a certain percent of the carrier's cost for the prescription insulin drug, subject to a maximum out of pocket cost of a specified sum per one month supply of insulin.

Status: Signed by the governor on August 2, 2019.

Comments: From [KRDO](#) (March 20, 2019)

Colorado legislators are working on reducing the price of insulin for people in Colorado, and a new bill was passed Wednesday by the House Health and Insurance Committee.

HB19-1216 would cap the total co-pay that patients will pay for insulin to \$100 per monthly supply. That's regardless of how much insulin is being dispensed, according to a news release from Colorado House Democrats.

More than 420,000 people in Colorado have diabetes, according to Wednesday's release, and the average out-of-pocket costs for insulin are ranging from \$600 to \$900 per month for Coloradans.

If passed, the legislation would also direct the Colorado Attorney General's Office to investigate "the business practices, organization, pricing, and data of pharmaceutical manufacturers, pharmacy benefit managers, insurance carriers, and any other entity that influences insulin costs" and then write a report to identify possible solutions through the legislature.

This is in response to the skyrocketing price of insulin, which has gone up by about 45% between 2014 and 2017 and has risen by more than 700% in the last 20 years, according to Democratic Rep. Dylan Roberts, who is sponsoring the bill.

According to the release, the annual medical cost in the state for insulin prescriptions to treat diabetes is roughly \$700 million.

The bill passed the committee by a largely bipartisan vote of 9-2 and will next head to the House Appropriations Committee.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

07-41A-18 Require Certain Overdose Counselings and Prescribing
[SB 221](#)

Summary:

Relates to opioid overdose; requires health care providers, under certain circumstances, to counsel patients on the risks of overdose and opioid overdose reversal medication and to co-prescribe an opioid antagonist.

Status: Signed by the governor on March 28, 2019.

Comments: From [idsupra.com](https://www.legis.state.nm.us/idsupra.com) (July 1, 2019)

In 2019, the Legislature enacted several bills affecting healthcare practitioners in New Mexico. Although some bills have a general applicability to health care providers, others address more specific medical practices. Following is a summary of several bills impacting health facilities and providers...

Bills Affecting Health Care Providers

Pain Relief Act (SB 221), requires a health care provider who prescribes, distributes, or dispenses an opioid analgesic to a patient to advise the patient of the risks of overdose and the availability of opioid antagonists, and to also provide an opioid antagonist if the provider prescribes at least a five-day supply of the analgesic, along with written information regarding the temporary effects of the opioid antagonist and a warning that a person administering the opioid antagonist should call 911 immediately after administering the opioid antagonist.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

07-41A-19 Opioid Use Disorder
[SB 5380](#)

Summary:

Revises provisions relating to opioid use disorder treatment, prevention, and related services; expands the list of individuals that are immune from criminal and civil liability or disciplinary action to include the Secretary who issues a standing order prescribing opioid overdose reversal medications to any person at risk of such; provides exemptions from the requirements for a refill authorization of controlled substances to be electronically submitted.

Status: Signed by the governor on May 8, 2019.

Comments: From the [Washington State Democrats](#) (May 8, 2019)

Comprehensive legislation signed into law today by Gov. Inslee will take action on society's growing opioid crisis on multiple fronts.

"A public health threat as pervasive as the opioid crisis requires a wide range of solutions," said Sen. Annette Cleveland (D-Vancouver), the sponsor of Senate Bill 5380. "This legislation addresses everything from prevention and education to treatment and swift responses to overdoses."

Cleveland, who chairs the Senate Health Care Committee, noted that opioid abuse claimed more than 700 lives in Washington in 2018 and is a leading cause of accidental deaths. The Centers for Disease Control and Prevention estimates the total economic burden of prescription opioid misuse alone in the United States at \$78.5 billion a year, including the cost of healthcare, lost productivity, addiction treatment, and criminal justice involvement.

"The opioid epidemic is taking a toll on communities around our state, at tremendous financial cost, but the most terrible cost is to people and families," she said. "Our communities are reeling from opioid misuse and abuse in too many ways to address with a single solution."

SB 5380 modifies numerous protocols for using medications to treat opioid use disorder. It:

- Permits pharmacists to partially fill certain prescriptions upon patient request.
- Requires prescribers to discuss the risks of opioids with certain patients and provide the patient with the option to refuse an opioid prescription.
- Establishes new requirements for how electronic health records integrate with the state's prescription monitoring program and how the data can be used.

- Requires the Health Care Authority and the Department of Health to partner and work with other state agencies on initiatives that promote a statewide approach in addressing opioid use disorder.
- Permits the Secretary of Health to issue a standing order for opioid reversal medication and require pharmacists to provide written instructions for dispensing reversal medication for opioid overdoses.
- Allows hospital emergency departments to dispense opioid overdose reversal medication when a patient is at risk of opioid overdose.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

07-41A-20 Individual Health Insurance Market-Standardized and State-Procured Plans
[SB 5526](#)

Summary:

Increases the availability of quality, affordable health coverage in the individual market; requires standardized health plans to be designed to reduce deductibles, make more services available before the deductible, provide predictable cost sharing, maximize subsidies, limit adverse premium impacts, reduce barriers to maintaining and improving health, and encourage choice based on value, while limiting increases in health plan premium rates.

Status: Signed by the governor on May 13, 2019.

Comments: From [NPR](#) (May 16, 2019)

Millions of Americans who buy individual health insurance, and don't qualify for a federal subsidy, have been hit with sticker shock in recent years. Instability and uncertainty in the individual market—driven in part by changes Congress and the Trump administration made to the Affordable Care Act—have resulted in double-digit premium increases.

Now Washington state has passed a law designed to give consumers another choice: a new, "public option" health insurance plan that, in theory, will be cheaper.

Washington Gov. Jay Inslee, a Democrat who's running for president, signed the measure into law on Monday.

"Washington state is leading the nation in a brighter way to provide for the health and security of our families," Inslee said at a bill signing ceremony in the state Capitol in Olympia.

Talk of a public option has been around since before passage of the Affordable Care Act. Generally, the idea is for the government to create a health insurance program to compete with the private marketplace, one that, unlike Medicaid and Medicare, would be available to all.

Washington's embrace of a public option comes as Democratic candidates for president are talking about "Medicare for All" proposals and some states are considering letting people buy in to Medicaid. Washington is thought to be the first state law to authorize the creation of a public insurance plan of this type.

But is Washington's approach to individual health care a true public option?

"It depends on how you define a public option," says Jennifer Tolbert, director of state health reform at the Kaiser Family Foundation.

Under Washington's approach, called Cascade Care, the state will not get into the insurance business. Instead, Washington is creating more of a hybrid public-private system where the state will contract with private health insurers to administer the plans but will control the terms to manage costs. In that sense, says Tolbert, what Washington is creating could be called a state-sponsored plan.

Still, Tolbert says, it's not yet clear how much of a game changer Washington's new health insurance law will be.

"I think we have to wait and see," she says.

Washington state, Tolbert notes, has a history of leading the way on health care by seeking innovative approaches to expand coverage and ensure affordability.

But she also has a reality check for consumers regarding the new Washington law.

"It will likely be a lower-cost option, but [it's] unlikely to be a dramatic savings over what people are paying today, more likely a modest savings," Tolbert says.

Even sponsors of the legislation acknowledge the state plans may save consumers only 5-10% on their premiums.

Democratic state Rep. Eileen Cody, who sponsored the House version of the public option bill in Washington, says that given the climate of rising costs, it's less about bringing prices down than about holding the line on premium increases.

"What we're hoping is the rate that you pay today is what you'll pay when this comes on the market," Cody says.

How it works

Here's how Washington's new law is intended to work.

Starting in 2021, consumers seeking individual coverage will have the option to buy a state-sponsored plan on the Health Benefit Exchange, the state's online insurance marketplace. To keep premium and deductible costs down, the new plans will cap total provider and facility reimbursement rates at 160% of Medicare.

That cap is the keystone of the new law.

"It's the first time that anybody has put a rate cap on a plan and tried to make sure that those people who are buying insurance don't have to pay so much," says Cody.

Another feature of the new law may give consumers some relief from other, out-of-pocket expenses. By 2021, the exchange will create standardized health plans with the goal of lowering deductibles and copays.

The creation of the Cascade Care program, at the request of Gov. Inslee, follows years of volatility and steep premium increases in Washington's individual health insurance market.

Washington state officials say the individual insurance market has been buffeted by a series of actions by the Trump administration and Congress. These include the end of federal reinsurance and cost-sharing payments, as well as the suspension of penalties for individuals who don't buy coverage.

"It's been a triple whammy that's created this bow wave effect in terms of premium increases year-over-year," says Pam MacEwan, CEO of the Washington Health Benefit Exchange.

This year, the state's insurance commissioner approved an average premium increase of 13.8% for plans sold inside the exchange. In 2018, the average rate increase was 36%, a spike attributed in part to President Trump's decision to stop funding cost-sharing reduction assistance.

As premiums have gone up, enrollments have dropped. Between 2018 and 2019, more than 13,000 people left the individual market, according to data provided by Washington's exchange. Today, about 200,000 Washington residents buy their insurance individually.

"Bare counties" have been an issue

Besides affordability, another challenge has been getting insurance companies to offer a choice of plans in all 39 Washington counties. Currently 14 counties offer only one individual health insurance plan option on the exchange. In previous years, the state has scrambled to find even a single carrier to provide coverage in some rural counties and avoid what are known as "bare counties."

The goal of the legislation is to offer public option plans in all 39 counties. But participation by health insurers in Cascade Care will be voluntary, and there's no requirement that they offer statewide coverage.

Democrats, who are the majority in the Washington legislature, embraced the public option this year as a way to increase offerings on the exchange without scaling back required benefits or requiring additional state spending on health care.

"This is going to lower premiums, it's going to have better [out-of-pocket costs] and Washingtonians will be much better off for it," said the bill's prime sponsor, Democratic state Sen. David Frockt of Seattle, on the floor of the state Senate last month.

Republicans in the state legislature opposed Cascade Care and warned of potential unintended consequences.

"We worry that this could distort the market," said state Sen. Steve O'Ban, the ranking Republican on the Senate's Health and Long Term Care Committee.

O'Ban raised the specter that doctors might drop Medicaid patients "to make it work financially to participate in this plan with the lower reimbursement rates."

Under Cascade Care, the state will not subsidize or help cover the cost of premiums beyond federal subsidies that are already available on the exchange based on income levels. However, the new law requires the exchange to study the feasibility of offering state-level subsidies in the future.

"We think initially the consumers that will be most interested in purchasing these plans will be those who don't qualify for subsidies and who are paying the full cost of health care out of their pocket," MacEwan said.

Washington isn't alone in pursuing a public or state-sponsored health insurance option. Last month, Colorado lawmakers approved legislation directing state agencies to develop a proposal for a public health coverage option. Other states, including Connecticut, are also considering public option legislation.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

07-41A-21 To Prohibit Pharmacy Benefit Managers from Preventing Pharmacies from Disclosing Costs
[SB 73](#)

Summary:

Requires PBMs to register with the Department of Insurance, and the registration fee is \$500 every 2 years. Requires filing the corporate charter and specified contact information. The PBM license is made public, but any information furnished by the PBM to the DOI is confidential and privileged. The bill gives a pharmacist or pharmacy the right to provide information on the amount of cost sharing for their prescription drug. Neither a pharmacy or pharmacist can be penalized by a PBM for disclosing this information to an insured or for selling to an insured a more affordable alternative if available. The bill also prohibits plans from requiring an insured to make a payment for a prescription drug at the point of sale in an amount that exceeds the lesser of the contracted co-payment or the cash price for the prescription. Effective immediately following passage and approval by governor.

Status: Signed by the governor on May 30, 2019.

Comments: From the [Times Daily](#) (June 2, 2019)

Legislation aimed at reining in pharmacy benefit managers to save consumers money passed the House by a 101-0 vote and now awaits Gov. Kay Ivey's signature.

