

Submissions to the Shared State Legislation Committee should be sent to CSG 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 Internet Web site or by telephone from state legislative service agencies and legislative libraries. **Abstracts of the legislation on SSL dockets and in SSL volumes are usually compiled from bill digests and state legislative staff analysis.**

CSG COMMITTEE ON
SHARED STATE LEGISLATION

2018 CYCLE

DOCKET BOOK A

December 8 & 10, 2016
Williamsburg, Virginia

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

SSL PROCESS

With the goal of sharing innovations in state policy, CSG's 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 CSG's SSL Committee.

SSL Committee members meet several times a year to consider legislation. The items chosen by the SSL Committee are published online at www.csg.org/ssl after every meeting and are then compiled into an annual Shared State Legislation volume. The volumes are usually published in conjunction with the start of each year's state legislative sessions.

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

SSL Committee members, other state officials, and their staff, CSG Associates and CSG staff may submit legislation directly to the SSL 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 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 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 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 *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 - 2017A and later

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

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

(01) AGRICULTURE

01-38A-01	Partial Ban on Neonicotinoids	<u>MD</u>
01-38A-02	Pollinator Health	<u>CT</u>

(02) COMMERCE & LABOR

02-38A-01	Healthy Food Financing Initiative	<u>FL</u>
02-38A-02	Pay Equity	<u>MA</u>
02-38A-03	Rights and Responsibilities of Landlords and Tenants Regarding the Treatment of Bed Bug Infestations	<u>CT</u>
02-38A-04	Adoption of Former Research Animals	<u>NV</u>
02-38A-05	Entrepreneur Learner's Permit Program	<u>CT</u>
02-38A-06	State Personnel - Individuals with Disabilities - Hiring Preferences	<u>MD</u>
02-38A-07	Limit Requirements that Telephone Companies Provide Landline Services	<u>ME</u>
*02-38A-08	Fantasy Sports	<u>VA</u>
02-38A-09	Fantasy Sports	<u>IN</u>
02-38A-10	Fantasy Sports	<u>CO</u>
02-38A-11	Fantasy Sports	<u>MO</u>
02-38A-12	Fantasy Sports	<u>MS</u>
02-38A-13	Allowing Employers to Pay Wages Using Payroll Cards	<u>CT</u>
*02-38A-14	Regulation of Toxic Substances in Children's Products	<u>VT</u>
02-38A-15	Electronic Notary	<u>VA</u>

(03) EDUCATION

03-38A-01	Education Access and Affordability	<u>FL</u>
03-38A-02	Publicly Funded Prekindergarten Education	<u>VT</u>
03-38A-03	College Admissions for Veterans	<u>IL</u>
03-38A-04	Substitute Teaching Permit for Prospective Teachers	<u>PA</u>
03-38A-05	Banning PreK through Grade 2 Suspensions	<u>CT</u>
03-38A-06	Requires Public Schools to Provide Students with 20 Consecutive Minutes of Recess per Day	<u>RI</u>
03-38A-07	Aid for College Students in Crisis	<u>NJ</u>
03-38A-08	Requiring Universities Send Students Annual Letters Estimating Total Loan Debt	<u>IN</u>
03-38A-09	Requiring Sexual-Assault Prevention Training for College Students	<u>MN</u>
03-38A-10	Building Better Futures Program	<u>AR</u>
03-38A-11	Building Better Futures High School Program	<u>AR</u>

(04) ENERGY

04-38A-01	Oil-Carrying Freight Train Safety	<u>WA</u>
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04-38A-02 Elimination of Electricity Generated by Coal [OR](#)

(05) ENVIRONMENT

05-38A-01 Banning the Sale of Products Made from Endangered Species [HI](#)

05-38A-02 Revolving Loan Fund to Help Property Owners Prepare for Sea-Level Rise [VA](#)

(06) GOVERNMENT

06-38A-01 Barring Elected Officials from Serving as Paid Political Consultants [MO](#)

(07) HEALTH

07-38A-01 The Honorable Jimmy Carter Cancer Treatment Access Act [GA](#)

07-38A-02 Mediation for Balance Billing by a Facility-Based Physician [TX](#)

07-38A-03 Prohibiting an Out-of-Network Provider from Balance Billing Members of a PPO or EPO [FL](#)

07-38A-04 Emergency Medical Services and Surprise Bills [NY](#)

07-38A-05 Step Therapy [KY](#)

07-38A-06 Step Therapy [CA](#)

07-38A-07 Requiring Drug Companies to Explain Price Increases [VT](#)

07-38A-08 Statewide Database of Hospital Costs [FL](#)

07-38A-09 Expanded Contraception Access [MD](#)

07-38A-10 Health Insurance and Medicaid Coverage for Contraceptives [VT](#)

07-38A-11 Coverage for Contraceptives [IL](#)

07-38A-12 Drug Overdose Fatality Review Commission [DE](#)

07-38A-13 Expanded Use of Tele-Pharmacy in “Pharmacy Deserts” in Rural Areas [IA](#)

07-38A-14 Controlled Substances Prescription Monitoring Program Enhancements [ME](#)

07-38A-15 Limiting Opioid Prescriptions for Acute Pain [RI](#)

07-38A-16 Disabled Caregivers [TN](#)

07-38A-17 Allowing First Responders to Administer Epinephrine from a Vial Rather than an EpiPen [IL](#)

07-38A-18 Establishing a Pilot Program Allowing Military Medical Personnel to Practice Certain Medical Acts Under Supervision [VA](#)

*07-38A-19 Visitation Act [IA](#)

07-38A-20 Visitation Act [TX](#)

07-38A-21 Guardianship Duties [NY](#)

07-38A-22 Permitting Pharmacists to Dispense Opioid Antagonists [TN](#)

(08) JUSTICE

08-38A-01 Increasing Penalties on Protestors Who Block Traffic to Political Rallies [AZ](#)

08-38A-02 Permitting the Use of Animal Advocates in Certain Legal Proceedings Relating to Neglected or Cruelly Treated Animals [CT](#)

08-38A-03 Hate Crime Protection for Law Enforcement [LA](#)

08-38A-04	Legalizing Games Involving Wagering in Private Residences	<u>MD</u>
08-38A-05	Addressing Municipalities Using Non-Moving Violation Citations to Generate Revenue	<u>MO</u>
08-38A-06	Entering Gun Owners into a FBI Database System	<u>HI</u>
08-38A-07	Expanding the Definition of Harassment to Include Use of Drones	<u>KS</u>
08-38A-08	Requiring That a Person Subject to a Protective Order May Not Possess a Weapon	<u>VA</u>
08-38A-09	Punishing Drone Pilots Flying Over Wildfires	<u>UT</u>
08-38A-10	Requiring the Registration of Homemade Guns	<u>CA</u>
08-38A-11	Requiring Courts to Verify That Violent Offenders Surrender Guns	<u>WI</u>
08-38A-12	Possession of Firearms in Domestic Abuse Situations	<u>LA</u>
08-38A-13	Prohibiting a Landlord from Evicting a Tenant Because of an Instance of Domestic Violence, Sexual Assault or Stalking	<u>ME</u>
08-38A-14	Prohibiting Nonattorneys from Providing Legal Services in Immigration Matters	<u>CO</u>
08-38A-15	Exceptions from Mandatory Minimum Sentences	<u>ND</u>
08-38A-16	Allowing “Dreamers” to Qualify for Professional and Commercial Licenses	<u>NE</u>
08-38A-17	Authorizing the Donation of Tissue and Biological Samples for Training Search Dogs	<u>LA</u>
08-38A-18	All Gender Restrooms	<u>CA</u>
08-38A-19	Affirmative Consent Standards for Colleges and Universities	<u>CT</u>
08-38A-20	Legal Process for the Release of Law Enforcement Video	<u>NC</u>
08-38A-21	Uniform Recognition and Enforcement of Canadian Domestic-Violence Protection Orders Act	<u>DE</u>
(09) TECHNOLOGY		
09-38A-01	Giving Heirs and Executors Legal Authority to Take Control of Digital Assets	<u>DE</u>
09-38A-02	Expanding Extortion Laws to Include Ransomware	<u>CA</u>
09-38A-03	Disclosure of Library Records	<u>MO</u>
09-38A-04	Barring Websites Directed to Minors from Advertising Products and Services That Are Illegal for Minors	<u>DE</u>
09-38A-05	Reader Privacy Act	<u>CA</u>
09-38A-06	Electronic Copy of a Driver’s License	<u>LA</u>
(10) TRANSPORTATION		
10-38A-01	Driver Education Regarding Traffic Stops	<u>IL</u>

Summary:

SB 198 prohibits the sale of certain pest control products to home gardeners after studies point to the harmful effects some lawn chemicals have on bees and other pollinators. It prohibits the retail sale and household use of neonicotinoid pesticides, a class of insect repellent that attacks the nervous system and paralyzes pests, beginning in 2018, but commercial uses would still be permitted.

Beginning January 1, 2018, a person may not sell at retail a neonicotinoid pesticide unless the person also sells a restricted use pesticide.

Beginning January 1, 2018, a person also may not use a neonicotinoid pesticide unless the person is (1) a certified applicator or a person working under the supervision of a certified applicator; (2) a farmer, or a person working under the supervision of a farmer, who uses the pesticide for agricultural purposes, including crop production, livestock, poultry, equine, and noncrop agricultural fields; or (3) a veterinarian.

The restrictions do not apply to (1) pet care products used to mitigate fleas, mites, ticks, heartworms, or other animals that are harmful to the health of a domesticated animal; (2) personal care products used to mitigate lice and bedbugs; and (3) indoor pest control products used to mitigate insects indoors, including ant bait.

On completion of EPA's pollinator risk assessment of the neonicotinoid pesticides imidacloprid, clothianidin, thiamethoxam, and dinotefuran, MDA must review the State's pesticide laws and regulations and make recommendations for any changes necessary to ensure State laws and regulations are protective of pollinators, taking into account EPA recommendations. MDA must report its findings and recommendations to the governor and General Assembly within six months of EPA's completed pollinator risk assessment of neonicotinoid pesticides.

In addition, MDA must incorporate pollinator habitat expansion and enhancement practices into the State's managed pollinator protection plan developed in coordination with EPA.

A person who violates the bill's provisions is subject to a civil penalty of \$250.

Status: Became law without governor's signature on May 28, 2016.

Comments: From the [Baltimore Sun](#) (April 7, 2016)

Maryland is poised to become the first state to ban consumers from using a type of pesticide that's believed to harm bees, following final approval in the General Assembly.

Lawmakers gave the final OK to the Pollinator Protection Act on Thursday with a 98-39 vote in the House of Delegates. The House and Senate had previously approved versions of the bill.

Under the bill, consumers will not be allowed to buy pesticides that contain neonicotinoids starting in 2018. Farmers, veterinarians and certified pesticide applicators will be still be allowed to use neonicotinoids.

The bill was a top priority for environmental groups, and beekeepers were among the chief advocates for the bill, frequently appearing at the State House in Annapolis wearing their all-white beekeeping attire. Advocates say that there's evidence that neonicotinoids are contributing to die-offs of bees, which are vitally important to pollinating plants.

Ruth Berlin, executive director of the Maryland Pesticide Education Network, called the bill's passage "historic."

"We hope it also motivates other states -- and the federal government -- to reduce the use of toxic neonic pesticides," Berlin said in a statement. "Our future food supply is at stake."

The bill was opposed by the pesticide industry, the Maryland Farm Bureau, the National Federation of Independent Businesses and other groups.

As introduced, the bill also included a requirement that companies put labels on plants and seeds that were treated with neonicotinoids, but that requirement was stripped out of the bill.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

The bill seeks to encourage the development of pollinator habitats while limiting the use of neonicotinoid pesticides, which are believed to be largely responsible for colony collapse disorder and the worldwide die-off of bees, butterflies, and other pollinators. It requires that certain neonicotinoids be classified as “restricted use pesticides,” and such pesticides can be applied only by or under the direct supervision of a certified applicator. The plan to improve habitats for domestic and wild bees and other pollinators calls for the state Department of Transportation to replace grass turf along state highways with flowers where possible and requires the Department of Agriculture (CDA) commissioner to develop best practices for minimizing the release of neonicotinoid insecticide dust from treated seeds;

This act establishes numerous requirements related to pollinator health and habitat. Pollinators are organisms that spread pollen between flowers, such as bees and butterflies. The act:

1. Generally prohibits applying neonicotinoid (a) insecticide to linden or basswood trees or (b) labeled for treating plants to plants with blossoms (§§ 2 & 4);
2. Requires the Department of Energy and Environmental Protection (DEEP) commissioner to classify certain neonicotinoids as “restricted use” pesticides (§ 3);
3. Requires the Department of Agriculture (DoAg) commissioner to develop best practices for minimizing the release of neonicotinoid insecticide dust from treated seeds (§ 1);
4. Requires the Connecticut Agricultural Experiment Station (CAES) to compile a citizen's guide to model pollinator habitat (§ 11);
5. Establishes a Pollinator Advisory Committee to inform legislators about pollinator issues (§ 5);
6. Sets minimum credentials for apiary inspectors appointed by the state entomologist (§ 15);
7. Specifies that Connecticut Siting Council orders to restore or revegetate in certain rights-of-way must include provisions for model pollinator habitat (§ 13);
8. Includes model pollinator habitat in any conservation plan DoAg requires as part of its farm preservation programs (§§ 9 & 10);
9. Requires reports on the (a) effect of applying current pesticide spraying requirements to the planting of neonicotinoid-treated seeds, (b) conditions leading to an increase in varroa mites, and (c) areas where the Department of Transportation (DOT) can replace turf grass with native plants and model pollinator habitat (§§ 6, 7 & 12);
10. Authorizes the Office of Policy and Management (OPM) to identify ways to foster development in a way that increases pollinator habitat (§ 8); and
11. Allows the DOT commissioner, if there are federal funds available, to plant vegetation with pollinator habitat, including flowering vegetation, in deforested areas along state highway rights-of-way (§ 14).

Under the act, a “neonicotinoid” is a pesticide that selectively acts on an organism's nicotinic acetylcholine receptors (i.e., impacts the nervous system), including clothianidin, dinotefuran, imidacloprid, thiamethoxam, and any other pesticide that the DEEP commissioner, after

consulting with CAES, determines will kill at least 50% of a bee population when up to two micrograms of the pesticide is applied to each bee.

Status: Signed into law on May 6, 2016.

Comments: From the [Hartford Courant](#) (April 26, 2016)

Legislation to restrict the use of pesticides linked to massive honeybee die-offs in recent years won final General Assembly approval in the House Tuesday.

The bill that passed the House 147-0 provides additional protections for bees and other pollinators considered essential to help fertilize commercial crops, flowers and trees. The measure won unanimous Senate approval last week and now goes to Gov. Dannel P. Malloy for his signature.

One provision calls for state transportation officials to plant bee-and-pollinator-friendly flowers along state highways instead of grass.

Included in the bill are restrictions on when certain pesticides known as neonicotinoids can be applied. Those chemicals have been implicated as a contributing factor in a phenomenon called Bee Colony Collapse where bee populations plunge.

Last year, Connecticut beekeepers reported that about 60 percent of their bees died. Experts say the problems are likely a combination of pesticide use, lack of suitable habitat for bees and other pollinators like butterflies, and diseases.

From the [Hartford Courant](#) (April 21, 2016):

Legislation to provide new protections and improved habitats for bees and other pollinators in Connecticut – including planting more flowers along state highways - won Senate approval Thursday.

The bill, which now heads to the House for action, restricts the use of certain “neonicotinoid” pesticides that have been identified as likely contributors to massive die-offs of honeybee populations in recent years.

The plan to improve habitats for domestic and wild bees and other pollinators calls for the state Department of Transportation to replace grass turf along state highways with flowers where possible.

Bees, butterflies and other wild insects are crucial for pollinating all kinds of crops essential to the human food supply. Experts say the dramatic population drops for bees in recent years appear to be caused by a combination of pesticides and loss of habitat that has made pollinators more vulnerable to diseases and parasites.

Sen. Ted Kennedy Jr., D-Branford, said Connecticut beekeepers reported that about 60 percent of their bees died last year. Kennedy is co-chair of the legislature’s Environment Committee, and

he said the bipartisan bill was narrowly drawn to place only four neonicotinoid-related chemicals in the state's "restricted class" of pesticides and to prohibit their use while plants are in bloom.

Kennedy also said bees, butterflies and other pollinators in Connecticut are often "starving for food" because of the lack of enough flowering plants during different seasons of the year. He said one cause is that farmers and suburban homeowners often plant only one type of crop such as corn or lawn grass, which doesn't offer pollinators the varied diet they need to remain healthy.

Senate Republicans joined Democratic lawmakers in support of the pollinator protection bill. The GOP's ranking member on the environment panel, Sen. Clark Chapin of New Milford, called the legislation "an excellent step forward" in the effort to protect bees and other pollinators.

At a news conference earlier Thursday, state Bee Inspector Mark Creighton said the proposed legislation is a significant step toward "providing some protections for our pollinators."

Creighton, who works for the Connecticut Agricultural Experiment Station, said there are now more than 7,000 honeybee hives in this state and more than 1,300 beekeepers.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

To combat so-called food deserts, urban neighborhoods and rural towns without ready access to fresh, healthy, and affordable food, the bill provides incentives for mom-and-pop stores in high-poverty areas to sell healthy food.

The bill directs the Department of Agriculture and Consumer Services (DACS) to establish a Healthy Food Financing Initiative (program) that comprises and coordinates the use of federal, state, and private loans and grants, federal tax credits, and other forms of financial assistance. This financial assistance must be used for rehabilitation or expansion of independent grocery stores, supermarkets, and community facilities to increase access to fresh produce and other nutritious food in underserved communities.

Status: Signed into law on April 4, 2016.

Comments: From the [Sun Sentinel](#) (February 6, 2016)

Concerned with the growing number of Floridians struggling to put nutritious yet affordable food on their tables, state lawmakers are weighing a proposal that would bring full-service stores to their neighborhoods.

Florida's Healthy Food Financing Initiative would give low-cost loans to nonprofit organizations or for-profit businesses to put grocery stores in what the federal government calls food deserts. These are Census tracts where a percentage of residents have little money, live more than walking distance from a supermarket selling fresh food, but have no cars to drive to shop.

“The Hidden Hungry,” a Sun Sentinel report published in December, found there were 1.6 million people living in 326 food deserts in Miami-Dade, Broward and Palm Beach counties. And they were not just low-income urban neighborhoods where residents had been living on little for generations.

Some of South Florida's retirement communities today are in food deserts, as seniors are more likely to outlive their incomes as they grow older. A third of the more than 240,000 South Floridians age 65 and older in food deserts are living alone, and about 40 percent have a disability, possibly making it difficult for them to cook, shop and drive.

Florida's healthy food financing proposal would affect not only the elderly but anyone living in a food desert.

The loans would finance new buildings or renovations for mom-and-pop groceries, re-purposed convenience stores, farmers markets or full-sized stores. Large grocery chains would not qualify for the initiative.

Loan recipients must agree to allocate at least 30 percent of their retail space to perishable food like vegetables, fruit and meats; hire local residents if possible; and accept food stamps.

"This is not a giveaway; it's a loan program." said Sen. Aaron Bean, R-Jacksonville, sponsor of SB 760.

"We have identified 1,064 Florida stores currently selling cigarettes and beer that, with a little bit of help, could be selling fresh vegetables."

The American Heart Association — which is working on healthy food initiatives nationwide through its Voices for Healthy Kids partnership with the Robert Wood Johnson Foundation — recruited Bean and Rep. David Santiago, R-Deltona, during the last session to be bill sponsors. The association is promoting the proposal as a job generator as well good for community health. An average 46,000-square-foot grocery store could create an estimated 110 jobs, association officials said in a written statement.

On the health care side, initiative supporters say research shows residents living in communities where there is little fresh food available tend to have higher rates of obesity and chronic health care conditions like diabetes. The American Diabetes Association attributed more than \$245 billion in health care costs to the disease in 2012.

"We feel the initiative is very important, as we can improve family and community health through food," said Teina Phillips, director of Broward's Partnerships Transforming our Community's Health (TOUCH). TOUCH's Good Neighbor Store program encourages local convenience stores to sell and promote more healthy choices.

Jaime Estremera-Fitzgerald, CEO of Your Aging and Disability Resource Center in West Palm Beach, said the initiative could offer new ways to serve South Florida seniors facing health and transportation problems. Federally subsidized meals on wheels programs in Palm Beach and Broward have between 600 and 700 people on their waiting lists.

"A lot of homebound seniors are unable to drive. I think this incentive could bring community markets closer to them," said Estremera-Fitzgerald, whose agency oversees aging services for five Florida counties, including Palm Beach.