Senate Bill 73, dubbed the Alabama Pharmacy Benefit Managers Licensure and Regulation Act, was sponsored by Sen. Arthur Orr, R-Decatur, and passed the Senate on May 15 by a 27-0 vote.

The bill makes pharmacy benefit managers register with the Alabama Department of Insurance, outlaws gag clauses for pharmacists, and forbids claw backs.

"This bill is about protecting the individual consumer and allowing local pharmacists to inform their customers when it would be cheaper for the customer to buy a prescription drug with cash, out-of-pocket," said Orr.

"You should have transparent pricing in the healthcare market, and consumers should know which options are most affordable for them and their families."

Pharmacy benefit managers provide claim processing services or other prescription drug or device services for insurance plans.

A gag clause is a provision of a contract that keeps pharmacists from telling customers whether or not it would be cheaper to pay out-of-pocket for a medication instead of

using insurance. Claw backs are when a pharmacy benefit manager requires a pharmacy to charge more for a medication, and then send the difference back to the manager.

Both practices would be prohibited under Orr's bill. Congress previously outlawed the practice, but state legislation was also need.

Rep. Kyle South, R-Fayette, carried the bill in the House.

"There could be a huge cost savings for people due to being notified that copays are actually higher than the drug costs," he said. "It has been past practice by some PBMs to keep pharmacists from disclosing that information."

The bill states that, effective Jan. 1, 2020, pharmacy benefit managers must be licensed by the Commissioner of the Alabama Department of Insurance. This license must be renewed every two years and will cost no more than \$500.

Sen. Billy Beasley, D-Clayton, is a pharmacist by profession who helped Orr shepherd the bill through the Legislature. He said stopping gag rules alone will save consumers considerably.

"It will mean real savings to the customer. I would say anywhere from 30 to 35% savings on prescriptions, mainly on generics," Beasley said.

Rep. Danny Garrett, R-Trussville, supported the bill because of the likely cost savings for those who purchase prescriptions.

"The bill will benefit consumers and will allow them the opportunity to lower the cost of some prescription medicine," Garrett said.

"The legislation provides transparency, eliminates some of the current bureaucracy and is a significant step toward reducing medical costs for individual consumers."

Rep. Randy Wood, R-Anniston, voted for the bill because he sees it as a consumer protection bill.

"Anytime I can vote for something that will be beneficial to my constituents and the people of Alabama, I feel like I should vote for it," he said.

Rep. Andrew Sorrell, R-Florence, voted in support of the bill.

"PBM agreements with pharmacists prohibit the pharmacists from informing a customer when a cheaper generic drug that costs less is available," he said. "This bill corrects that problem. Often times the generic drug costs less than the copay on the brand name."

Rep. Neil Rafferty, D-Birmingham, voted for the legislation after hearing from his constituents.

"I supported SB 73 because it gives consumers greater, more transparent access to information pertaining to drug costs, he said. "In a state where healthcare access can already be cost prohibitive, it is crucial that consumers have all the appropriate information to make smart healthcare decisions for themselves."

The health industry was also largely in support of the legislation.

"The bill reiterates the important role of pharmacists in providing advice and counsel to consumers and follows federal law passed by the Congress last year eliminating 'gag clauses' in contracts," said Koko Mackin, Blue Cross and Blue Shield of Alabama's Vice President of Corporate Communications and Community Relations.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

07-41A-22 An Act Relating to Transparency Related to Drug Costs
[HB 2536](#)

Summary:

Requires PBMs to register with the Department of Insurance, and the registration fee is \$500 every 2 years. Requires filing the corporate charter and specified contact information. The PBM license is made public, but any information furnished by the PBM to the DOI is confidential and privileged. The bill gives a pharmacist or pharmacy the right to provide information on the amount of cost sharing for their prescription drug. Neither a pharmacy or pharmacist can be penalized by a PBM for disclosing this information to an insured or for selling to an insured a more affordable alternative if available. The bill also prohibits plans from requiring an insured to make a payment for a prescription drug at the point of sale in an amount that exceeds the lesser of the contracted co-payment or the cash price for the prescription. Effective immediately following passage and approval by governor.

Status: Signed by the governor on May 30, 2019.

Comments: From the [Times Daily](#) (June 2, 2019)

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

07-41A-23 An Act a Requirement to Share the Wholesale Acquisition Cost of a Drug when Sharing Information Concerning the Drug with Another Party
[HB 1311](#)

Summary:

Requires a drug manufacturer or wholesaler to provide, in writing, the wholesale acquisition cost of a prescription drug to an entity or individual with whom the manufacturer, wholesaler, agent, or employee is sharing drug information. The bill also requires the drug manufacturer or wholesaler to provide educational materials about the acquisition costs of other prescription drugs in the same therapeutic class.

Status: Signed by the governor on May 16, 2019.

Comments: From [Policy & Medicine](#) (June 20, 2019)

Colorado Governor Jared S. Polis signed an Act into law that starting August 2, 2019 requires drug manufacturers to make certain information available to prescribers. The legislation, Colorado House Bill 19-1131, Prescription Drug Cost Education concerning the drug with another party, requires drug manufacturers to provide—in writing—the wholesale acquisition cost of a prescription drug to the prescriber with whom the drug manufacturer is sharing information concerning the drug.

This means when a pharmaceutical representative goes into a health care prescriber's office, they will be required to not only provide information on the legally-approved FDA language on drug efficacy and safety, but also the wholesale acquisition cost of the drug.

The law also requires drug manufacturers to provide educational materials with the name and acquisition cost of at least three generic prescription drugs in the same therapeutic class, if available. If there are not three generic prescription drugs available, the manufacturer is to provide the names and acquisition cost information for as many as are available for prescriptive use.

Proponents of the law argue that physicians are not given cost comparisons when brand name drugs are being marketed. By requiring manufacturers to provide cost information about other drugs in the same therapeutic class, prescribers will have a full range of information about the drugs they prescribe which “will also allow physicians to take cost information into consideration when making prescribing decisions, enabling them to consider lower-cost alternatives and helping to contain prescription drug costs.”

According to the American Economic Association and the American Medical Association, physicians are typically unaware of the price of brand name drugs and tend to overestimate the cost of generics. This bill will help to close that knowledge gap and

educate prescribers about the current prices of both brand and generic medications in the same class.

The law will take effect on August 2, 2019, barring any petitions filed pursuant to section 1 (3) of article V of the Colorado state constitution. Should a petition be filed, the act, item, section, or part petitioned against will not take effect unless approved in the November 2020 general election.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

07-41A-24 Paid Family & Medical Leave Bill
[HB 2005](#)

Summary:

Legislation that gives residents 12 weeks of paid family and medical leave and offers low-income workers full wage replacement benefits.

Status: Signed by the governor on August 9, 2019.

Comments: From [The Hill](#) (August 10, 2019)

Oregon Gov. Kate Brown (D) signed legislation Friday that gives residents 12 weeks of paid family and medical leave and offers low-income workers full wage replacement benefits in a historic first, The Oregonian reported.

House Bill 2005, which is being hailed by backers as the country's "most progressive" family leave policy, will allow workers to will receive up to 12 weeks of paid time off that can be "used to care for a new baby, recover from a serious illness, or support newly adopted or foster children," Brown's office said in a release.

The office also added that the bill will provide victims of domestic violence with paid time off and "guarantees 100% of wages to low-income workers." According to The Oregonian, the legislation makes Oregon the first state in the nation to offer low-income workers full wage replacement benefits.

But the law does also provide stipulations for those earning more than the average weekly wage.

"If the eligible employee's average weekly wage is equal to or less than 65% of the average weekly wage, the employee's weekly benefit amount shall be 100% of the employee's average weekly wage," the law states.

"If the eligible employee's average weekly wage is greater than 65% of the average weekly wage, the employee's weekly benefit amount is the sum of: (A) 65% of the average weekly wage; and (B) 50% of the employee's average weekly wage that is greater than 65% of the average weekly wage," the legislation adds.

Brown said in a statement that, with the legislation's passage, Oregon families "no longer need to make the difficult choice between paying the rent and staying home with their newborn, or between chemotherapy and keeping food on the table."

"It's absurd that our society values someone clocking in and out of their job above holding a loved one's hand—and that will change under HB 2005, where all families who need and care for each other will be recognized," she continued.

The state will start rolling out the benefits in 2023.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

07-41A-25* AN ACT to amend Tennessee Code Annotated, Title 33; Title 53; Title 63 and Title 68, Relative to Drugs.
[HB 1360](#)

Summary:

As introduced, requires a prescriber to also prescribe naloxone when prescribing opioids or benzodiazepines to a patient.

Status: Signed by the governor on May 8, 2019.

Comments: From [PBS](#) (May 1, 2019)

It's increasingly likely that someone you know has the opioid overdose rescue drug naloxone in their pocket or medicine cabinet. In fact, a new mobile app, NaloxoFind, will tell you whether anyone nearby is carrying the lifesaving drug.

In the last five years, at least 46 states and the District of Columbia enacted so-called good Samaritan laws, allowing private citizens to administer the overdose-reversal medication without legal liability. And all but four states—Connecticut, Idaho, Nebraska and Oregon—have called on pharmacies to provide the easy-to-administer medication to anyone who wants it without a prescription, according to the Network for Public Health Law.

But a handful of states are going even further by requiring doctors to give or at least offer a prescription for the overdose rescue drug to patients taking high doses of opioid painkillers.

New naloxone co-prescribing laws in Arizona, California, Florida, Ohio, New Mexico, Rhode Island, Vermont, Virginia and Washington state also call on doctors to discuss the dangers of overdose with these high-risk patients. Tennessee lawmakers this year passed a similar bill, which is awaiting the governor's signature.

Patients are free to decide whether to fill the naloxone prescription. But pain doctors who endorse the initiative say that even if patients don't fill their prescriptions for naloxone, the offer of a rescue drug underscores the dangers of long-term opioid use and creates a "teachable moment."

"By offering a naloxone prescription to a patient, the physician is saying 'I'm so concerned this medication might kill you that you need an antidote in the house, so a family member can rescue you.' That gets their attention," said Andrew Kolodny, co-director of the Opioid Policy Research Collaborative at Brandeis University and director of Physicians for Responsible Opioid Prescribing, an organization that promotes safe painkiller prescribing.

Legal experts say these new laws—which have been endorsed by the federal government as well as the medical community—are likely to spread.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

07-41A-26 Kentucky State Budget - Line Item Appropriation for Pediatric Cancer Research
[HB 200](#)

Summary:

Included in the above General Fund appropriation is \$2,500,000 in each fiscal year to the Kentucky Pediatric Cancer Research Trust Fund for general pediatric cancer research and support of expansion of clinical trials at the University of Kentucky and the University of Louisville.

Status: Signed by the governor on April 26, 2018.

Comments: From [Why Not Kids](#) (January 21, 2018)

In Governor Matt Bevin's budget, and filed as House Bill 200 on Wednesday, a historical \$5 million dollars has been proposed for innovative childhood cancer research for Kentucky children battling cancer. This is the first time a Kentucky Governor has included a specific appropriation for pediatric cancer research. With \$2.4 million in matching funds from local universities, the total amount for childhood cancer research in the upcoming biennium will be \$7.4 million.

Despite childhood cancer being the number one cause of death by disease in the United States, research funding specifically for childhood cancer is less than 4% of all national cancer funding. In the last 3 biennium Kentucky state budgets over \$15 million dollars[i] has been allocated to adult cancer research for lung, colon, breast, ovarian, and cervical cancer. Although adult cancer research is imperative, it is not widely known that adult cancer research does not translate to improved outcomes for children. Children are not small adults and adult based cancer research or treatments are not effective for addressing childhood cancer because they often originate in different parts of the body and have different molecular targets than adult cancer.