Feeding South Florida, South Florida's largest food bank, also is closely watching the initiative's progress. President and CEO Paco Velez said the organization has been discussing opening an affordable grocery store for almost a year. Possible sites, all in food deserts, include Belle Glade, Miami's Liberty City neighborhood and the downtown Fort Lauderdale Sistrunk Boulevard area. Besides selling groceries, the Feeding South Florida market could be a hub for food stamp counseling and nutritional education, Velez said. "It's one thing to get access to nutritious food, another if you then go home and deep-fry it," he said.

Community markets also could be outlets for local growers to distribute their produce, he said. Julia Koprak, senior associate at The Food Trust, said state healthy food financing legislation tends to gain bipartisan support "because they both improve healthy food access by bringing fresh food to communities that need it the most, and bring jobs to those communities as well."

The Food Trust, a nonprofit founded 20 years ago to promote healthier communities through better food, helped launch the nation's first such project, in Philadelphia, in 2004. There are healthy food financing programs in about 12 cities and states, Koprak said, and both Ohio and Alabama have passed initiative legislation within the past year.

Federal healthy food financing dollars have been available since 2010. And some states have created their own financing pools, such as what Florida is now considering.

Florida's bill calls for \$5 million in state seed money, with the project to be re-evaluated after three years, Bean said. The initiative would be overseen by a third-party nonprofit; loan repayments replenish the fund so more stores can be financed.

Scott Spote, chief lending officer at Virginia-based Capital Impact Partners, said initiative programs nationwide have created jobs and other economic opportunities.

Measuring health care outcomes has been trickier. Spote said most initiative-financed food outlets are relatively new — and changing people's eating habits can take time.

"Some people have lived a long time with access only to fast food," Spote said. "You can't start seeing change until you have a green pepper to buy. It will take years to play out, but I think we will see gradual improvement in obesity and heart disease."

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

This gender pay equity legislation requires men and women to be paid the same for similar work. The measure also is the first in the country to bar employers from requiring applicants to reveal their salary history.

The bill prohibits discrimination on the basis of gender in the payment of wages for comparable work unless the variation is based on:

- Seniority, provided, however, that time spent on leave due to a pregnancy-related condition and protected parental, family and medical leave, shall not reduce seniority;
- A bona fide merit system;
- A bona fide system which measures earning by quantity or quality of production or sales;
- Geographic location; or
- Education, training or experience to the extent such factors are reasonably related to the particular job in question and consistent with business necessity.

The measure prohibits an employer from:

- Banning employees from talking about their salaries;
- Screening applicants based on their wages or salary histories, including requiring or requesting that an applicant disclose prior wages or salary history as a condition of being interviewed or otherwise considered for the position;
- Seeking the salary history of a prospective employee from any current or former employer, except after a formal offer of employment and with written consent of the prospective employee;

Damages for violations shall be the amount of unpaid wages plus an equal amount in liquated damages, as well as attorney's fees. The statute of limitations is three years and each discriminatory paycheck is a separate violation.

The bill creates an affirmative defense for any employer, who within the previous three years, completes a self-evaluation of its pay practices and can demonstrate reasonable progress has been made to eliminate gender-based pay differentials for comparable work.

Status: Signed into law on August 1, 2016.

Comments: From the [Boston Globe](#) (August 2, 2016)

Republican Gov. Charlie Baker signed into law Monday a bill requiring men and women be paid equally for comparable work in Massachusetts — including what supporters say is a first-in-the nation provision barring employers from asking prospective workers to provide a salary history. Baker signed the bill during a Statehouse ceremony.

Women are currently paid on average about 82 percent of what their male counterparts make for comparable work in Massachusetts. For black and Hispanic women, the pay gap is even wider.

Moments before signing the bill, Baker said the legislation will help ensure that in Massachusetts “people are paid what they are worth based only on what they are worth and not on something else.”

The bill attempts to define what constitutes comparable work in part by outlining legitimate reasons for differences in pay — including seniority, geographic location, experience, education, training, or a system based on sales.

In particular, supporters hailed the provision in the law preventing employers from asking prospective workers to tell them how much they were getting paid at prior jobs.

Supporters say that since women have historically been paid less than men, the practice of asking for a salary history can help perpetuate a cycle of lower salaries for women.

The bill wouldn’t bar prospective employees from voluntarily offering information about their salary, however.

The law also lets employees discuss their salaries with other workers without facing retribution from their employer — a measure that could help workers discover pay inequities between men and women.

The Massachusetts House and Senate unanimously approved the legislation during a rare Saturday session last month sandwiched between the Republican and Democratic national conventions.

Democratic Sen. Karen Spilka of Ashland said Massachusetts has come a long way since it became the first state in the nation to approve a pay equity bill in 1945.

Spilka said the new law makes it clear that women working to support their families deserve fair pay and nothing less.

The bill’s sponsor, Democratic Sen. Pat Jehlen of Somerville, also hailed the passage of the legislation.

“Today in Massachusetts, we can say that equal pay for equal work is not just a slogan. It’s the law,” she said.

But Jehlen also said that the work to ensure women are being paid fairly is not done.

Jehlen said that women working in jobs that have been traditionally filled by women — such as home care providers — are still not being paid enough to help support themselves and their families.

The new law also creates a three-year defense from liability to help encourage companies to correct compensation disparities between women and men internally before going to court.

During those three years, employers must complete a self-evaluation of their pay practices and demonstrate reasonable progress in eliminating pay disparities.

Employers would also be barred from reducing salaries to comply with the law.

The new law takes effect July 1, 2018.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

This act establishes a framework to identify and treat bed bug infestations in residential rental properties, including public housing but excluding detached, single-family homes. It sets separate duties and responsibilities for landlords and tenants, including notice, inspection, and treatment requirements. It also gives landlords and tenants remedies when either party fails to comply with these duties and responsibilities.

Under the act, if tenants report that they know or suspect that their units are infested with bed bugs, landlords must retain a third-party inspector or inspect the units themselves. Landlords must hire and pay a pest control agent to treat bed bug infestations if they are unable to successfully treat an infestation themselves. Landlords who treat the infestation themselves must get a third-party inspector to confirm that the treatment was successful. The act makes tenants financially responsible for subsequent treatment costs for their unit and contiguous units if they knowingly and unreasonably fail to comply with treatment measures. It also prohibits landlords from renting units that they know or suspect are infested with bed bugs.

The act requires the Connecticut Agricultural Experiment Station, in consultation with the Department of Public Health and Department of Energy and Environmental Protection (DEEP), within available appropriations, to develop and publish guidelines and best practices identifying the most effective and least burdensome ways to investigate and treat bed bug infestations.

Status: Signed into law on May 26, 2016.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

The bill requires certain research facilities to offer dogs and cats that are appropriate for adoption to an animal shelter or rescue organization before euthanizing or destroying such a dog or cat. It also provides that such a research facility and its officers, directors, employees and agents are immune from civil liability for any act or omission relating to such an adoption.

Status: Signed into law on June 2, 2015.

Comments: From [CarsonNow.com](#) (Carson City) (June 2, 2015)

The Beagle Bill or “Calvin’s Law” and also known as SB 261, was signed into law Tuesday in Carson City by Nevada Gov. Brian Sandoval. The legislation requires dogs and cats from research facilities to be made available for adoption. It was authored by State Sen. Mark Manendo, in honor of Calvin, a beagle that was rescued from a research facility in California, rehabilitated and placed in a caring home.

SB 261 is not only a big step forward in animal welfare in Nevada; it is also an historic piece of legislation, according to a Nevada Humane Society news release. “Calvin’s Law” is the first bill of its kind in the United States that requires private testing facilities to make adoptable dogs and cats available for adoption after their testing period has subsided. Other states are working on bills similar to the legislation. Nevada is the first to adopt such a law.

“June 2, 2015 was a banner and historic day in Nevada. The Battle Born State was the first in the nation to stand up for dogs and cats, most commonly Beagles, who are the subjects of testing in both public and private facilities. So many incredible and dedicated folks tirelessly advocated for this life-changing bill and under the leadership of Senator Mark Manendo this bill became law today when Gov. Sandoval affixed his signature to 'Calvin’s Law.' I am exceedingly proud to be a Nevadan today and I know that so many throughout this state are loudly proclaiming 'home means Nevada'” said Kevin Ryan, CEO of Nevada Humane Society.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

The bill establishes an Entrepreneur Learner's Permit pilot program to encourage and assist first-time entrepreneurs in certain business sectors by reimbursing them for state fees associated with forming a business.

Under the bill, first-time entrepreneurs wishing to start new information technology, biotechnology, and green technology businesses are eligible for reimbursement under the program. Entrepreneurs must apply to Connecticut Innovations (CI), in the form and manner it determines, before starting the business for which they want to be reimbursed. Approved applicants receive reimbursement, in a manner determined by CI, for any state filing, permitting, or licensing fees associated with forming their business in Connecticut

The bill requires CI to establish criteria for application review and approval. CI must (1) give priority to female and minority applicants and (2) not approve any applicant who is not a first-time business owner.

Status: Signed into law on May 6, 2016.

Comments: From the [Connecticut Business and Industry Association](#) (April 29, 2016)
Legislation that can improve the small business climate in Connecticut is on its way to the governor's desk for his signature after unanimous approval in both the Senate and the House.

SB 303 takes a step in the right direction to encourage and assist new and developing companies in their infancy, which usually is the most expensive and riskiest time in a business lifecycle.

The new law will establish a two-year pilot program under Connecticut Innovations to develop and implement an Entrepreneur Learner's Permit program to help those seeking to form a new business in the state.

This innovative, two-year program is geared specifically to help grow the information services, biotechnology, and green technology industries.

Connecticut Innovations will reimburse these new learner's permit holders for any state or municipal filing, permitting, or licensing fees associated with new business formation.

Entrepreneurs must first apply to Connecticut Innovations prior to forming a business.

CI will then review the applications, giving priority to female and minority applicants, and only first-time business owner will be considered.

At the end of the two-year program, CI will evaluate its effectiveness and make a recommendation to the legislature on its future.

This program should help achieve two important goals.

It will directly address the many special needs of the entrepreneurial community, and it will be implemented in a way that the economic returns to Connecticut greatly exceed the limited cost associated with its implementation.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary: Some Maryland state agencies use the State Personnel Management System (SPMS) in their hiring practices, which is a system that ranks job candidates by a point system and places them into categories of qualification. This bill requires that agencies that use this system give five points to any applicant who has a disability, as defined by the federal Americans with Disabilities Act. Anyone who is hiring within the Executive Branch that is not in SPMS must develop an equivalent hiring preference for applicants with disabilities. Additionally, the bill repeals the requirement that all appointing authorities in SPMS apply a credit of two points for an applicant who is an eligible veteran who has a service-connected disability. This bill went into effect on October 1st, 2016.