The Kentucky Pediatric Cancer Research Trust Fund and Kentucky Pediatric Cancer Foundation, joined by the American Childhood Cancer Organization (the nation's largest grassroots awareness and advocacy organization dedicated to childhood cancer), have been working to raise awareness about the need for children diagnosed with cancer to have equal access to life-saving research. Jamie Bloyd, President of the Kentucky Pediatric Cancer Research Trust Fund and Director of Government Relations and External Affairs for the American Childhood Cancer Organization says, "Federal funding for childhood cancer research specifically remains devastatingly low. States must take an active role in funding while also partnering with non-profit organizations and the corporate community to fill the gap. I am so proud our state is stepping up as one of the first in the country to fund childhood cancer research. I hope every state in the country follows suit."

The Trust Fund proposals emphasize compassionate innovation as well as collaboration with the state's two Children's Oncology Group hospitals. Lars Wagner, Chief of Pediatric Hematology/Oncology at the University of Kentucky states, "This is an exciting time for children as the state prioritizes research to help address the number one cause of pediatric deaths from disease." Dr. Ashok Raj, Chief of Pediatric Hematology/Oncology for the University of Louisville and Norton Children's Hospital says, "This is the single largest initiative for childhood cancer ever in Kentucky. I believe where you live should not determine how your child fights cancer." Currently Kentucky children diagnosed with cancer are limited in clinical trials and sometimes must travel out of state—even across the country—to have access to the latest in scientific advancements. Current proposals emphasize immunology, cellular and molecular therapy and more targeted genomic based treatment with less toxicity.

The Kentucky Pediatric Cancer Research Trust Fund says that of particular concern is the very alarming rate of pediatric brain tumors found in 40 counties in Eastern Kentucky. In a contiguous 40 county area there is a 42% rate increase of pediatric brain tumors compared to the same age-adjusted population in the rest of the United States. Pediatric brain tumors are now the number one cause of pediatric cancer death having recently surpassed leukemia[ii].

Research proposals also include expansion of Adolescent and Young Adult Cancer programs at each university. This segment of the childhood cancer patient population has the lowest enrollment in clinical trials—less than 10%—of any cancer population under 70 years of age. While overall mortality has improved for childhood cancer, outcomes in this age group have remained stagnant over the past 30 years. Dr. Wagner says, "We are eager to try to expand comprehensive care to Kentucky's adolescents and young adults with cancer and give them opportunities to engage in cutting edge clinical trials."

Along with Gov. Bevin, Sen. Chris McDaniel and Sen. Max Wise have been instrumental leaders in raising awareness about the need for childhood cancer research. Senator Wise shares, "I am beyond ecstatic not only as a legislator but also as a cancer dad to see the commitment that Gov. Bevin and his Cabinet are willing to dedicate to pediatric cancer research. The best way to improve childhood cancer is to team up with our state's two pediatric oncology centers for research and collaboration. This is truly remarkable to see and a testament to all individuals who have worked so hard for this."

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

☐ Include in Volume

☐ Include as a Note

☐ Defer consideration:

☐ next SSL meeting

☐ next SSL cycle

☐ Reject

Comments/Note to staff:

07-41A-27 Establishes “Hospital-Based Intervention Program Initiative” in DOH
[SB 3301](#)

Summary:

Establishes a “Hospital-Based Violence Intervention Program Initiative within the state Department of Health, which will develop and provide guidelines for programs that provide violence prevention services to those who are at elevated risk of becoming victims or perpetrators of future acts of violence.

Status: Signed by the governor on August 5, 2019.

Comments: From [PBS](#) (August 5, 2019)

New Jersey on Monday enacted three laws designed to help victims of gun violence avoid becoming hurt again by firearms or seeking out retaliation.

The new laws add to New Jersey’s growing list of at least 10 gun-related laws enacted in the last year and come after weekend firearm attacks in Texas and Ohio left 31 dead. But the new legislation’s co-author, Democratic Assembly Majority Leader Louis Greenwald, said the timing of the enactments is purely a “tragic” coincidence.

Lt. Gov. Sheila Oliver signed the measures Monday at the governor’s office while Democratic Gov. Phil Murphy is out of the state on vacation.

Oliver signed the bills alongside lawmakers, the state’s attorney general, health commissioner and state police superintendent. In the audience were a number of red T-shirt-clad Moms Demand Action members, who have become a common sight at bill-signings in New Jersey.

At several points, Oliver and some of the other speakers became emotional talking about gun violence, which several speakers described as a public health crisis.

“We’re not accepting gun violence in our communities with a shrug and a sigh of oh well. We’re taking it on with every fiber of our being,” Oliver said.

One measure requires the Health Department to establish a hospital-based violence intervention plan to lower the risk of re-injury or retaliatory violence.

Greenwald said in an interview that lawmakers looked at similar programs in Baltimore and at the state level in Massachusetts. He says lawmakers reviewed studies that showed victims of gun violence face greater risks of becoming victims again or seeking out retaliation.

Acting Health Commissioner Judy Persichilli said the state operates a similar program at University Hospital in Newark and that there are about 25 similar programs across the country.

Another of the new laws requires top-level trauma centers to have similar plans in place. The third bill requires the state's Victims of Crime Compensation Office to partner with trauma centers to get victims into intervention programs.

New Jersey under Murphy has enacted a number of new firearms laws. In July, he signed a bill to make so-called smart guns that can be fired only by authorized users available in the state. In June 2018, he signed a half-dozen gun control measures , including a bill to cap magazine capacity at 10 rounds, down from 15.

In a statement over the weekend Murphy called on Congress and the president to pursue gun control legislation.

"Over the past 18 months, we have taken tremendous strides to end the crisis of gun violence in our state, but we cannot have these advances undone by continued inaction and deflection at the national level," Murphy said.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
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- ☐ Reject

Comments/Note to staff:

07-41A-28 Pediatric Cancer Research Trust Fund
[SB 82](#)

Summary:

Relates to an income tax checkoff for the pediatric cancer research trust fund; makes an appropriation; permits a contribution to the pediatric cancer research trust fund to be made via a tax refund designation; requires the designation to be printed on the face of the individual income tax form; requires a description of the trust fund in the individual income tax return instructions.

Status: Signed by the governor on April 1, 2015.

Comments: From the [University of Kentucky](#) (August 14, 2015)

Gov. Steve Beshear held a ceremonial signing of Senate Bill 82 on Thursday at the University of Kentucky.

The measure aims to increase research dollars designated for the study and treatment of pediatric cancer by creating a “check-the-box” option for an individual’s tax refund to be diverted to a newly created Pediatric Cancer Research Trust Fund.

The legislation was sponsored by Sen. Max Wise, of Campbellsville, whose young son is a pediatric cancer survivor. Senate Bill 82 became law June 24.

“Every child deserves to live a healthy, active life, but many children in this state - and all across the country - are battling cancer,” said Gov. Beshear. “In fact, cancer is the second leading cause of death in children. This law will help us raise more funding for research for pediatric cancer in the hope that one day we can celebrate finding a cure.”

The Pediatric Cancer Research Trust Fund will be administered by the Cabinet for Health and Family Services. A board will be established to provide additional oversight and guidance.

“As the first pediatric cancer bill to be signed into law in the Commonwealth of Kentucky, this bill is dedicated to the families who have been affected or are dealing with pediatric cancer,” said Sen. Wise. “SB82 is a testament to our republican & democrat legislators working together to do what is right for Kentucky families.”

From 2008-2012, Kentucky had approximately 200 cases each year of cancer among children up to the age of 19, according to the National Cancer Institute. The American Cancer Society, meanwhile, reports that about 10,380 children in the United States under the age of 15 will be diagnosed with cancer in 2015.

“This legislation will fuel innovative pediatric cancer research being done here at the University of Kentucky and will directly benefit some of the sickest children in the Commonwealth,” said Dr. Michael Karpf, UK Executive Vice President for Health Affairs. “Thanks to this bill, now all Kentuckians will have the opportunity to advance pediatric cancer research.”

The bill also allows individuals to designate a portion of their tax refund to a new trust fund to support rape crisis centers throughout Kentucky.

“I was proud to include this provision in the law, because these centers play such a critical role in giving rape victims the care and support they need,” said Rep. Chris Harris, of Forest Hills. “This additional revenue will provide better financial stability and enable the centers to do even more to help.”

Gov. Beshear encouraged Kentuckians to look for the check-off option when filing their taxes next year so they can donate a portion or all of their refund to the Pediatric Cancer Trust Fund, or the Rape Crisis Center Trust Fund.

“I hope all Kentuckians will take advantage of these new check-off options and join us in the fight to end childhood cancer and support for victims of assault,” said Gov. Beshear.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
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- ☐ Reject

Comments/Note to staff:

07-41A-29 An Act Concerning the Emergency Administration of
Epinephrine to Students for Anaphylaxis
[A 304](#)

Summary:

Requires schools to keep a supply of epinephrine auto-injectors and provides immunity to nurses and other trained personnel when using them in cases of emergency.

Status: Signed by the governor on February 5, 2015.

Comments: From the [New Jersey Principals and Supervisors Association](#) (February 5, 2015)

Governor signs Epi-Pen legislation, S801 / A304 (O'Toole / Turner / Russo / Rumana / Caride), that would require schools to maintain supply of epinephrine and permit administration of epinephrine to any student having anaphylactic reaction was signed by the Governor February 5. The bill requires schools to maintain the drug in a secure but accessible location. It allows both the school nurse as well as delegates to administer the pen if a child exhibits symptoms of anaphylaxis.

N.J.S.A. 18A:40-12.5 allows the administration of epinephrine to students with a history of anaphylaxis whose parents have provided consent as well as a pre-filled injector to the school. Today, school nurses may authorize delegates to administer epinephrine after a review of child's individualized emergency health plan and advanced training. The new law would expand the law to allow the emergency administration of epinephrine to any child who is exhibiting an anaphylactic reaction and would permit not only the school nurse but also licensed athletic trainers, and trained designees to administer the prescription.

The new law also requires that public and nonpublic schools maintain a supply of epinephrine auto-injectors, prescribed under a standing protocol from a licensed physician, in a secure, but unlocked location that is easily accessible to the school nurse and trained designees for administration. The law does expand immunity from liability to nurses and other school employees for good faith acts or omissions concerning the emergency administration of epinephrine.

Staff Note:**Disposition of Entry:**

SSL Committee Meeting: 2021 A
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- ☐ Reject

Comments/Note to staff:

08-41A-01 Unlawful Sexual Contact
[LD 913](#)

Summary:

Makes it unlawful for a counseling professional who is in a position of trust or authority over another person to cause the other person to submit to or participate in a sexual act, sexual contact or sexual touching by exploiting the person's emotional dependency on the member of the clergy.

Status: Enacted on June 27, 2019.

Comments: From [News Center Maine](#) (March 26, 2019)

Survivors of clergy sexual abuse will testify in Augusta on Friday to support a new bill that would work to protect others from this kind of abuse.

The bill, LD 913, would make it unlawful for a clergy member in a position of trust or authority to exploit someone's emotional dependency to get them to take part in a sexual act, sexual contact, or sexual touching.

Thirteen states and Washington D.C. already have laws like this in place, and several other states are also working to implement them.

Clergy sexual abuse survivors and advocates will testify at the Maine Capitol at 9 a.m. on March 29. Organizers for the bill's public hearing are hoping for an "ought to pass" vote by the Criminal Justice and Public Safety Committee.

Organizers also want the Maine Attorney General's office to create a phone number victims can call to report clergy abuse and a database where the names of clergy members who have plead guilty to or were convicted of sexual abuse will be stored.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
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- ☐ Reject

Comments/Note to staff:

08-41A-02* Civil Forfeiture
[SB 99](#)

Summary:

Amends civil forfeiture to criminal code. Requires a criminal conviction to seize assets. Enacts new reporting requirements for seizures and forfeitures.