Status: This bill became law upon approval of the governor on May 19, 2016

Comment: From the Maryland General Assembly Department of Legislative Services – [Fiscal and Policy Note](#)

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

The legislation makes the following changes in telecommunications regulations: It defines the term "price cap incumbent local exchange carrier," or "price cap ILEC"; It provides that, 30 days after the applicable provision becomes effective, the price cap ILEC's provider of last resort service obligation will cease in Portland, Lewiston, Bangor, South Portland, Auburn, Biddeford and Sanford; It provides that, every 6 months from the date the applicable provision becomes effective, the obligation of a price cap ILEC to provide provider of last resort service will be removed by issuance of a certificate by the Public Utilities Commission, in 5 of the additional 15 municipalities listed in the amendment, in order, as long as the price cap ILEC has met service quality requirements in the preceding 2 consecutive quarters; It requires the price cap ILEC to continue to offer to each provider of last resort service customer to whom it was providing the service on the date the obligation to provide the service was removed a telephone service with the same rates, terms and conditions as it provides to provider of last resort service customers to whom it is obligated to provide provider of last resort service, for one year from the date the obligation was removed; and it requires the Public Utilities Commission to host a public meeting in each municipality affected by a proposed change in provider of last resort service to allow customers of a price cap ILEC to obtain information about the upcoming changes to service.

Status: Governor signed, Apr 13, 2016.

Comments: From [Island Advantages](#) originally published in *Castine Patriot*, January 28, 2016 and *Island Ad-Vantages*, January 21, 2016 and *The Weekly Packet*, January 21, 2016

“An Act To Increase Competition and Ensure a Robust Information and Telecommunications Market” is a telecommunication deregulation bill in the current legislative session that, if passed, could mean that Fairpoint could be allowed to stop providing land line telephone service to some Maine customers. The proposed bill seeks to place responsibility for funding the provision on state universal service funds from the Public Utilities Commission.

Currently, the telecommunication company is required, by law, to serve about 25,000 customers in rural areas, regardless of whether the service is profitable, under a provision called Provider of Last Resort.

The proposed bill seeks to place responsibility for funding the provision on state universal service funds from the Public Utilities Commission.

“Affordable utilities are not only a pocketbook issue for seniors on fixed incomes, but often a health and safety issue as well,” Lori Parham, AARP Maine State Director, said in a press release on the AARP website. “In a rural state like Maine, land lines are lifelines and keep families and communities connected even when the power goes out.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

Creates the Fantasy Contests Act (the Act), which applies to fantasy contests with an entry fee offered in Virginia. The bill defines "fantasy contest" as any online fantasy or simulated game or contest in which (i) the value of all prizes and awards offered to winning participants is established and made known to the participants in advance of the contest; (ii) all winning outcomes reflect the relative knowledge and skill of the participants and are determined predominantly by accumulated statistical results of the performance of individuals, including athletes in the case of sports events; and (iii) no winning outcome is based on the score, the point spread, or any performance of any single actual team or combination of teams or solely on any single performance of an individual athlete or player in any single actual event.

The bill requires a fantasy contest operator, as a condition for registration, to establish procedures that include ensuring that players who are the subject of a fantasy contest are restricted from entering a fantasy contest that is determined, in whole or part, on the accumulated statistical results of a team of individuals in which such players are participants. The bill requires operators of fantasy contests to register annually with the Department of Agriculture and Consumer Services and to contract with a testing laboratory to verify the procedures for fantasy contests. The bill sets forth penalties for violation of the Act. The bill provides that fantasy contests conducted in accordance with these measures are not illegal gambling.

Status: Signed into law on March 7, 2016.

Comments: From [Cnet.com](#) (March 7, 2016).

Virginia on Monday became the first state to approve regulations outlining how daily fantasy sports websites can operate legally within its borders.

Virginia Gov. Terry McAuliffe signed into law the "Fantasy Contests Act," a bill that distinguishes daily fantasy sports sites like DraftKings and FanDuel from gambling sites. McAuliffe's approval comes amid a flurry of legislative debate over whether such sites constitute illegal gambling.

DraftKings applauded the new law.

"Today, Virginia became the first state in the nation this year to put in place a thoughtful and appropriate regulatory framework to protect the rights of fantasy players," DraftKings said in a statement. "We thank Gov. McAuliffe for his leadership and advocacy and are hopeful that other states across the country will follow Virginia's lead. We will continue to work actively to replicate this success with dozens of legislatures and are excited to continue these efforts."

The daily fantasy sports industry has experienced huge growth in recent years, generating an estimated \$2.6 billion in entry fees in 2015 alone, according to Eilers Research. But that rapid growth has led to questions about the legality of such contests, which offer cash prizes to

contestants who compete in abbreviated daily versions of the traditional season-long fantasy sports leagues.

The new law is a home run for sites like DraftKings and FanDuel, which are fighting for their survival as many states have found the industry to be in violation of state gambling laws. Laws in at least six states prohibit their residents from playing daily fantasy sports games. Supporters argue that building hypothetical rosters from real sports players and accumulating points based on their performance is a game of skill, not chance, and not subject to laws that govern games such as poker.

But several states disagree. New York Attorney General Eric Schneiderman issued cease-and-desist letters to the companies in November, arguing that the games are illegal because they depend on factors outside of players' control. Texas Attorney General Ken Paxton has expressed a similar view, while Nevada regulators have said the sites can't operate in that state without a gaming license.

In its fight for survival, the industry has launched a lobbying effort to support bills introduced in statehouses across the country that would exempt website operators from state gambling laws.

According to the Wall Street Journal, since the beginning of the year, 16 states have introduced bills to create legal protections for operators, nearly all of them with the backing of the operators themselves.

Virginia's new law stipulates that all players be 18 years or older and bans employees and immediate relatives from participating in contests. Websites must also keep the funds of its players separate from the company's operational funds. They must also pay a \$50,000 fee to operate in the state and submit to an annual audit of their operations.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

The legislation provides that a paid fantasy sports game does not constitute gaming for any purpose.

The bill provides that a paid fantasy sports game does not constitute gaming for any purpose. It provides that paid fantasy sports games may be conducted through an Internet web site maintained and operated by a game operator or on the premises of certain licensed facilities under a contract between a game operator and the owner of the licensed facility.

The bill provides for the regulation of paid fantasy sports games by the Paid Fantasy Sports Division of the Indiana Gaming Commission (division). It provides that the division has certain powers and duties for purposes of administering, regulating, and enforcing paid fantasy sports. It provides that an individual must be at least 18 years of age to participate in a paid fantasy sports game.

The bill provides that any prize awarded in a paid fantasy sports game must be made known before the paid fantasy sports game begins. It requires a game operator to implement certain procedures concerning: (1) preventing certain individuals from competing in paid fantasy sports games; (2) verifying that a game participant is at least 18 years of age; (3) allowing individuals to restrict themselves from entering paid fantasy sports games; and (4) disclosing the number of paid fantasy sports games a single game participant may enter.

The bill establishes the Fantasy Sports Regulation and Administration Fund. It provides that fees and civil penalties under the fantasy sports regulation provisions must be deposited in the Fantasy Sports Regulation and Administration Fund. It appropriates money in the fund for the state fiscal year beginning July 1, 2016, and ending June 30, 2017.

The bill provides that: (1) the game operator initial fee is at least \$50,000, but may be increased up to \$75,000 if the division increases the fee to cover the costs of the operation of the division; and (2) the annual fee for a game operator is \$5,000.

The bill provides that a licensee's license is contingent upon the determination by the division that the licensee is in compliance with the statute. It requires a licensee to be investigated every three years to determine compliance. It provides that a licensee shall bear the cost of investigations.

The bill provides that a "paid fantasy sports game": (1) must require participants to pay, with cash or a cash equivalent, an entry fee to participate; and (2) may not be based on the results of certain horse races. It provides that the division may adopt rules, including emergency rules, to implement the chapter, except for certain prohibited topics.

The bill requires game operators or licensees to make a reasonable effort to withhold cash winnings of obligors for amounts the obligors are delinquent in child support. It also allows game operators or licensees to deduct and retain an administrative fee in relation to withholding the obligor's delinquent child support. It permits the Department of Child Services (DCS) to share delinquent child support obligors' data with game operators.

The bill prohibits a game operator from: (1) advertising a paid fantasy sports contest in any publication or medium that is aimed exclusively to juveniles; and (2) advertising a paid fantasy sports contest or running promotional activities concerning a paid fantasy sport contest at elementary schools, high schools, and at sports venues used exclusively for student sports activities.

The bill urges the Legislative Council to assign to the appropriate study committee the topics of: (1) the regulation of paid fantasy sports; (2) the taxation of paid fantasy sports; and (3) the interception of past due taxes and child support owed by paid fantasy sports game players.

Status: Became law with governor's signature on March 24, 2016.

Comments: From the [*Indianapolis Star*](#) (March 24, 2016)

Indiana became the second state with a law formally legalizing daily fantasy sports after Gov. Mike Pence signed [Senate Bill 339](#) on Thursday.

Earlier this month, Virginia became [the first state to pass](#) such a law.

States have taken vastly different approaches as they try to clarify the murky legality of the games. New York's attorney general has declared them illegal and the industry's two largest companies, DraftKings and FanDuel, agreed this week to stop taking bets in the state.

In Maryland, a bill would [put the question to voters](#) in a November referendum.

The Indiana law sets a minimum age of 18 for players. It prohibits the use of college and high school sports results in a daily fantasy sports contest.

The Indy-based NCAA [supported an amendment](#) limiting daily fantasy sports games to professional sports. The national group of high school sports associations also has its headquarters in Indianapolis.

The Indiana law also prohibits the use of horse race results, a nod to race tracks in Anderson and Shelbyville. Those "racinos," however, will be allowed to conduct their own daily fantasy sports games, as will the state's off-track betting locations.

The industry will be regulated by a newly created Paid Fantasy Sports Division of the [Indiana Gaming Commission](#). Companies will have to pay an initial registration fee of \$50,000, an amount industry critics of the bill said favors DraftKings and FanDuel by setting the barrier to entry too high for upstart companies.

Griffin Finan, director of public affairs for DraftKings, said in a statement, “Today, Indiana became yet another state to put in place a thoughtful and appropriate regulatory framework to protect the rights of fantasy players. We thank Gov. Pence for his leadership and advocacy and are hopeful that other states across the country will follow Indiana’s lead.”

The Washington, D.C., nonprofit Stop Predatory Gambling criticized Pence, saying it breaks his campaign pledge not to expand gambling.