Status: Signed by the governor on March 13, 2018.

Comments: From the [New Hampshire Union Leader](#) (November 29, 2018)

On Wednesday, the U.S. Supreme Court heard arguments in a case that could restrict the controversial practice, known as civil forfeiture, even further.

The 2016 New Hampshire law prohibited civil forfeiture in the majority of cases until the owner of the property was actually convicted of a crime. But lawyers in the Supreme Court case, *Timbs v. Indiana*, argued that even in cases where police have obtained a conviction, it may be unconstitutional to seize the person's money and property.

In certain cases, such seizures are equivalent to excessive additional fines on top of the criminal sentence and therefore violate the Eighth Amendment, said Sam Gedge, an attorney for the nonprofit Institute for Justice, which is representing Tyson Timbs in the case.

The court must decide whether the Eighth Amendment's prohibition against excessive fines applies to state governments as well as the federal government. It is one of the last areas of the Bill of Rights for which the court has not explicitly recognized an application to states.

"It's kind of a vital safety check on the most excessive forfeitures," Gedge said. "Our position has never been that if you convict somebody criminally you can never forfeit their property ... our position is that it's possible to excessively fine people by taking too much of their property."

Civil forfeiture has been a rare area of bipartisan agreement in recent years, with both liberal and conservative groups arguing that the seizures violate due process rights and encourage police to take property—such as cars, homes, or cash—and ask questions later.

But police say it is a vital tool to dissuade drug dealers.

"Oftentimes, this personal property is paid for with the proceeds of unlawful, illegal drug transactions and no one should profit from the unlawful sale of drugs," said Londonderry

police Lt. Patrick Cheetham, the past president of the New Hampshire Police Association, who has testified before the state Legislature on the importance of civil forfeiture.

“Here in New Hampshire, we’re facing a continued opioid and fentanyl crisis,” he added. “And as a deterrent to those who would sell these deadly drugs—whether it be through their home, their vehicle, or other means—this is one other tool that law enforcement uses to dissuade killers who are selling deadly drugs.”

The Supreme Court case centers around the seizure of Timbs’ \$42,000 Land Rover.

In 2015, Timbs, of Indiana, pleaded guilty to selling drugs to undercover police officers. He was sentenced to a year of house arrest, five years probation and roughly \$1,200 in fines as part of the criminal case.

But Indiana police also seized his car through a civil forfeiture.

The maximum possible fine for Timbs’ crime, under Indiana law, would have been \$10,000. Seizing the Land Rover effectively imposed a fine four-times the maximum allowed by law, his lawyers argued.

Gedge was optimistic after Wednesday’s arguments in Washington, D.C., and reports from national media outlets that were in the courtroom strongly suggested that the justices were ready to apply the Eighth Amendment’s protections to state governments

New Hampshire civil liberties advocates would welcome the changes that would mean for civil forfeiture.

“Anything that further restricts the abuse of civil asset forfeiture is a good thing,” said state Rep. Michael Sylvia, R-Belmont. “I’d prefer to see the federal government scale back the program.”

Sylvia has sponsored several bills in recent years that would restrict local law enforcement’s ability to work around the state forfeiture law by partnering with a federal agency to pursue the forfeiture in federal court.

The federal forfeiture program, known as equitable sharing, allows local law enforcement to retain 80% of the profits from seized property and it does not require that the owner be convicted of a crime first.

“That just seems, to us, like a significant due process problem,” said Gilles Bissonnette, legal director for the ACLU of New Hampshire. “If the government believes that the property has some nexus to the criminal activity, the government should have to prove it. That doesn’t happen in the federal system.”

State law requires a conviction and police may only keep 45% of the proceeds from civil forfeiture.

New Hampshire police are limited in what they can spend that money on. It primarily goes to drug investigations and, in some cases, outreach and prevention programs.

“Not every crime gets solved, that doesn’t mean the crime didn’t occur,” said Tuftonboro police Chief Andrew Shagoury, president of the New Hampshire Association of Chiefs of Police.

“I understand that people have concerns ... but what programs are funded by that money are going to go back on taxpayers if not funded by the criminals.”

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
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 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

08-41A-03 Peace Officers: Deadly Force
[AB 392](#)

Summary:

Redefines the circumstances under which a homicide by a peace officer is deemed justifiable to include when the officer reasonably believes, based on the totality of the circumstances, that deadly force is necessary to defend against an imminent threat of death or serious bodily injury to the officer or to another person, or to apprehend a fleeing person for a felony that threatened or resulted in death or serious bodily injury.

Status: Signed by the governor on August 19, 2019.

Comments: From the [Whittier Daily News](#) (August 19, 2019)

California will soon have a tougher new legal standard for the use of deadly force by police, under legislation Gov. Gavin Newsom signed today that was inspired by last year's fatal shooting of a young, unarmed man in Sacramento.

Newsom signed the legislation amid unusual fanfare, convening numerous legislators, family members of people who have died in police shootings and advocates including civil-rights leader Dolores Huerta in a courtyard at the Secretary of State's building used in the past for inaugurations and other formal events.

The governor contends that with Assembly Bill 392 in place, police will turn increasingly to de-escalation techniques including verbal persuasion, weapons other than guns and other crisis intervention methods.

"I would hope that if AB 392 had been law last year, that our family would not have to be mourning Christopher's first angelversary today," Barbara Okamoto said in a statement.

Her grandson, Christopher Okamoto, was killed in Bakersfield last Aug. 19, when police responded to a domestic violence call. He had a pellet gun.

The law reflects a compromise between civil-rights advocates who want to limit when police can shoot and law enforcement groups who said earlier versions of the bill would have put officers in danger.

Under the new law, which takes effect January 1, police may use deadly force only when "necessary in defense of human life."

That's a steeper standard than prosecutors apply now, which says officers can shoot when doing so is "reasonable." One of the most significant changes will allow

prosecutors to consider officers' actions leading up to a shooting when deciding whether deadly force is justified.

"This will make a difference not only in California, but we know it will make a difference around the world," said Assemblywoman Shirley Weber, the San Diego Democrat who carried the legislation.

The law doesn't go as far as civil libertarians originally proposed and will likely leave it to courts to define what a "necessary" use of force is in future cases. The negotiations led a few early supporters, including the group Black Lives Matter, to drop their support and major statewide law-enforcement organizations to drop their opposition. After a year of contentious testimony over how to reduce police shootings, the final version of the bill sailed through the Legislature with bipartisan support.

Newsom's staff helped broker the compromise, and his signature was not a surprise. In March, after Sacramento's district attorney cleared the officers who killed Stephon Clark in his grandparents' backyard after mistaking the cell phone he was holding for a gun, Newsom signaled support for police reforms that "reinforce the sanctity of human life." And in June, he said he would sign the bill as he praised advocates for "working across their differences" to forge a compromise.

California police kill more than 100 people a year—a rate higher than the national average and highest among states with populations of 8 million or more. Most of the people police kill are armed with a gun or a knife.

But when California police kill people who are not armed, the impact falls disproportionately on Latinos and African Americans. Together, those groups make up 66% of the unarmed people California police killed between 2016 and 2018, but 4% of the state's population.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
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 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

08-41A-04 Unlawful Electronic Criminal Offense
[H 2789](#)

Summary:

Creates the criminal offense of unlawful electronic transmission of sexually explicit visual material.

Status: Signed by the governor on June 10, 2019.

Comments: From [KLTV](#) (August 25, 2019)

Indecent exposure has been a crime in person, but not online; until a week from today when a bill, Texas Governor Greg Abbott signed in May, goes into effect.

“Many people, especially women, get unwanted sexually explicit pictures, either by text or social media, it’s disgusting,” Gov. Abbott says.

Disgust seems to be what fueled the governor to sign House Bill 2789.

It’s a bill that makes the electronic transmission of sexually explicit material a class C misdemeanor, with a maximum fine of \$500, when the recipient hasn’t provided consent.

“It goes into effect September 1st,” Gov. Abbott says.

The law won’t apply just to texts, but also to explicit content sent to email, dating apps, and social media.

“If indecent exposure is a crime on the streets then why is it not on your phone or your computer?,” Bumble founder Whitney Herd says.

Bumble is a popular dating site where only female users can make the first contact with matched male users. It’s founder, Whitney Herd began lobbying House Bill 2789 in 2018.

“But this is not a laughing matter, this is serious, and it is harassment plain and simple,” Herd says.

The illegal explicit content the bill refers to would depict a person engaging in sexual conduct or with the persons’ intimate parts exposed.

The offender could face a fine equivalent to a traffic violation.

House Bill 2789 will go into effect on Sept. 1.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

08-41A-05 Mail Theft
[S 23](#)

Summary:

Prohibits the theft of mail and creates the Mail and Mail Depository Protection Act.

Status: Signed by the governor on September 17, 2019.

Comments: From mlive.com (September 18, 2019)

On Monday, Sept. 17, Gov. Gretchen Whitmer signed Senate Bills 23 and 24 into law to ensure Michigan residents are protected against mail theft.

Senate Bill 23 mirrors the federal penalties of mail theft, making mail theft a state penalty and allowing the state to prosecute for these crimes.

Senate Bill 24 amends the sentencing guidelines, specifying the types of violations within the Code of Criminal Procedure.

The bills passed in the House and the Senate and are headed to Gov. Gretchen Whitmer's desk.

The House of Representatives passed the bills and sent them to Whitmer on Wednesday, Sept. 4.

Stealing or tampering with mail is already a federal crime, but supporters of state-level penalties say enforcement is often limited to the most egregious cases and that the problem has gotten worse in recent years.

Theft of mail delivered by both public and private carriers would be covered by the legislation.

Both bills go into effect 90 days after being signed.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

08-41A-06 Juvenile Mandatory Minimum Sentence
[SB 1008](#)

Summary:

Authorizes juvenile offenders charged with a offense subject to a mandatory minimum sentence and who receives a mandatory minimum sentence or other sentence of imprisonment, to be eligible for conditional release after serving at least one half of the sentence imposed.

Status: Signed by the governor on July 22, 2019.

Comments: From [Jurist](#) (July 23, 2019)

Oregon Governor Kate Brown signed a youth sentencing reform bill into law Monday.

The new law includes a number of substantial reforms to Oregon's juvenile justice system, reversing in part a tough-on-crime ballot measure voters approved in 1995. Overall, the reforms move to grant more discretion to judges, removing mandatory minimum sentences and lifting a requirement that juveniles over 15 years old convicted of murder, rape and/or kidnapping be automatically tried as adults. Furthermore, the law prohibits any court from imposing a sentence of life imprisonment without the possibility of release or parole on any person under 18 years of age.

Though the law, which is set to take effect January 2020, is not retroactive, it allows for youth convicted as adults to have a "Second Look" hearing in which a judge can review their cases as well as any evidence of rehabilitation, and decide whether to commute their sentences to community service.

In a statement, Brown expressed her hopes for the new reforms:

This legislation will serve troubled youth in our community for generations to come, reshaping lives and putting them on a path towards success. ... Data has informed the path forward. By changing the sentencing guidelines for youth offenders, our communities will be safer. And more Oregonians will have better chances of using their time in custody to make a turnaround in their lives.

At a signing ceremony Monday, Brown honored late Oregon Senator Jackie Winters, a prominent supporter of the bill.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

08-41A-07 Relating to Prohibiting the Use of Photographic Traffic Signal Enforcement Systems
[HB 1631](#)

Summary:

Prohibits the use of photographic traffic signal enforcement systems.

Status: Signed by the governor on June 2, 2019.

Comments: From [NBCDFW](#) (June 2, 2019)

With the swipe of a pen, Gov. Greg Abbott officially put the brakes on red light traffic cameras in Texas.

Saturday, he posted a video to social media showing him signing House Bill 1631 into law, banning the controversial devices statewide.

For Arlington, Texas, resident Kelly Canon, it was a moment six years in the making.

"I was just ecstatic," Canon said. "I was over the moon. It's been wonderful."

She first became aware of the cameras in 2013, when she received a citation in the mail. Upset that she was sent a \$75 ticket for something she wasn't sure she actually did, she embarked on a campaign to do away with the cameras—first in her hometown.

Fellow activist Faith Bussey quickly joined her.

"It's a due process issue," Bussey said. "We spoke to thousands of people who weren't the ones driving when they got the ticket—somebody else was driving. They had to take off time from work to go and fight the ticket. And it's a civil process, not criminal—so you can't face your accuser."

In 2015, they successfully got the cameras banned in Arlington. And ever since then, they've been frequent visitors to the capitol in Austin, urging state lawmakers to outlaw the devices everywhere.

"I was repeatedly told this bill is dead," Bussey said. "And then all of a sudden, it moved."

After stalling each of the last two legislative sessions, this year the bill, carried by Rep. Jonathan Stickland (R-Bedford), passed overwhelmingly in the State House and Senate—with the support of more than 100 co-sponsors from both parties.

But not everyone is celebrating.

Local law enforcement was among the most vocal supporters of the cameras, insisting they made a real difference at the intersections where they were installed.

The chiefs of both the Bedford and Plano Police Departments said as much during recent interviews with NBC 5.

"We have seen a dramatic reduction of intersection accidents," Bedford Police Chief Jeff Gibson said. "That means less people are getting hurt traveling our roadways."

"The worst impacts we see other than head-on are side impacts," Plano Police Chief Gregory Rushin said. "So those are things we're trying to prevent. And this is what red light cameras do."

Because the bill was passed with more than two-thirds support by both chambers, the ban becomes law immediately.

However, a provision allows cities to keep operating the cameras until their contracts with vendors expire. Some communities have begun negotiations to terminate the deals earlier.

The law also prevents county tax assessor-collector offices from blocking a citizen's vehicle registration because of unpaid red light camera tickets.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

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- ☐ Reject

Comments/Note to staff:

08-41A-08 Human Trafficking

[H 851](#)**Summary:**

Relates to human trafficking; requires the owner or operator of a public lodging establishment to train certain employees and create certain policies relating to human trafficking by a specified date; requires the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to impose fines on public lodging establishments for failure to comply with such requirements.

Status: Signed by the governor on June 26, 2019.

Comments: From [NWF Daily News](#) (July 9, 2019)

Months after a high-profile prostitution bust netted New England Patriots owner Robert Kraft on charges of soliciting sex at a Jupiter spa, a new state law aims to drive down demand in the sex trade industry and curb human trafficking.

Gov. Ron DeSantis on June 27 signed into law a requirement that spas and hotels teach staff to spot signs of sex trafficking and all law enforcement officers complete four-hour training on how to investigate the crime.

State officials also will put up \$250,000 to establish a nonprofit to help agencies track traffickers and care for victims.

To deter the demand for prostitution, the state will build a public registry of “johns” convicted of soliciting a prostitute, similar to the list that tracks sex offenders or the database of state prisoners.

Though the February raids of several spas in four Florida counties didn’t yield any human trafficking charges, investigators said they suspected the businesses forced Asian women into illicit sex trade, but the crime is a difficult one to prove.

Kraft, a Donald Trump confidante and part-time Jupiter resident, denies allegations he sought sex at Orchids of Asia Day Spa in Jupiter. His arrest nonetheless shined a national spotlight on an industry experts say has operated in the shadows for decades.

The new law takes direct aim at brothels operating out of spas: Owners now must report the names of spa managers to the state, making it more difficult to reopen a massage business under a new name and license after a prostitution raid.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

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- ☐ Reject

Comments/Note to staff:

08-41A-09 Extreme Risk Protection Orders
[S 2451](#)

Summary:

Establishes extreme risk protection orders as a court issued order of protection prohibiting a person from purchasing, possessing or attempting to purchase or possess a firearm, rifle or shotgun.

Status: Signed by the governor on February 25, 2019.

Comments: From [Moms Demand Action](#) (February 25, 2019)

Today the New York chapter of Moms Demand Action for Gun Sense in America, part of Everytown for Gun Safety, released the following statement praising Governor Cuomo for signing a Red Flag bill into law.

“We are thrilled that New York now has a red flag law and confident that this common-sense policy will save lives,” said Erin DaCosta, volunteer leader with the New York chapter of Moms Demand Action for Gun Sense in America. “We are grateful to Governor Cuomo and our legislators for their commitment to making New Yorkers safer and all of their hard work to bring this long-awaited law to fruition.”

This Red Flag law empowers families, law enforcement officers and school administrators to petition for a court-issued Extreme Risk Protection Order, which temporarily restricts a person’s access to firearms when they pose a significant risk of harming themselves or others. These orders help prevent mass shootings and firearm suicides by empowering those who recognize signs of danger to intervene, before warning signs escalate into gun violence tragedies.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

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- ☐ Defer consideration:
 - ☐ next SSL meeting
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- ☐ Reject

Comments/Note to staff:

08-41A-10 Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in Depositions and Witnesses, Providing for Procedures to Protect Victims and Witnesses with Intellectual Disabilities or Autism
[SB 469](#)

Summary:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in depositions and witnesses, providing for procedures to protect victims and witnesses with intellectual disabilities or autism.

Status: Signed by the governor on June 28, 2019.

Comments: From the [U.S. Department of Justice](#)

Working with Victims of Crime with Disabilities
by Cheryl Guidry Tyiska, Director of Victim Services

National Organization for Victim Assistance

This Bulletin is a product of the Symposium on Working with Crime Victims with Disabilities, funded by the Office for Victims of Crime (OVC) and coordinated by the National Organization for Victim Assistance (NOVA), on Jan. 23-24, 1998, in Arlington, Virginia. The Symposium brought together experts from the disability advocacy and victim assistance and research fields, and they raised as many questions as they answered, thus opening the way for the victim assistance field to look more closely at a large and under-served crime victim population. As a result of their discussions, they developed recommendations for OVC and the victim assistance field on improving the response in serving crime victims with disabilities, which are included in this Bulletin.

Historically, all victims of crime have been denied full participation in the criminal justice process. Crime victims with disabilities and their families are even less likely to reap the benefits of the criminal justice system. Disability advocates report that crimes against people with disabilities are often not reported to police. Of those that lead to an investigation and an arrest, very few are prosecuted. When going through the criminal justice process, few victims with disabilities come into contact with a crime victim advocate. Often when victim services are provided, they may be inappropriate due to inadequate training of victim service providers.

As with most types of crime and crime victims, underreporting of crimes perpetrated against people with disabilities is a major problem. Currently there is no authoritative research that details how many individuals with a disability become crime victims or how many people become disabled by criminal attacks. Nor has the victim assistance field

adequately identified the best practices for serving victims with unique needs or how to train criminal justice system personnel—including victim specialists—to make services truly accessible to all crime victims.

Limited information exists regarding the criminal victimization of people with disabilities, but the little that is available is horrifying in nature and scope. Joan Petersilia, Researcher and Professor of Criminology at the University of California, Irvine, stated that persons with developmental disabilities have a 4 to 10 times higher risk of becoming crime victims than persons without a disability, in her Report to the California Senate Public Safety Committee hearings on "Persons with Developmental Disabilities in the Criminal Justice System." In addition, she says, "Children with any kind of disability are more than twice as likely as nondisabled children to be physically abused and almost twice as likely to be sexually abused." Others in the crime victims field recount anecdotal experiences from their work that illustrate that crimes against people with disabilities are often extremely violent and calculatedly intended to injure, control and humiliate the victim...

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
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 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

08-41A-11 Extreme Risk Protection Orders
[H 1177](#)

Summary:

Establishes the Deputy Zackari Parrish III Violence Prevention Act; creates policy and procedure for extreme risk protection orders; makes an appropriation.

Status: Signed by the governor on April 12, 2019.

Comments: From [Moms Demand Action](#) (April 12, 2019)

The Colorado chapter of Moms Demand Action for Gun Sense in America, part of Everytown for Gun Safety, today applauded Governor Jared Polis for signing HB19-1177, legislation that will empower family members and law enforcement officers to ask a judge to temporarily suspend a person's access to guns if there is documented evidence that the person poses a serious risk to themselves or others.

"So many shootings are slow-motion tragedies—a long trail of warning signs leading up to one terrible moment," said John Feinblatt, President of Everytown for Gun Safety. "We applaud Governor Polis for standing firm in the face of gun lobby fear-mongering and signing legislation that will allow family members and law enforcement to step in before it's too late."

"This victory is the direct result of Coloradans standing up for our safety and showing that together, we are stronger than the gun lobby's scare tactics," said Shannon Watts, founder of Moms Demand Action for Gun Sense in America. "Moms Demand Action volunteers helped flip the Colorado senate to be a gun-sense majority in November, and they turned out to make sure lawmakers did the right thing and voted for this common-sense proposal that protects our families. We know these laws are effective in keeping guns out of the hands of people in crisis, which is why they're gaining traction across the U.S."

"Today's signing was a long time coming," said Karin Asensio, volunteer leader with the Colorado chapter of Moms Demand Action for Gun Sense in America. "Coloradoans are all too familiar with the devastation of gun violence, from shootings that make national headlines to the overwhelming number that never do. For years we've gone to our statehouse, urging our lawmakers to enact policies that will save lives, and they have responded with action. We thank our lawmakers for standing up for gun safety, and we're grateful to Governor Polis for signing this bill into law."

HB19-1177 was passed with overwhelming support from Coloradoans. According to polling released by Everytown for Gun Safety Action Fund, the vast majority of

respondents—including 78% of gun owners—support the concept of Extreme Risk Protection Order laws.

Extreme Risk Protection Order legislation, also known as Red Flag laws, gained traction in the wake of the Parkland shooting, where 14 students and three staff members were shot and killed. Colorado is the fifteenth state, not including the District of Columbia, to enact Extreme Risk Protection Order legislation. Red Flag laws have been shown to be especially effective in reducing the risk of firearm suicide by temporarily removing guns from dangerous situations.

The bill was sponsored by newly elected Representative Tom Sullivan (D-Aurora), whose son Alex was shot and killed in the Aurora theater shooting in 2012. Representative Sullivan was an active volunteer with Moms Demand Action for Gun Sense in America and is a member of the Everytown Survivor Network. During the 2018 election, Representative Sullivan was endorsed by the Everytown for Gun Safety Action Fund and Moms Demand Action volunteers turned out in force to support him.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
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- ☐ Reject

Comments/Note to staff:

08-41A-12 Safe Storage of Firearms
[H 7218](#)

Summary:

Requires the safe storage of all firearms, whether loaded or unloaded, in a home with a minor under a certain age.

Status: Signed by the governor on June 3, 2019.

Comments: From [Moms Demand Action](#) (May 8, 2019)

The Connecticut chapter of Moms Demand Action for Gun Sense in America, part of Everytown for Gun Safety, applauded the Connecticut House of Representatives for passing legislation to prevent gun violence. The legislation, which now heads to the Connecticut Senate floor for a vote, includes:

HB 7218, also known as Ethan’s Law, which would strengthen current state law by requiring firearm owners to keep their guns securely stored to ensure that they are not accessible to children or anyone who is legally prohibited from possessing them; and HB 7219, which would prohibit undetectable, untraceable firearms

“We’re thrilled our lawmakers stood up for common-sense gun safety,” said Kate Martin, a volunteer with the Connecticut chapter of Moms Demand Action for Gun Sense in America. “Keeping guns out of the hands of children and people who shouldn’t have them is not a partisan issue—it’s something gun owners and non-gun owners support. We are encouraged by the vote last night and urge our Senators to advance this bill to the governor’s desk.”