During debate on the measure, there was confusion by lawmakers about how many Hoosiers play daily fantasy sports. Between 500,000 and 1 million play all fantasy sports, including the season long games typically organized among friends. The [Fantasy Sports Trade Association](#) said 50,000 to 150,000 Hoosiers play daily fantasy sports.

Daily fantasy sports involve players receiving points based on how real-life athletes perform on a particular day. Players fill out their lineups by "buying" the athletes they want, all of whom carry varying fictional price tags. Players must stay within a maximum budget when making their lineups. Players can enter one-on-one matches for \$1, or games with higher fees and thousands of participants competing for seven-figure prizes.

FanDuel and DraftKings became ubiquitous on sports television during the start of the past football season with a torrent of ads. The companies have mainstream investors, including major professional sports leagues.

In October, the Wall Street Journal reported that the FBI was investigating the industry, including allegations that DraftKings employees used inside information to profit on a competing site.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

The bill establishes the licensing and regulation of fantasy contest operators and defines a fantasy contest. The bill creates the Office of Fantasy Contests (office) within the Division in Professions and Occupations in the Department of Regulatory Agencies (DORA). The office is established as a Type 2 agency and the office director must establish rules for conducting fantasy contests in the state and for the licensing of fantasy contest operators.

The bill establishes the licensing and regulation of fantasy contest operators and defines a fantasy contest. The bill creates the Office of Fantasy Contests within the Division in Professions and Occupations in the Department of Regulatory Agencies (DORA). The office is established as a Type 2 agency and the office director must establish rules for conducting fantasy contests in the state and for the licensing of fantasy contest operators.

A fantasy contest operator license is required for any person who offers a fantasy contest with an entry fee and cash prize to the public. An applicant is not eligible for a license if the applicant or anyone with a financial interest in the applicant of at least 5 percent has been convicted of or has entered a guilty or no contest plea to a felony. The bill specifies the information that must be provided on a license application and the required procedures for obtaining a fingerprint criminal background check from the Colorado Bureau of Investigation (CBI) in the Department of Public Safety (DPS). Operators with fewer than 7,500 participants residing in Colorado are exempt from paying the annual licensing fee.

Fantasy contests may not include university, college, high school, or youth sporting events or utilize video or other depictions of slot machines, poker, blackjack, craps, or roulette. Fantasy contests may be conducted by a licensed operator at a licensed gaming establishment, class B horse racing track, and a licensed facility at which pari-mutuel wagering occurs. In addition, the bill establishes the following restrictions and protections that licensed operators must enact:

- employees of the operator or relatives living in the same household as the employee may not compete in any fantasy contest in which a cash prize is offered;
- confidential information that could affect contest play may not be shared until publically available;
- operators may not participate in games he or she offers;
- all fantasy contest players must be at least 18 years old;
- players and officials may not compete in a fantasy contest that is determined by the event in which they are a playing or officiating;
- reasonable steps for a person to restrict themselves from participating in fantasy contests must be made available by the operator; and

- the limit on the number of entries a person may submit must be disclosed by the operator and there must be steps to prevent players from submitting more than that number.

A licensed operator must separate fantasy contest player funds from operational funds and maintain a reserve in the same amount as the deposits made to the accounts of fantasy players. It must also maintain daily records of its operations for at least three years and contract with a third party to annually conduct an independent audit of the operator. The results of the audit must be submitted to the office.

The office director may deny, suspend, place on probation, issue a letter of admonition, or revoke a license if the licensee violates rules or provisions of the law, fails to meet the licensing requirements, or uses fraud to apply for a license. The director may appoint an administrative law judge to gather evidence and report findings. A licensed operator who violates the law may be assessed a civil penalty of no more than \$1,000 per violation and the office may file a civil action to collect the penalty.

Status: Became law with governor's signature on June 10, 2016.

Comments: From the [Denver Post](#) (May 6, 2016)

A bill to regulate fantasy sports leagues in Colorado is on its way to the governor to be signed into law, after the Senate gave it final approval Friday night.

The legislation is [aimed at pay-for-play fantasy sports leagues](#) that have been banned in some states, where leaders have seen them as a form of gambling.

House Democratic leader Crisanta Duran, who championed the bill, said reasonable regulation would preserve the popular games while making sure they're played fair and square with prohibitions against minors playing and illegal betting.

[House Bill 1404](#) would require those who operate the games to submit to background checks, contract annual independent audits and keep records of daily operations for at least three years.

Professionally operated leagues would be required to register with a newly created Office of Fantasy Contests within the Colorado Department of Regulatory Agencies.

The bill passed the Senate on a 26-7 vote. It was supported by the fantasy sports industry, [as well as the Denver Broncos](#) and the Denver Nuggets, to preserve the integrity and viability of the games.

“This is a good, pro-business bill that will protect the consumers and will protect integrity of fantasy sports games,” said Senate Democratic leader Lucia Guzman of Denver, a pastor who carried the bill in the Senate with former Weld County Sheriff John Cooke of Greeley. “While other states are moving to ban them outright, we in Colorado are acting in the spirit of our business-friendly climate to ensure this industry can continue to grow and thrive in our state.”

If signed by Gov. John Hickenlooper, as expected, the regulations would take effect July 1, 2017.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

HB 1941 excludes any fantasy contest from gambling or advance gambling activity

This bill created the Missouri Fantasy Sports Consumer Protection Act and requires the operators of websites engaged in daily fantasy sports games in Missouri to apply for and receive annual licenses from the Gambling Commission prior to operation. Operators will pay an annual application fee of \$10,000 or 10% of the applicant's net revenue from the previous calendar year, whichever is lower.

Licensed operators must hold amounts for their players in trust and must post procedures on their website that will prevent unauthorized withdrawals or commingling of the funds and provide procedures for a player to report a compromised account. Licensed operators may not issue credit to players and may not allow multiple accounts for one player.

All winning outcomes shall be determined by accumulated statistical results of fully completed contests or events rather than just a portion thereof, except that fantasy participants may be credited for statistical results accumulated in a suspended or shortened contest or event which has been called on account of weather or other natural or unforeseen event. Players shall not be allowed to select athletes through an auto-draft that does not involve any input or control by the player or to choose preselected teams of athletes. The fantasy sports contest operator cannot offer or award a prize to the winner of, or athletes in, the underlying competition itself. Contests cannot be based on the collegiate, high school, or youth athletics or performances.

Licensed operators shall verify players' states of residence and that players are over 21, the legal age of participation in Missouri. Licensed operators shall maintain exclusion lists and are subject to advertising restrictions.

Persons associated with licensed operations may not disclose proprietary or nonpublic information to individuals who are eligible to participate in fantasy sports games. Licensed operators must conduct and pay for an annual independent audit to ensure compliance with this bill.

Documents and information provided to the commission are closed records, but certain information must be disclosed to the public based on a written request. The commission shall oversee all licensed operators and has certain investigatory, licensing, and rule-making powers under these provisions.

Status: Became law without governor's signature on June 10, 2016.

Comments: From [The Missouri Times](#) (June 10, 2016)

JEFFERSON CITY, Mo. – In his January State of the State address, Gov. Jay Nixon called for laws regulating the daily fantasy sports industry. Friday, Nixon signed HB 1941 into law, making that call a reality.

The Missouri Fantasy Sports Consumer Protection Act establishes consumer protections and creates a regulatory framework for the industry, which is growing in popularity.

“When a new frontier of online betting is available at the touch of a screen, we have a responsibility to protect consumers and young people,” Nixon said. “I appreciate the General Assembly for answering my call to bring forward common-sense consumer protection to make sure fantasy sports gaming in Missouri is operated responsibly and with accountability.”

The Missouri Gaming Commission will exercise regulatory authority over the industry, including the ability to investigate and license operators. The commission will also have the ability penalize businesses that violate the regulations.

To operate in the state of Missouri, sites will have to pay \$10,000 or 10 percent of its revenues from Missouri for the previous year, whichever is less. They will also have an annual operation fee of \$11,500 or 11.5 percent of revenues in Missouri.

These fees will fund the regulatory actions of the commission, including the investigation and licensing of operators.

Consumer protections in the act include prohibiting contests based on college, high school and youth sports; prohibiting participants under the age of 18 and requiring operators to have age-verification procedures establishing complaint procedures and requiring licensed operators to conduct and pay for annual independent financial audits to ensure compliance with the act.

The legislation was sponsored in the House by Rep. Scott Fitzpatrick.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

S 2541 Requires fantasy contest operators to implement certain procedures.

The bill would repeal itself in July 1 of next year, by which time the state may act to put in place more robust regulation.

The bill sets up the Fantasy Contest Task Force, which would “undertake a comprehensive review of the offering of fantasy contests with a fee within this state and to recommend the proper oversight and regulation of the offering of fantasy contests with a fee.”

Until new legislation is passed in the state, the bill would implement basic consumer protections, such as:

- Preventing DFS operator employees and immediate family from playing in contests.
- Providing for the security of data that could affect gameplay.
- Setting a minimum age for play of 18.
- Allow players to exclude themselves from playing, if they desire.
- Segregate player funds from operational funds.

Sites wishing to operate in the state must register with the state. There would be no licensing fee to operate in the state. Violations of the act are subject to \$10,000 fines.

If new legislation is not passed before July of next year, DFS would presumably become illegal in the state again.

Status: Became law without governor’s signature on May 12, 2016.

Comments: From the [Reason.com](#) (May 21, 2016)

Daily fantasy sports leagues will be legal in Mississippi, at least for the next year.

Mississippi Gov. Phil Bryant (R) signed [Senate Bill 2541](#) into law last week. The new law will legalize daily fantasy sports operators such as Fan Duel and Draft Kings until July 2017, when the move will be reconsidered. The measure would create a task force charged with delivering to the governor by Oct. 15 its recommendations on regulations and fees.

Under the new law, which goes into effect July 1, employees of fantasy sports operators and their immediate families in Mississippi would be prohibited from playing in the daily leagues. Players will have to be 18, operating funds for the daily fantasy sports operator will have to be segregated from player funds and players could exclude themselves at any time.

In a daily fantasy sports league, players can draft a new team for daily and multi-day contests in such sports as football, basketball, baseball and golf. Daily fantasy sports differs from standard

fantasy leagues, where players draft their teams once per season, set their lineups weekly or daily and can make roster changes or trades.

Both of the top daily fantasy sports operators, Fan Duel and Draft Kings, ceased operations in Mississippi in February after Mississippi attorney general Jim Hood (R) issued an [opinion](#) that daily fantasy sports constituted illegal gambling.