Last month, volunteers with the Connecticut chapter of Moms Demand Action for Gun Sense in America hosted an advocacy day to call on elected officials to pass this proposed gun safety legislation. At the advocacy day, Gov. Ned Lamont indicated he would sign the legislation if sent to his desk.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

08-41A-13 Hazing Criminal Offenses
[S 1080](#)

Summary:

Relates to hazing; redefines the term hazing; expands the crime of hazing, a first and third degree felony, to include when a person solicits others to commit or is actively involved in the planning of hazing; provides that a person may not be prosecuted if certain conditions are met; relates to the State College System institution Boards of Trustees, and related powers and duties.

Status: Signed by the governor on June 25, 2019.

Comments: From [Inside Higher Ed](#) (July 18, 2019)

Florida's governor has signed one of the country's most intricate antihazing laws, an attempt to stem the sometimes deadly rituals by expanding those who could be criminally liable and offering protections for those who help an ailing victim.

Historians and experts say the law is among the "most cutting-edge" in the nation. That's largely because of the unique provisions that ensure Good Samaritans can't be prosecuted if they see a hazing victim needs medical attention and they're the first to contact 911 or campus security. In order to escape criminal charges, the person making the phone call would need to remain on the scene until help arrived, according to the law. Such a measure may reduce hazing-related deaths if students don't fear being punished for contacting authorities. Under the law, a person could also be immune from charges if he or she administered medical aid.

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Even those who orchestrated the hazing can take advantage of these exemptions.

"In a few remote possible cases, a true perpetrator of hazing may escape prosecution, but it is far more important that lives do not get extinguished while perps cower in fear and do nothing to save their friends," said Hank Nuwer, a journalism professor at Franklin College in Indiana who has written extensively about hazing.

Under the new law, those who weren't physically present during a hazing event, but who helped plan it, can now be prosecuted. This would likely affect a fraternity or

sorority leader, but Peter Lake, director of the Center for Excellence in Higher Education Law and Policy at Stetson University, said he could envision a legal scenario in which administrators could also be held liable.

Sometimes officials must sign off on a Greek life event, and Lake said the law will likely test whether they would be immune from criminal charges or a civil case.

“This is definitely a new frontier for hazing prevention,” Lake said.

Nuwer said that chapter members have tended to skate by when a prosecutor brings charges only to the most “active” perpetrators and chapter officers.

“Finally it is recognized that individuals in the entire chapter bear some responsibility in a death when they knew, planned and abated actions by the most fervent zealots in the group who took things to a dangerous and fatal level,” Nuwer said.

Andrew’s Law, which the governor approved last month, is named for Andrew Coffey, a Florida State University pledge who died in November 2017 after he drank an entire fifth of Wild Turkey bourbon at an off-campus party.

Coffey, 20, was participating in a “big brother” night where the initiates were expected to finish the bottle of alcohol presented to them by their “big.” Coffey did—he then fell unconscious and was carried to a couch and ignored until the early morning. His “big” had gone home. Coffey was found without a pulse. His autopsy found he died of alcohol poisoning—his blood alcohol level was 0.447, nearly six times the legal driving limit.

His death upended Greek life at Florida State. The president, John E. Thrasher, shut down all fraternity and sorority activities that November, proclaiming the entire network of 50-some chapters needed to be reworked. Florida State did not respond to request for comment for this piece.

A couple of months later, Thrasher partially lifted the ban, adding new requirements for Greek life, requiring fraternities and sororities to use a third-party vendor to supply their booze and shortening the recruitment “rush” period, when many of these incidents occur.

But antihazing advocates, among them Coffey’s parents, were not fully satisfied. They lobbied the Florida Legislature to amp up the state’s law, which was already one of the stricter in the United States.

In 2005, Florida politicians made hazing a first-degree misdemeanor and a third-degree felony if a victim was seriously injured or died—they named the law the Chad Meredith Act, for a University of Miami student who drowned in a hazing death in 2001. Then-governor Jeb Bush signed the law.

David Bianchi, one of the lawyers who helped write the Chad Meredith Act, also worked on Andrew's Law.

Bianchi, who represented the Coffey family, said prior to the bill's passage that the law needed some improvements. He referenced a hazing case last year, also at Florida State. During a hazing game, Nicholas Mauricio was hit so hard in the face he fractured his skull and was left unconscious. He lived, but police said at the time there was insufficient evidence to prosecute the fraternity members for hazing (Mauricio was already a member of Alpha Epsilon Pi fraternity but was not yet registered as a Florida State student).

The new law closes that loophole—under the legislation, current members of a group can also be considered hazing victims.

The bill sailed through the legislative process, being unanimously approved at every step. It was bipartisan, being sponsored chiefly by both a Democrat and Republican. Lake said lawmakers were likely confident in passing the legislation after a Florida Supreme Court ruling in December that flatly rejected a challenge to the Chad Meredith Act as potentially unconstitutional.

On the federal side, two U.S. representatives, Marcia Fudge, a Democrat from Ohio, and G. T. Thompson, a Pennsylvania Republican, last month introduced the End All Hazing Act, an amendment to the Higher Education Act.

It would require institutions to maintain a website that would publicize information about student organizations that had been disciplined for hazing. Colleges and university officials would also need to report allegations of potentially deadly hazing within 72 hours to campus police or other law enforcement.

The End All Hazing Act has been endorsed by the National Panhellenic Conference and the North-American Interfraternity Conference, which represents many sororities and fraternities nationally. Both groups created the Anti-Hazing Coalition, along with parents of students who died from hazing.

Andrea Benek, a spokeswoman with the North-American Interfraternity Conference, provided a statement on the new Florida law to Inside Higher Ed:

“The North-American Interfraternity Conference is deeply committed to eradicating hazing by advocating for stronger laws throughout the country. We support comprehensive hazing prevention measures—proactive education, transparency and accountability around standards—enacted through federal and state legislation. We work in partnership with the Anti-Hazing Coalition to make lasting cultural change in student organizations and on university campuses.”

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

08-41A-14 Purchasing Certain Firearm Parts
[SB 2465](#)

Summary:

Prohibits the sale, possession and manufacture of ‘ghost guns,’ including unserialized firearms (and parts that can be used to build them), undetectable firearms and disguised firearms. The bill also prohibits the unlicensed manufacture of firearms by means of a 3D printer and prohibits the distribution of data files that enable 3D printers to create firearms.

Status: Signed by the governor on November 8, 2018.

Comments: From northjersey.com (November 8, 2018)

New Jersey on Thursday outlawed four types of new-age firearms designed to evade detection by law enforcement and sidestep regulations. Some can even be sneaked into places like airports without setting off metal detectors.

Gov. Phil Murphy signed a bill that he said would close a “dangerous loophole” in existing law and strengthen law enforcement’s hand in prosecuting people who sell or possess the weapons in New Jersey.

He held a signing ceremony in Trenton the day after a Marine Corps veteran fatally shot at least 12 people at a dance hall in Thousand Oaks, Calif.

“We dedicate today and all of our efforts going forward to the simple and common-sense premise that mass murder is not the price we have to pay for the Second Amendment,” Murphy said, flanked by Attorney General Gurbir Grewal and Sen. Joe Cryan, D-Union, a sponsor of the legislation.

The new law, S-2465, establishes four new crimes:

- Purchasing the parts to make a “ghost gun,” or a gun without a serial number that can be assembled using parts bought individually or as part of a kit, often via the internet;
- Making a 3-D printable gun or distributing the designs for one;
- Manufacturing, selling or possessing a “covert” firearm, which is disguised to resemble other objects, such as a keychain, smart phone, cigarette lighter or cane; and
- Manufacturing, selling or possessing a “undetectable” firearm, which is made of material not recognizable by a metal detector.

All would be third-degree crimes, punishable by up to five years in prison.

Grewal on Thursday cited two recent events in describing the need for the new law. Over the summer, Cody Wilson, a self-described crypto-anarchist from Texas, promised to post blueprints for 3-D printed guns online that Grewal said would have allowed “anyone, even terrorists, felons and domestic abusers” to create untraceable firearms.

Grewal and attorneys general from 18 other states sued to prevent Wilson from posting the blueprints in a case that’s still pending.

Also, in the spring, Grewal sent cease and desist letters to seven or eight manufacturers of ghost guns, which are sold without background checks or serial numbers and thus cannot be traced back to an owner when used in a crime. Some complied, Grewal said, but others did not and are the subject of ongoing investigations.

“In both of those cases, bad actors were trying to take advantage of loopholes because no laws squarely address printable guns or ghost guns,” he said. That forced law enforcement to pursue prosecutions using other laws, such as New Jersey’s public nuisance law or its assault weapons law, he said.

“Those laws are important and they’re great tools,” Grewal said. “But a law right on point strengthens law enforcement’s hand even more.”

New Jersey already had some of the strictest gun control regulations before Murphy took office, but the Democratic governor has made it his mission to tighten them even further.

Murphy has vowed to sign any gun-related bill vetoed by his predecessor, Republican Chris Christie, and has called for increased fees on gun licenses and more funding for research into gun violence.

He has pieced together a regional gun coalition and is releasing monthly reports designed to “name and shame” states with laxer regulation by detailing where “crime guns” recovered in New Jersey were first purchased.

In June, Murphy signed a package of laws that reduced the legal capacity of gun magazines and made it easier for law enforcement to seize guns from people deemed to pose a threat, among other new restrictions.

And last month, following the fatal shootings of 11 people at a Pittsburgh synagogue, he endorsed new restrictions on gun and ammunition sales in New Jersey and a renewed push for “smart guns” that can be fired only by their registered owners.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
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- ☐ Defer consideration:
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 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

08-41A-15 Relating to Firearms
[HB 4145](#)

Summary:

Expands state prohibitions on gun possession by those who are convicted of misdemeanor domestic violence crimes or subject to domestic violence restraining orders to include dating partners. The bill also expanded the list of criminal convictions that prohibit firearms possession to include stalking.

Status: Signed by the governor on March 5, 2018.

Comments: From [KGW News](#) (March 5, 2018)

Amidst a crowd of students and advocates rallying for stronger gun regulations, Oregon Gov. Kate Brown signed Monday the first piece of legislation addressing the issue since the deadly shooting at Marjory Stoneman Douglas High School last month.

The law expands the prohibition of gun ownership to people convicted of domestic violence against non-married intimate partners—closing the so-called "boyfriend loophole."

It also blocks people convicted of misdemeanor stalking from owning a gun.

"Closing the 'intimate partner' is an important step to keep Oregonians safer from gun violence," Brown said. "I'm hopeful that the tide is turning on our nation's gun debate."

The legislation was one of Brown's top priorities coming into the short legislative session, which ended Saturday.

Before the signing event—which included speeches from Moms Demand Action representatives, legislators and a student activist—the governor held a 25-minute discussion with high school and college students about gun violence.

Moms Demand Action reached out to the governor's office, a spokesman said, to organize the exchange, and all 11 students supported stronger gun control measures.

Much of the conversation revolved around the intersection of mental health care and accessibility to firearms.

The students said stigma around mental health issues still exists in some places. And in places where conversations about seeking help are more socially acceptable, often resources aren't readily available.

"If you are just willing to try, and then you get told it's going to be a month, I think that that's discouraging to people," said Grace Bulger, a senior at the University of Oregon.

In many high schools, counselors are also responsible for class scheduling, cutting into any time available for having conversations with students.

Additionally, the students told Brown that communication from administrators can be lacking when it comes to mental health services. Grace Didway, a senior at Oregon City High School, said that those resources had not once been mentioned in her advisory class, which exists to share information with students.

"Starting freshman year, day one, we need to make sure students are aware of the opportunities available to them in their school," she said.

Brown agreed this was a problem, ascribing blame to a lack of resources and trained professionals on staff. She encouraged the students to push administrations, especially at universities, to bring more counselors on campus.

Underpinning the entire conversation were the deaths of 17 people at Marjory Stoneman Douglas High School in Parkland, Fla., last month.

There was support in the room for banning assault weapons, including the popular AR-15-style rifle that was used by the Parkland shooter, and bump stocks, which are used to achieve full-automatic fire rates with a semi-automatic weapon.

But Brown cautioned that there was only so much Oregon could do on its own. Banning weapons or accessories wouldn't make much difference, she said, because they can easily be carried across state lines.

She said the federal government needs to step in and should do so immediately.

"Now is the time for real change," she later reiterated to the gathered crowd before signing the bill. "Let's make it happen."

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
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- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

09-41A-01* An Act Relating to Information Privacy
[S 327](#)

Summary:

This bill, beginning on January 1, 2020, would require a manufacturer of a connected device, as those terms are defined, to equip the device with a reasonable security feature or features that are appropriate to the nature and function of the device, appropriate to the information it may collect, contain, or transmit, and designed to protect the device and any information contained therein from unauthorized access, destruction, use, modification, or disclosure, as specified.

Status: Signed by the governor on September 28, 2018; Effective January 1, 2020.

Comments: From [The Verge](#) (September 28, 2018)

California Governor Jerry Brown has signed a cybersecurity law covering “smart” devices, making California the first state with such a law. The bill, SB-327, was introduced last year and passed the state senate in late August.

Starting on January 1st, 2020, any manufacturer of a device that connects “directly or indirectly” to the internet must equip it with “reasonable” security features, designed to prevent unauthorized access, modification, or information disclosure. If it can be accessed outside a local area network with a password, it needs to either come with a unique password for each device, or force users to set their own password the first time they connect. That means no more generic default credentials for a hacker to guess.

The bill has been praised as a good first step by some and criticized by others for its vagueness. Cybersecurity expert Robert Graham has been one of its harshest critics. He’s argued that it gets security issues backwards by focusing on adding “good” features instead of removing bad ones that open devices up to attacks. He praised the password requirement but said it doesn’t cover the whole range of authentication systems that “may or may not be called passwords,” which could still let manufacturers leave the kind of security holes that allowed the devastating Mirai botnet to spread in 2016.

But others, including Harvard University fellow Bruce Schneier, have said that it’s a good start. “It probably doesn’t go far enough—but that’s no reason not to pass it,” he told *The Washington Post*. While the rule is only state-wide, any device-makers who sell products in California would pass the benefits on to customers elsewhere.

Several Internet of Things-related bills have been introduced in Congress, but none have made it to a vote. The IoT Cybersecurity Improvement Act of 2017 would set minimum security standards for connected devices purchased by the government, but

not electronics in general. Taking a separate track, the IoT Consumer TIPS Act of 2017 would direct the Federal Trade Commission to develop educational resources for consumers around connected devices, and the SMART IoT Act would require the Department of Commerce to conduct a study on the state of the industry.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
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- ☐ Reject

Comments/Note to staff:

09-41A-02 Cybersecurity Strategy
[SB 2110](#)

Summary:

Authorizes a central, shared-service approach to cybersecurity across all parts of state government under the information technology department.

Status: Signed by the governor on April 12, 2019.

Comments: From the [Office of the Governor](#) (April 12, 2019)

Gov. Doug Burgum on Thursday signed Senate Bill 2110, a milestone that makes North Dakota the first state to authorize a central, shared service approach to cybersecurity strategy across all aspects of state government including state, local, legislative, judicial, K-12 education and higher education.

“This important investment in 21st century critical infrastructure recognizes the increasingly digital world in which we live and the growing nature of cybersecurity threats,” Burgum said. “A unified approach to cybersecurity strengthens our ability to protect the state network’s 252,000 daily users and more than 400 entities from cyberattacks.”

“The collaborative effort on this legislation clearly reflects a whole-of-government approach by North Dakota’s leaders, enabling the state to effectively address millions of monthly attacks and identify potential gaps in cybersecurity,” said Chief Information Officer Shawn Riley.

North Dakota is also pursuing a comprehensive, statewide approach to computer science and cybersecurity education, with a goal of “Every Student. Every School. Cyber Educated” as part of its “K-20W Initiative.” Efforts include new Computer Science and Cybersecurity standards recently adopted by the Department of Public Instruction and legislative authority to the State Superintendent to credential trained instructors to teach these standards.

In addition, North Dakota State University has a new cybersecurity education focus in its Ph.D. program, and Bismarck State College was recently designated as a Center of Academic Excellence in Cyber Defense by the National Security Agency and Department of Homeland Security. The two federal organizations stated that BSC’s ability to meet the increasing demands of program criteria will serve the nation well in contributing to the protection of the National Information Infrastructure. The programs at NDSU and BSC create greater career opportunities for students in a highly competitive global economy.

“The jobs of today and tomorrow involve significant emphasis on technology skills and providing training and resources for our students and workforce in computer science and cybersecurity will also benefit us as a state as we continue to lead the nation in our cybersecurity approach,” Burgum said.

For additional information on the K-20W Initiative, [click here](#).

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
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- ☐ Defer consideration:
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 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

09-41A-03 Bots: Disclosure
[SB 1001](#)

Summary:

Makes it unlawful for any person to use a bot to communicate or interact with another person in California online with intent to mislead the other person about its artificial identity for the purpose of knowingly deceiving the person about the content of the communication in order to incentivize a purchase or sale of goods or services in a commercial transaction or to influence a vote in an election.

Status: Signed by the governor on September 28, 2018.

Comments: From [The New Yorker](#) (July 2, 2019)

When you ask experts how bots influence politics—that is, what specifically these bits of computer code that purport to be human can accomplish during an election—they will give you a list: bots can smear the opposition through personal attacks; they can exaggerate voters’ fears and anger by repeating short simple slogans; they can overstate popularity; they can derail conversations and draw attention to symbolic and ultimately meaningless ideas; they can spread false narratives. In other words, they are an especially useful tool, considering how politics is played today.

On July 1st, California became the first state in the nation to try to reduce the power of bots by requiring that they reveal their “artificial identity” when they are used to sell a product or influence a voter. Violators could face fines under state statutes related to unfair competition. Just as pharmaceutical companies must disclose that the happy people who say a new drug has miraculously improved their lives are paid actors, bots in California—or rather, the people who deploy them—will have to level with their audience.

“It’s literally taking these high-end technological concepts and bringing them home to basic common-law principles,” Robert Hertzberg, a California state senator who is the author of the bot-disclosure law, told me. “You can’t defraud people. You can’t lie. You can’t cheat them economically. You can’t cheat ’em in elections.”

California’s bot-disclosure law is more than a run-of-the-mill anti-fraud rule. By attempting to regulate a technology that thrives on social networks, the state will be testing society’s resolve to get our (virtual) house in order after more than two decades of a runaway Internet. We are in new terrain, where the microtargeting of audiences on social networks, the perception of false news stories as genuine, and the bot-led amplification of some voices and drowning-out of others have combined to create angry, ill-informed online communities that are suspicious of one another and of the government.

Regulating bots should be low-hanging fruit when it comes to improving the Internet. The California law doesn't even ban them outright but, rather, insists that they identify themselves in a manner that is "clear, conspicuous, and reasonably designed."

But the path from bill to law was hardly easy. Initial versions of the legislation were far more sweeping: large platforms would have been required to take down bots that didn't reveal themselves, and all bots were covered, not just explicitly political or commercial ones. The trade group the Internet Association and the digital-rights group the Electronic Frontier Foundation, among others, mobilized quickly in opposition, and those provisions were dropped from the draft bill.

Opposition to the bot bill came both from the large social-network platforms that profit from an unregulated public square and from adherents to the familiar libertarian ideology of Silicon Valley, which sees the Internet as a reservoir of unfettered individual freedom. Together, they try to block government encroachment. As John Perry Barlow, an early cyberlibertarian and a founder of E.F.F., said to the "Governments of the Industrial World" in his 1996 "Declaration of Independence of Cyberspace": "You have no moral right to rule us nor do you possess any methods of enforcement we have true reason to fear."

The point where economic self-interest stops and libertarian ideology begins can be hard to identify. Mark Zuckerberg, of Facebook, speaking at the Aspen Ideas Festival last week, appealed to personal freedom to defend his platform's decision to allow the microtargeting of false, incendiary information. "I do not think we want to go so far towards saying that a private company prevents you from saying something that it thinks is factually incorrect," he said. "That to me just feels like it's too far and goes away from the tradition of free expression."

In Aspen, Zuckerberg was responding to a question about why his platform declined to take down an altered video that was meant to fool viewers into thinking that Nancy Pelosi was slurring her speech. In an interview last year with Recode, he tried to explain why Facebook allows Holocaust deniers to spread false conspiracy theories.

To be clear, Facebook isn't the government (yet). As a private company, it can and does take down speech it doesn't like—nude pictures, for example. What Zuckerberg was describing was the kind of political speech he believes the government should protect and the policy he wants Facebook to follow.

The first bots, short for chatbots, couldn't hide their artificiality. When they were invented, back in the nineteen-sixties, they weren't capable of manipulating their users. Most bot creators worked in university labs and didn't conjure these programs to exploit the public. Today's bots have been designed to achieve specific goals by appearing human and blending into the cacophony of online voices. Many have been commercialized or politicized.

In the 2016 Presidential campaign, bots were created to support both Donald Trump and Hillary Clinton, but pro-Trump bots outnumbered pro-Clinton ones five to one, by one estimate, and many were dispatched by Russian intermediaries. Twitter told a Senate committee that, in the run-up to the 2016 election, fifty thousand bots that it concluded had Russian ties retweeted Trump's tweets nearly half a million times, which represented 4.25 per cent of all his retweets, roughly ten times the level of Russian bot retweets supporting Clinton.

Bots also gave Trump victories in quick online polls asking who had won a Presidential debate; they disrupted discussions of Trump's misdeeds or crude statements; and they relentlessly pushed dubious policy proposals through hashtags like #draintheswamp.

They have also aided Trump during his Presidency. Suspected bots created by unidentified users drove an estimated forty to sixty per cent of the Twitter discussion of a "caravan" of Central American migrants headed to the U.S., which was pushed by the President and his supporters prior to the 2018 midterm elections. Trump himself has retweeted accounts that praise him and his Presidency, and which appear to be bots. And last week a suspected bot network was discovered to be smearing Senator Kamala Harris, of California, with a form of "birtherism" after her strong showing in the first round of Democratic-primary debates.

The problem with attempts to regulate bots, the E.F.F. and other critics argue, is that many of us see them only as a destructive tool. They contend that bots are a new medium of self-expression that is in danger of being silenced. In a letter to the California Assembly, the organization argued that the bot-labelling bill was overly broad and "would silence or diminish the very voices it hopes to protect." The codes behind the bots are produced by people, they note, and the government should have to meet the toughest standards if it attempts to regulate their speech in any way.

Bots certainly can be beneficial. There are bots created by artists that find interesting patterns in society; bots that inform us about history; bots that ask searching questions about the relationship between people and machines by pretending to be human. "Just because a statement is ultimately 'made' by a robot does not mean that it is not the product of human creation," Madeline Lamo, then a fellow at the University of Washington Tech Policy Lab, and Ryan Calo, a University of Washington law professor, wrote in "Regulating Bot Speech," a recent article for the UCLA Law Review, which questions the California law.

Jamie Lee Williams, a lawyer at E.F.F. who analyzed the bot law, called the original measure a perilous reduction in free-speech rights. "What scares me a lot," she said, "is this idea that First Amendment protections are too great and we should whittle it back and relax our standards and allow more government restrictions on speech—giving the government the power to police speech is a dangerous thing."

In the end, E.F.F. was pleased enough by the changes to the bill to move from opposition to neutrality. Neutrality was as far as the organization would go, Williams

commented. “I don’t think E.F.F. would ever come out in support of rules like this,” she said. “There are a lot of good bots.”