Draft Kings and Fan Duel saluted Bryant for signing the bill.

Fan Duel spokesperson Emily Bass said the legislature took a "deliberate and reasonable approach to legislating fantasy sports" and the company looked forward to working with the task force on regulating the practice.

Draft Kings spokesman Tim Sullivan said the company looked forward to returning to the state and "continuing to work with legislators in Jackson to establish a framework to allow the hundreds of thousands Mississippians who can continue to play the fantasy sports contests they love."

Both FanDuel and Draft Kings have ceased operations in nine states—Alabama, Arizona, Iowa, Idaho, Louisiana, Nevada, New York and Washington—because of opinions issued by each state's attorney general that classified the practice as illegal gambling.

According to the Fantasy Sports Trade Association, the practice is growing as 56.8 million players participated in fantasy sports last year in the U.S. That's up from 12.6 million in 2005.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

Bill allows employers to pay employees wages using payroll cards and to allow certain wage and hour information provided by an employer to employees to be delivered electronically provided certain conditions are met. "Payroll card" means a stored value card or other device used by an employee to access wages from a payroll card account and that is redeemable at the employee's election at multiple unaffiliated merchants or service providers, bank branches or automated teller machines.

(b) An employer may offer the use of payroll cards to deliver wages, salary or other compensation to employees, provided:

(1) Each employee has the option of receiving wages, salary or other compensation by direct deposit and by negotiable check; and

(2) The employee voluntarily and expressly authorizes, in writing or electronically, the payment of wages, salary or other compensation by means of a payroll card account without any intimidation, coercion or fear of discharge or reprisal from the employer for the employee's refusal to accept such payment of wages, salary or other compensation by means of a payroll card account. No employer shall make the payment of wages, salary or other compensation by means of a payroll card account a condition of employment or a condition for the receipt of any benefit or other form of remuneration for any employee.

(c) Prior to an employee electing to receive wages, salary or other compensation by means of a payroll card account, each employer using payroll card accounts to deliver wages, salary or other compensation to an employee, shall provide such employee with clear and conspicuous notice, in writing, and in the language the employer normally uses to communicate employment-related policies to his or her employees, of the following:

(1) That payment of wages, salary or other compensation by means of a payroll card account is voluntary and the employee may instead choose to receive wages, salary or other compensation by either direct deposit or by negotiable check;

(2) The terms and conditions relating to the use of the payroll card, including an itemized list of fees that may be assessed by the card issuer and their amounts;

(3) The methods available to employees for (A) accessing their full wages, salaries or other compensation in lawful money of the United States without any transaction fee assessed to the employee for such access, and (B) avoiding or minimizing fees for use of the payroll card, including, but not limited to, clear and conspicuous notice describing how an employee may access their full wages, salaries or other compensation at a federally insured depository institution, automatic teller machine or other convenient location;

(4) The methods available to employees for checking their balances in the payroll card account without cost; and

(5) A statement indicating that third parties may assess additional fees.

(d) Each pay period, but not more frequently than each week, an employee with a payroll card shall be allowed to make at least three withdrawals from the payroll card account at no cost to the employee, one of which permits withdrawal of the full amount of the employee's net wages, salary or other compensation for the pay period at a federally insured depository institution, automatic teller machine or other convenient location.

(e) None of the employer's costs associated with paying wages, salary or other compensation using a payroll card or establishing the payroll card account shall be deducted from or charged against the wages, salary or other compensation delivered to the employee.

(f) (1) Neither the employer nor the payroll card issuer shall assess a fee to the employee for any of the following, regardless of how such fee is labeled: (A) Issuing the initial payroll card; (B) transferring wages, salary or other compensation from the employer to the payroll card account; (C) maintaining a payroll card account; (D) providing one replacement card per calendar year upon the employee's request; (E) closing the payroll card account; (F) maintaining a low balance; (G) inactivity or dormancy of the payroll card account for the first twelve months of inactivity or dormancy; or (H) point of sale transactions.

(g) Each employer shall provide the employee a means of checking his or her payroll card account balance through an automated telephone system, automated teller machine or electronically without cost to the employee twenty-four hours per day and seven days per week.

(h) Neither the payroll card nor the payroll card account shall be linked to any form of credit and, to the extent technologically feasible, the payroll card account shall not allow for overdrafts. No fees or interest may be imposed upon the employee for an overdraft or the first two declined transactions of each month.

(j) Each employee with a payroll card shall be permitted, on timely notice to the employer and without cost or fear of reprisal or discrimination or the assessment of any penalty, to receive his or her wages, salary or other compensation by direct deposit into a personal account at any bank, Connecticut credit union or federal credit union that has agreed to accept such deposits or by negotiable check. The employer shall begin payment by direct deposit not later than fourteen days after receiving both the employee's request and the account information necessary to make the deposit, or by check not later than fourteen days after receiving the employee's request.

(k) Consumer protections, including transaction histories and advanced notice of changes in terms and conditions, shall be provided to each employee with a payroll card in accordance with Regulation E, 12 CFR Part 1005, as from time to time amended. Notwithstanding the foregoing, employees shall be provided the option to receive, on a monthly basis, automatic written transaction histories at no cost to the employee for a term of at least twelve months or until such option is cancelled by the employee. Renewal of the option to receive written transaction

histories at no cost to the employee may be required by the employer upon expiration of the initial twelve-month term, and each twelve-month term thereafter.

(l) The payroll card shall be associated with an automated teller machine network that assures the availability of a substantial number of in-network automated teller machines in the state.

(m) Wages, salary or other compensation paid to an employee using a payroll card shall be deposited in a payroll card account that is insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration on a pass-through basis to the employee.

(n) A payroll card account that is used to receive only employee wages, salary or other compensation shall be exempt from execution or attachment (1) by creditors of the employer, and (2) under section 52-367b of the general statutes.

Status: Signed by the governor on June 7, 2016

Comments: From [Connecticut Employment Law Blog](#) (May 5, 2016)

Payroll cards are finally here.

The General Assembly finished their regular session last night with several employment law bills getting passed, including some that have been kicking around for years.

One of them is Senate Bill 211, which authorizes employers to use payroll cards — instead of checks or direct deposit — to pay their employees.

But there are a number of conditions that must be met before this happens and there are a number of restrictions as well. The bill will become effective October 1, 2016 — assuming the governor signs the measure, which is expected.

The Office of Legislative Research has done a thorough recap, which I'll liberally borrow from here.

In order to use the card, an employee must “voluntarily and expressly authorize, in writing or electronically, that he or she wishes to be paid with a card without any intimidation, coercion, or fear of discharge or reprisal from the employer. No employer can require payment through a card as a condition of employment or for receiving any benefits or other type of remuneration.”

In addition, as noted by the OLR report:

- employers must give employees the option to be paid by check or through direct deposit;
- the card must be associated with an ATM network that ensures the availability of a substantial number of in-network ATMs in the state;
- employees must be able to make at least three free withdrawals per pay period; and
- none of the employer's costs for using payroll cards can be passed on to employees.

Under the bill, a “payroll card” is a stored value card (similar to a bank account debit card) or other device, but not a gift certificate that allows an employee to access wages from a payroll card account. The employee can choose to redeem it at multiple unaffiliated merchants or service providers, bank branches, or ATMs. A “payroll card account” is a bank or credit union account (1) established through an employer to transfer an employee’s wages, salary, or other compensation (pay); (2) accessed through a payroll card; and (3) subject to federal consumer protection regulations on electronic fund transfers.

Another big change, according to the OLR report: The bill also allows employers, regardless of how they pay their employees, to provide them with an electronic record of their hours worked, gross earnings, deductions, and net earnings (i.e., pay stub). To do so, the (1) employee must explicitly consent; (2) employer must provide a way for the employee to access and print the record securely, privately, and conveniently; and (3) employer must incorporate reasonable safeguards to protect the confidentiality of the employee’s personal information.

Lastly, current law allows employers to pay employees through direct deposit only on an employee’s written request. The bill allows an employee’s request for direct deposit to also be an electronic request.

An amendment, which also passed, (1) changes the timeframe in which an employer must switch an employee from a payroll card to direct deposit or check; (2) specifies that the limit on fees or interest charged for the first two declined transactions each month applies to calendar months; and (3) requires the cards to be associated with ATM networks that ensure, rather than assure, the availability of in-network ATMs in the state.

Overall, this is a big boost for both employers and employees. The CBIA had supported the measure and it had received “cautious” support from the AFL-CIO as well.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

The bill requires manufacturers to disclose if toxic chemicals that can cause harmful health effects are in products designed for children. The measure adopts a list of 66 chemicals identified as of concern and sets up a new working group to advise the health commissioner on possible additions to the list.

This act requires a manufacturer of a children's product to notify the Department of Health (DOH) if the children's product contains a chemical of high concern to children. The act lists 66 chemicals of high concern to children. DOH may adopt by rule additional chemicals of high concern to children if DOH determines that accredited research demonstrates that the chemical: (1) harms child development; causes cancer, genetic damage, or reproductive harm; disrupts the endocrine system; damages the nervous system, immune system, or organs; or is a persistent bioaccumulative toxic; and (2) has been found to be present in blood, breast milk, human tissue, the home environment, or the natural environment.

Under the act, beginning on July 1, 2016, and biennially thereafter, a manufacturer of a children's product containing a chemical of high concern to children shall notify DOH of the presence of the chemical in the product. Notice is not required for an intentionally added chemical that does not exceed the practical quantification level or for a chemical present in a product as a contaminant at a de minimis level. DOH shall specify the format for notice. DOH shall post on its website information submitted by a manufacturer. Trade secrets and confidential business information shall not be public. If a chemical in a product is a trade secret, DOH shall post the class of the chemical and its health effects. DOH may enter reciprocal data sharing agreements with states that collect similar data. A manufacturer shall pay a fee of \$200.00 to DOH for each notice provided. The fees fund the costs to DOH to run the program.

The act establishes a Chemicals of High Concern to Children Working Group to provide DOH with advice and recommendations regarding the requirements for chemicals of high concern to children. The act authorizes DOH, upon recommendation of the Working Group, to adopt by rule requirements for the sale of a children's product containing a chemical of high concern to children upon a determination that: (1) children will be exposed to a chemical of high concern to children in the children's product; and (2) there is a probability that, due to the degree of exposure or frequency of exposure to a chemical of high concern to children, exposure could result in an adverse health impact. Under a rule, DOH could limit or prohibit the sale of the children's product or require labeling of the product. No prohibition on sale of a product shall take effect sooner than two years from adoption of the rule.

A violation of the requirements of the act is deemed a violation of the Consumer Protection Act. A violation is subject to a civil penalty of not more than \$10,000.00 per violation. The Attorney General shall have the same rights and authorities for enforcement under the Consumer Protection Act to enforce the requirements of this act. There is no private right of action under this act.

The act defines “child” or “children” as an individual less than 12 years of age. “Children’s product” is defined as a consumer product marketed for use by, marketed to, sold, offered for sale, or distributed to children in Vermont, including toys, children’s cosmetics, children’s jewelry, products to help a child with teething or sleep, products for the feeding of a child; children’s clothing, and child car seats. The act includes exemptions from the terms “consumer product” and “children’s products,” including products VT LEG #301413 v.2 primarily used or purchased for industrial or business use, food, beverages, tobacco, pesticides, drugs, biologics, medical devices, supplements, ammunition, firearms, hunting and fishing equipment, aircraft, motor vehicles, batteries, consumer electronic products, interactive software, snow sporting equipment, inaccessible components of a consumer product, used products; and product packaging.

Additional Background: Congress passed an overhaul of the Toxic Substances Control Act (TSCA) in June of 2016. States can continue to act on any chemical or particular uses or risks from a chemical that EPA has not yet addressed. States also retain authority to address local environmental concerns related to air, water, waste treatment and disposal. For state and federal requirements that are identical, states retain the ability to partner with the federal government on enforcement. Finally, the law preserves state laws already on the books (as of April 22, 2016).

Generally, state action on a chemical is preempted only when EPA has acted – either by finding a chemical to be safe, or regulating a chemical to address identified risks. State action is also temporarily “paused” when EPA is evaluating a chemical, although states can avail themselves of a mandatory waiver from the “pause” if they still seek to pursue their own regulation.

TSCA does not prevent states from enacting reporting, disclosure, or monitoring requirements. The Vermont bill contains some of these provisions, so another state could draw on that portion of the bill and that would not be pre-empted by TSCA regardless of what EPA does.

Status: Signed into law on June 10, 2014.

Comments:

From EPA: First Year Implementation Plan

From the [Environmental Defense Fund](#):

What is Preempted and Not Preempted under the Frank R. Lautenberg Chemical Safety for the 21st Century Act

General

Preemption of state authority applies only on a chemical-specific basis; that is, only when EPA is acting on a specific chemical is there any preemptive effect, and the preemption is limited to that chemical.

All state actions taken before April 22 of this year are preserved, as well as past and future actions taken under laws in effect on August 31, 2003, an indirect way of preserving California's Proposition 65 warning/labeling law and Massachusetts' Toxics Use Reduction Act.

Final actions on a chemical by EPA generally preempt states' restrictions on that same chemical this including both when EPA finds that a chemical "does not present an unreasonable risk" and when it finds such risk and issues a regulation imposing restrictions.

These final actions preempt both past state actions (unless grandfathered-in) and future state actions, unless the action taken by the state:

- is identical to the Federal requirement;
- is adopted under the authority of a federal law; or
- is adopted under a state air or water quality or waste treatment or disposal law.

Scope

The scope of any preemption is matched to the scope of EPA's action on a chemical, leaving states free to act on uses or risks of a chemical that EPA did not consider in its review.

Where there is preemption, it applies only to state restrictions on a chemical, and never to other requirements states might impose, such as reporting, monitoring or disclosure.

Preemption only ensues from EPA actions on chemicals already in use, and never to EPA decisions or actions taken on new chemicals just entering the market. Note that about 700 new chemicals enter the market each year.

Pause Preemption

EPA's initiation of a review of a high-priority chemical generally preempts states from imposing *new* restrictions during the review period except via a waiver (see below), but only if those restrictions apply to uses and risks EPA is considering in its review. This "pause preemption" would start at the point when EPA has defined the scope of its risk evaluation for that chemical. EPA must provide at least 1 year between when it identifies a chemical for prioritization and when the scope of the associated risk evaluation is published, which provides a window during which states could still act to restrict that chemical, before the pause begins.

This pause preemption lifts once EPA issues its final risk evaluation or misses its deadline for doing so. The pause period is a maximum of 2.5-3.5 years. In addition, the first 10 chemicals EPA selects for risk evaluations, and any chemical a company requests EPA to review, are not subject to pause preemption.

Once EPA issues its final risk evaluation: If EPA finds the chemical does not present an unreasonable risk, final preemption would apply; or if EPA finds the chemical does not present an unreasonable risk, states could again impose new restrictions while EPA develops its requisite regulation.

Waivers during pause

States can readily get a waiver to act during the pause, subject to meeting conditions that are largely those dictated by the U.S. Constitution. In addition, administrative actions to restrict a chemical that a state had initiated prior to the pause can be completed and enforced during the pause pursuant to a waiver.

Any action a state takes to restrict a chemical during the pause would be preempted once EPA takes final action at most a few years later. This means that the number of such actions taken is likely to be limited, but the waivers provide states with the ability to act if they believe they need to.

If EPA misses its deadline for deciding on a state waiver application, the waiver is automatically approved.

Waivers after final EPA action

More stringent conditions apply to EPA's granting of a waiver to a state to restrict a chemical following final EPA action on that chemical than were the case under current TSCA. In contrast to current TSCA, however, there is a mandate and a deadline for EPA to decide on any waiver request. If EPA misses the deadline, a state or any other person can challenge EPA in court for its failure to perform a mandatory duty. If EPA denies a waiver, the state can sue EPA to try to get the denial overturned. If EPA grants a waiver, any person could challenge the decision to try to get the granting of the waiver overturned.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

Allows, in the case of an electronic notarization, a notary to notarize a document when the signer is not in the notary's presence if satisfactory evidence of the identity is established. Furthermore, the bill allows satisfactory evidence to be based on video or audio conference technology that permits the notary to communicate with and identify the principal at the time of the notarial act.

Status: Became law with governor's signature on March 26, 2011.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

The bill promotes college affordability by:

- Requiring public postsecondary institutions to publicly notice any proposal to increase tuition or fees at least 28 days prior to consideration by the board of trustees.
- Removing the authority for the Board of Governors (BOG) to delegate the establishment of tuition for graduate and professional programs and out-of-state fees to the university boards of trustees.
- Requiring the State Board of Education (SBE) and the BOG to annually identify strategies and initiatives to promote college affordability (including the impact of tuition and fees, financial aid policies, and textbook costs) and submit an annual report to the governor, President of the Senate, and Speaker of the House of Representatives.
- Enhancing the current textbook affordability law to provide students with sufficient time and information to seek out the lowest available prices by:
 - Authorizing state university and Florida College System institution boards of trustees to adopt policies that allow innovative pricing techniques and payment options for textbooks and instructional materials. The bill requires an opt-in provision for students and stipulates that policies may be adopted only if there is documented evidence of cost savings;
 - Requiring public postsecondary institutions to conduct cost benefit analyses and report annually to chancellors on implementation of textbook affordability policies;
 - Requiring chancellors to summarize institutional reports and submit a summary to the SBE and BOG respectively; and
 - Requiring public postsecondary institution boards of trustees to report, by semester, the cost variance among sections and the length of time textbooks and other materials are in use for all general education courses. This provision expires July 1, 2018

Status: Signed into law on April 14, 2016.

Comments: From [Sunshine State News](#) (May 23, 2016)

Gov. Rick Scott put his pen to work Monday to keep college affordable in the Sunshine State. The governor made an appearance in Boca Raton at Florida Atlantic University Monday morning to ceremonially sign a law to keep college tuition and textbook costs low.

“It doesn’t matter where you are in the state, you have a shot at a great education. It shouldn’t matter what family you came from. You live in this great state, and you have an opportunity,” said Scott.

Scott originally signed the bill, HB 7019, which was sponsored by Sen. John Legg, R-Trinity, and Rep. Elizabeth Porter, R-Lake City.

One of the bill’s main goals was to hold the line on graduate college tuition and make students’ college experiences more transparent.

The new law requires colleges and universities to inform students of the cost of textbooks before classes begin and would also require universities to adopt policies to make textbooks more affordable.

The Board of Governors and the State Board of Education will also be required to annually study and make recommendations on how the state can make college more affordable.

Per the new law, colleges and universities would be required to notify students at least 28 days before trustees plan to raise tuition or fees. Schools must also post an online list of books used in class at least 45 days before classes start.

Another provision of the bill requires the Board of Governors to evaluate cost-benefit analyses to help students get textbooks at the lowest available prices, including renting textbooks, buying digital textbooks or developing mechanisms to assist in buying, renting, selling and sharing textbooks.

“This bill gives students the ability to make informed decisions when choosing classes,” said Scott on the legislation. “It also makes higher education transparency and accountability a priority. We have to keep higher education affordable for our students.”

Sen. John Legg, R-Trinity, who sponsored the bill in the Senate, said the bill was pivotal to ensure Florida kept college costs down for students.

“College affordability is one of our top priorities, where students can graduate with a quality education without being burdened with heavy debt,” he explained. “It’s important that colleges and universities provide the resources students need to completely understand the costs of classes and materials.”

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

The bill requires that all Vermont school districts provide universal publicly funded pre-K education for a minimum of 10 hours per week, 35 weeks a year for all 3-, 4- and 5-year-old children who are not enrolled in kindergarten. Under the law, parents who work in towns outside their home communities can access pre-K for their children closer to their jobs and with more regular hours.

Status: Signed into law on May 28, 2014.

Comments: From the [Burlington Free Press](#) (July 11, 2016)

Vermont has become the first state to provide publicly funded pre-kindergarten programs to all 3- and 4-year-olds as of this month, state officials say.

The law requires Vermont communities to offer at least 10 hours a week of free, high quality preschool for 35 weeks per year to children in that age group. Previously, some districts offered publicly funded preschool voluntarily.

The 10 hours of free preschool has helped parents, like those whose children attend Annette's Preschool, in Hinesburg.

Adam Charlton and his wife wanted their then-4-year-old son, Oliver, to be in a school-like environment before he entered kindergarten. But, they said they couldn't have afforded it without the extra help.

"He learned a lot," Charlton said. "It's a great program and I'm super glad the state decided to pass that law. It's definitely helpful."

The office of Gov. Peter Shumlin says more than 70 percent of Vermont children under age 6 have working parents, so universal pre-K is critical to supporting working families.

"Preparing children to enter elementary school ready to learn is one of the best ways to set up our next generation for success," Shumlin, a democrat, said.

The average weekly cost of childcare for pre-school aged children in a licensed center in Vermont in 2014 was \$192, according to a survey by the Vermont Department for Children and Families. Annette's Preschool says the law cuts the costs.

Shumlin signed the law in 2014 and it went into effect July 1, but some communities implemented programs early. The programs include those operated by community programs, public schools, private early education and care programs and Head Start.

To qualify, programs must be licensed or registered by the Department for Children and Families and the curricula must be aligned with the state's early learning standards.

More than a quarter of schools with kindergartens implemented universal pre-K last school year, said the Vermont Agency of Education. The rest of Vermont's schools were expected to comply by the start of this month.

Victoria Ward, director of business and new programs at Annette's, said its new half-day program for 3- to 5-year-olds offered last year filled up quickly.

"What we found is that not only did we fully enroll the program, but that about 90 percent of those children, despite having been of preschool age before September, hadn't been in a pre-K setting before. So we were reaching a whole new audience," Ward said.

Maeghan Booska says the 10 free hours a week of her 3-year-old's full-day preschool program is a big help because the family recently bought their first home.

Otherwise, the family would have had to make some financial adjustments, she said. "It would have been really difficult to pay for child care," she said.

From [Vermont Public Radio](#) (May 29, 2014).

By 2015 every school district in Vermont will be required to provide 10 hours of high quality, free pre-kindergarten each week. Programs will be available to all 3 and 4-year-olds whose families choose to enroll them.

Gov. Peter Shumlin signed the legislation into law Wednesday at the Stafford Technical Center in Rutland.

Shumlin brought plenty of pens, public officials, and childcare advocates to the playground of the tech center's preschool program. As kids played quietly near the podium, he thanked key supporters for shepherding this bill through the legislature.

The governor said the going wasn't always easy, but in the end Vermont lawmakers did the right thing for young children.

"We know that all the research suggests that the development in the brain, 90 percent of it, happens by the time kids are five or six years old. So getting there when they're three or four or earlier makes a huge difference. What happens when we fail?" Shumlin asked.

One thing that could happen, he said, is that children could take the wrong road, and land — at great cost — in jail. Or they might miss out on job opportunities that need strong learners. All that, the governor said, ends up costing taxpayers more in the long run than it costs to provide good early experiences. Shumlin said pre-K will pay economic as well as educational dividends, and he invited a few children to watch him wield his pen.

"And it's law!" he announced, to loud applause.

Then he climbed the stairs of a sliding board, and posed with the kids for photographers.

Over 80 percent of Vermont's school districts are already offering some pre-K either in school or by partnering with private child care providers. That's one reason the School Boards Association did not oppose it, even though Executive Director Steve Dale joked that it rarely supports bills with a price tag.

But in this case, Dale said, equity was an issue.

"That's it's not really acceptable that children in certain portions of our community or in communities that don't provide full access, to deny those kids full access to that pre-K experience. So this bill is really a major milestone in that regard," he said.

But all the speakers also agreed that many details of this measure have yet to be worked out. State funding will follow each enrolled child, for up to ten hours a week, to a school district. The district may then sub-contract with child centers or homes that have been given stars of approval by the non-profit agency that will administer this program. It's called Building Bright Futures, and it's posted a new childhood action plan on its website.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

The bill requires public universities to allow honorably discharged veterans to enroll as freshmen for the spring semester if they were on active duty during the fall semester. The law overrides school policies that allow freshmen to enroll only during the fall.

Requires the governing board of each public university to establish an admissions process in which honorably discharged veterans are permitted to submit an application for admission to the University as a freshman student enrolling in the spring semester if the veteran was on active duty during the fall semester. Allows the university to request that the Department of Veterans' Affairs confirm the status of an applicant as an honorably discharged veteran who was on active duty during the fall semester.

Status: Signed into law on August 15, 2016.

Comments: From the [Office of Rep. Mike Tryon](#) (August 15, 2016)

When Crystal Lake resident Sam Kruse was honorably discharged from the U.S. Marine Corps last year, all he wanted to do was begin his college studies at the University of Illinois at Chicago. But rather than enroll for fall classes, he was told that a university rule and strict admissions deadlines meant he would have to wait a full year to become a student.

After hearing the Kruse family's story, State Representative Tryon (R-Crystal Lake) went to work and closed the college admissions loophole in a bill that was signed into law on Sunday by Gov. Bruce Rauner. "Sam's parents explained to me that their son's college admission was rejected first because he had missed the fall applications deadline, and then for spring because UIC only allowed freshman students to start school in the fall term," said Tryon, Chief Sponsor of HB 4627. "This is an honorably discharged member of our military who answered a call to serve his country. Upon these people's return from active duty, we need to be doing everything we can to ensure their successful transition back into civilian life."

The new law, known as Public Act 99-0806, requires each public state university to establish an admissions process in which honorably discharged veterans are permitted to submit an application for admission to the University as a freshman student enrolling in the spring semester if the veteran was on active duty during the fall semester. "This is common sense legislation," Tryon said. "Our honorably discharged military personnel have a level of maturity that would more than compensate for any college transition issues. Furthermore, by increasing educational opportunities for those serving in the armed forces, we are helping these men and women reach their full potential when they return from service."

According to Kruse, UIC eventually did make an exception for his specific case, and he started school and did well during his first semester. However, they were unwilling to change their policy for all returning servicemen and women. "I applaud the efforts of Representative Tryon, (Senate Sponsor) Senator Althoff and the governor for ensuring that veterans are treated with the respect they deserve after serving their country," said Kruse. "In my case, my experience in

serving in the Marines more than prepared me for college life.”

HB 4627 received unanimous support in the House and Senate and its provisions take effect immediately.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

The bill allows students enrolled in a teacher preparation program at an accredited college or university in the state who have completed at least 60 semester hours, or the equivalent of courses, to work as substitute teachers for a limited number of days in the school year.

The bill allows an individual who does not hold a teaching certificate to be eligible to teach as a substitute teacher in a school district, area vocational technical school or an intermediate unit if the individual: (1) is currently enrolled in a teacher preparation program in a college or university that is located in the Commonwealth and accredited by a regional accrediting agency; (2) has completed at least 60 credit semester hours at the aforementioned college or university; and (3) has met the requirements relating to background clearances.

Allows the chief school administrator to issue a Substitute Teaching Permit for Prospective Teachers to an uncertified individual who meets all of the above requirements and limits the number of days that a permit may be used to no more than ten days per school year for a single professional employee or temporary professional employee and no more than 20 days per school year for multiple professional employees or temporary employees. Provides for the permit to be valid for one year and allows for the permit to be renewed for one year if documentation is provided by the individual verifying completion of an additional 15 credit hours and enrollment in a college or university located in the Commonwealth. Provides for the governing body of the school district, area vocational technical school or an intermediate unit to fix the salary of an individual holding a permit. Provides that an individual holding a permit may not elect membership in the Public School Employees' Retirement System (PSERS), nor shall the service accrued while working under a permit be eligible for credit in PSERS.

Status: Signed into law on July 13, 2016.

Comments: From The Council of State Governments, [The Current State](#) (August 29, 2016)
This year, some university and college students in Pennsylvania will be permitted to serve as substitute teachers in the state's public school districts, vocational-technical schools and intermediate units under a new law that becomes effective Sept. 12.

The legislation signed by Pennsylvania Gov. Tom Wolf in July is an attempt to increase the number of substitute teachers in a state with a longtime shortage. The problem, however, is not unique to Pennsylvania. School administrators across the country struggle to find temporary stand-ins for teachers, and the law that allows college students to take the reins is just one example of several diverse solutions being reviewed and implemented by the states.

“There is a shortage of substitute teachers. Districts are saying that their fill rates are not as high as they would like them to be because there aren't enough individuals working,” said Geoffrey Smith, director of the Substitute Teaching Division of STEDI.org.

Smith founded the Substitute Teaching Institute at Utah State University in 1995. In 2008, the institute became the Substitute Teaching Division of STEDI.org, which primarily works with school districts to train substitute teachers.

Many factors have contributed to the shortage of substitute teachers, said Smith, who has written about the nationwide problem for AASA, The School Superintendents Association. In some cases, certified teachers who could serve as substitute teachers are called to work as regular teachers because of the shortage of permanent teachers across the country.

Some individuals, including retired teachers, may be unavailable when needed, Smith said. Also, low pay for substitute teachers and better job opportunities outside the school system could be part of the problem.

Moreover, increased professional development requirements and additional leave time granted to permanent teachers have created a greater need for substitute teachers, Smith said.

But Smith said he believes training is the biggest obstacle for non-certified teachers who want to serve as substitutes; not everyone knows what to do when they enter a classroom of waiting students.

“We’re not going to tell the district that they need to raise pay,” he said. “But we find that by offering training and making sure these non-certified folks are well prepared to enter the classroom, they have a tremendous experience and are very well rewarded by touching lives, and they enjoy that.”

Preparing substitute teachers for the job can go a long way, Smith said. “Just hiring someone who breathes and putting them in a classroom without any training—they’re not going to last long.”

In Pennsylvania, students enrolled in a teacher preparation program at an accredited college or university in the state—and have completed at least 60 semester hours, or the equivalent of courses—will be permitted to work as substitute teachers for a limited number of days in the school year.

Pennsylvania state Sen. Lloyd Smucker, who wrote the bill in his state, said the idea to allow college students to substitute teach was inspired by educators and others who testified at a joint Senate and House Education Committee hearing in October 2015, according to a news release by the Pennsylvania Senate Republicans dated June 30, the day the bill passed the Senate.

“Many school districts are struggling with a growing shortage of substitute educators,” Smucker said. “This bill will help to fill that vacuum and also offer an added benefit: it will give college students who want to be teachers the opportunity to gain valuable experience in the classroom.”

Some districts reported a fill rate of only 70 percent on any given day, Smucker said, according to the news release, “and some areas have opted to outsource their substitutes or have been left with no choice but to request frequent emergency permits for day-to-day substitutes.”

In Philadelphia, some school administrators have had to congregate multiple classrooms in one gym, pay regular teachers to give up prep time or take over classrooms themselves, according to a June 20 story in *The Philadelphia Inquirer* with the headline, “Substitute teachers are the new endangered species.”

Concerns that arose as the bill proceeded through the Legislature included fears that the law would give college students a reason to skip class. A July 29 story by LancasterOnline said some Millersville University professors worried that students would opt to make up to \$120 a day teaching instead of going to class.

Minimum substitute teaching requirements vary from state to state. Some states require college degrees, some require substitutes to have at least some college education and others require that substitutes have at least a high school diploma or GED. In some states, the school district settles the requirements.

In New York, a shortage of substitute teachers led the state Education Department’s Board of Regents