Hertzberg, the state senator who authored the legislation, told me that he was glad that the changes to the bill before passage were related to the implementation of the law, rather than to its central purpose of requiring that bots reveal themselves to the public when used politically or commercially. A lawyer by training, Hertzberg said that he resented the accusation that he didn’t care about First Amendment concerns. “There is no effort in this bill to have a chilling effect on speech—zero,” he said. “The argument you go back to is, Do bots have free speech? People have free speech. Bots are not people.”

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

09-41A-04 Relating to Security Measures Required for Devices that Connect to the Internet (IoT)
[HB 2395](#)

Summary:

Requires manufacturer to equip connected device with reasonable security features that protect connected device and information that connected device stores from access, destruction, modification, use or disclosure that consumer does not authorize.

Status: Signed by the governor on June 10, 2019.

Comments: From [The National Law Review](#) (July 3, 2019)

Oregon became the latest state to require manufacturers of internet “connected devices” that make, sell or offer to sell the devices in the state to equip the device with “reasonable security features” according to Oregon House Bill 2395 amending ORS 646.607.

According to the law, “[R]easonable security features” means methods to protect a connected device—and any information the connected device stores—from unauthorized access, destruction, use, modification or disclosure that are appropriate for the nature and function of the connected device and for the type of information the connected device may collect, store or transmit.

The law goes on to define a “reasonable security feature” as:

(a) A means for authentication from outside a local area network, including:

(1) a preprogrammed password that is unique for each connected device; or

(2) a requirement that a user generate a new means of authentication before gaining access to the connected device for the first time; or

(b) Compliance with requirements of federal law or federal regulations that apply to security measures for connected devices.

Oregon’s law is similar to one in California in that it uses the same “reasonable security features” language, which we wrote about a few months ago, CA Civ. Code § 1798.91.04 (2018). Both of these laws take effect on January 1, 2020.

Why is this important? A preprogrammed unique password, or the requirement that a new user of the device generate a new means of authentication prior to using the device for the first time, ensures that your new smart device won’t have the same default

password as everyone else's device. These features also provide additional security so that your IoT device will be less susceptible to spying or hacking. Given the estimate of the number of IoT devices around the world to be in the billions, and that people value the convenience of the devices but don't want to sacrifice privacy, it's more important than ever that IoT devices have at least "reasonable security features."

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

09-41A-05 An Act Relating to Crimes; Revising Provisions Relating to the Crime of Participation in Organized Retail Theft; and Providing other Matters Properly Relating Thereto
[SB 431](#)

Summary:

his bill provides that the crime of organized retail theft may be committed by one or more persons who knowingly participate directly or indirectly in or engage in conduct with the intent to further an organized retail theft. This bill further provides that the acts constituting organized retail theft may be committed on the premises of a merchant or through the use of an Internet or network site and with the intent to return the merchandise for value or resell, trade or barter the merchandise for value, in any manner, including, without limitation, through the use of an Internet or network site. This bill also revises the period of time, from 90 days to 120 days, for which the value of the property or services involved in the organized retail theft may be aggregated for purposes of determining the criminal penalty.

Status: Signed by the governor on June 5, 2019.

Comments:

This is the first state law to specifically include the use of an internet site in the commission of an ORC offense.

Staff Note:**Disposition of Entry:**

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

09-41A-06 Approval of Personalized Handguns
[S 101](#)

Summary:

Establishes the Personalized Handgun Authorization Commission to establish performance standards for personalized handguns and maintain a roster of personalized handguns authorized for sale.

Status: Signed by the governor on July 16, 2019.

Comments: From [CBS Philly](#) (July 16, 2019)

Gov. Phil Murphy signed a measure into law Tuesday aimed at making so-called smart guns available in New Jersey. The guns can only be fired by one designated user.

“The scourge of gun violence is a pervasive problem that affects our entire nation,” Murphy said. “I am proud to work with our legislators to implement some of the toughest gun laws in the country to protect our residents and make our communities safer for all. We see the results of our work by having among the lowest rates of gun-related deaths nationwide.”

New Jersey Man’s Lawsuit Against TGI Friday’s After Being ‘Shocked’ Beer Cost More Than \$5 Can Proceed, Court Rules

The move made New Jersey’s strict gun laws even tougher, and Anthony Colandro is none too happy about it.

“It does nothing to make New Jersey safer, there is not going to be one criminal that reads the headlines tomorrow and say, ‘Oh, it’s going to be harder for us to commit a crime,’” said Colandro, who owns a shooting range in New Jersey.

Colandro believes the new laws actually hurt legal gun owners and violate the Second Amendment. The new measure requires that retailers carry and sell at least one smart gun.

Surveillance Video Captures Man Breaking Into Roxborough Home, Sleeping Over While Homeowner Is At Jersey Shore

Murphy also signed three other measures aimed at stopping gun violence. One bill requires that the attorney general and health commissioner come up with a suicide prevention and training course for gun sellers.

Another bill restricts people convicted of serious crimes from buying firearms, as well as barring the sale of guns without a serial number. A fourth bill makes it a crime to solicit a gun from someone who is already legally disqualified from buying a weapon.

Tuesday's laws were the second batch of gun-related measures the first-term governor has signed. Murphy campaigned on a platform of strengthening New Jersey's already strong gun control measures.

"I am proud to work with our legislators to implement some of the toughest gun laws in the country to protect our residents and make our communities safer for all," Murphy said Tuesday.

The goal is to prevent accidental shootings or stolen guns from being used by a criminal. Colandro argues the technology isn't 100% effective.

New Jersey Governor Phil Murphy Planning Official Trip To India

"I'm all for technology but give me any electronic device that can't be hacked, that can't crash, that can't have a problem. I'm in favor of smart guns once our police and military start carrying them," Colandro said.

Colandro says he and other law-abiding gun owners will continue to make sure their constitutional rights are not shot down.

"The only thing we can rely on is lawsuits and hoping the Supreme Court will take our cases because they're going to continue to do this," he said.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

10-41A-01 Rebuild Alabama Act
[HB 2](#)

Summary:

Motor vehicles and motor fuels, Rebuild Alabama Act., additional tax on gasoline and diesel fuel of ten cents in increments, additional licensing tax on electric and hybrid electric automobiles, distribution of proceeds for state, county, municipal, and State Port Authority transportation purposes, floor stock tax provided, bond of motor fuel terminal operators increased, taxes increased based on changes in National Highway Construction Cost Index, portion to finance improvements to ship channels related.

Status: Signed by the governor on March 12, 2019.

Comments: From madeinalabama.com (April 22, 2019)

That's because a little noticed provision in Rebuild Alabama, approved in March to provide additional funding to improve the state's roadways, establishes a grant program aimed at stimulating the installation of new EV charging stations in Alabama.

While several states offer various incentives for EV charging station infrastructure, researchers at the Alabama Transportation Institute at The University of Alabama say it appears that only one other state—Washington—has a similar grant program.

"By making the investment in EV charging station infrastructure through the Rebuild Alabama Act, the state is taking a proactive approach to prepare for new and emerging technologies," said Justice Smyth, the Alabama Transportation Institute's director of public outreach.

"This effort will likely enable more widespread adoption of electric vehicles by average consumers—many of whom currently view 'range anxiety' as a deterrent for purchase," he added.

Smyth called Alabama's grant program "a creative way to address coming changes in the auto industry."

State Sen. Clyde Chambliss, a Rebuild Alabama sponsor, said the EV infrastructure grant program could serve as a model for other states that want to expand their network of charging stations.

"We hope that it's something will work here. We think it will, and I think it's something that other states should look at as well. Once you create a nationwide grid, then the technology really has a chance at that point," Chambliss said.

“We’re trying to look down the road and address problems and issues before they become major. We think this is a way we can do it in this regard. Hopefully, other states will look at it, and we will all move together into the future,” he added.

FUNDING GROWTH

Here’s how Alabama’s new EV infrastructure program works: Rebuild Alabama includes a new annual registration fee to be paid by owners of battery electric vehicles and plug-in hybrid EVs. One-quarter of the funds collected from that fee will be dedicated to support grants for EV charging stations.

The program, administered by the Alabama Department of Transportation, will provide funding for municipalities, counties, universities and other public institutions to help cover some of the costs of installing EV charging stations.

Those costs can be substantial, ranging from \$10,000 for a basic unit to \$125,000 for a fast-charging station.

Business group in Alabama think the program will pay dividends for the state.

“Through this innovative grant program, Alabama will accelerate the expansion of EV charging stations across the state and will sit at the forefront of EV expansion,” the Birmingham Business Alliance said.

The annual registration fees total \$200 for Alabama drivers of battery electric vehicles and \$100 for plug-in hybrid EVs. The portion not directed to the EV infrastructure grant program goes to pay for improvements to the state’s roads and bridges.

The Washington program, which went into effect in 2016, is designed to raise \$1 million annually to install 15 new charging stations a year along interstates, according to the Alabama Transportation Institute.

EMBRACING ELECTRIC

Today, there are 115 charging stations with a total of 267 charging outlets spread across Alabama, according to the Department of Energy data. An estimated 2,300 EVs are registered in the stat.

Though EVs represent a small percentage of the 5 million registered vehicles in Alabama, many believe an expansion of the EV charging network will help speed sales of the environmentally friendly cars. That would alleviate what Smyth referred to as “range anxiety”—the fear of running out of charge with no station in sight.

Alabama’s EV infrastructure program comes at a time of rising industry sales, fueled in large part by rapidly decreasing battery prices. That’s likely to accelerate as most

automakers are ramping up ambitious plans with major investments to introduce more EVs in coming years.

Mercedes-Benz's Alabama plant, for instance, will begin producing electric-powered versions of the sport utility vehicles it builds in Vance, joining plug-in hybrid models. To prepare for the launch of those models, Mercedes is now building a sprawling battery pack assembly facility in Bibb County.

"Because Alabama's automakers are placing a strong emphasis on EVs as part of their future lineups, expanding the charging station infrastructure across the state will position us to benefit from a technology that is on its way to widespread adoption," said Greg Canfield, secretary of the Alabama Department of Commerce.

Meanwhile, the number of electric charging stations across the nation is growing. As of September 2018, there were an estimated 22,000 public charging stations in the United States and Canada classified as AC Level 2 and DC fast charging, capable of delivering an 80% charge in 20 to 30 minutes.

More will be needed if growth projections hold for EVs. A Department of Energy study estimates that as many as 27,000 DC FC and 600,000 Level 2 outlets in public locations will be needed if 15 million EVs are on U.S. roads in 2030.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff:

10-41A-02* Electric Scooters
[AB 2989](#)

Summary:

Permits local authorities to authorize the operation of motorized scooters on a highway with a 35 mph speed limit; allow for operation of a motorized scooter on a highway with a higher speed limit if the scooter is operated within a Class IV bikeway; specifies existing maximum 15 mph speed limit for operation of a motorized scooter applies regardless of a higher speed limit applicable to the highway; requires the operator of a motorized scooter to wear a helmet if under 18.

Status: Signed by the governor on September 19, 2018.

Comments: From [Curbed](#) (September 21, 2018)

Governor Jerry Brown signed a bill Wednesday changing several regulations about the electric scooters purveyed by SF-based startups like Bird and Spin and doing away with some others, including allowing adults to scoot sans helmet.

The bill, AB 2989, would have once permitted scooter use on sidewalks as well, but the final version did away with that element.

In part, the legislation reads:

This bill would permit a local authority to authorize the operation of a motorized scooter on a highway with a speed limit of up to 35 miles per hour and would additionally allow for operation of a motorized scooter on a highway with a higher speed limit if the motorized scooter is operated within a Class IV bikeway.

[...] The bill would require the operator of a motorized scooter to wear a helmet only if the operator is under 18 years of age.

Simple observation reveals that few e-scooter users in SF bothered with the helmets anyway, so presumably even fewer will notice the rule change.

Staff Note:

Disposition of Entry:

SSL Committee Meeting: 2021 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff: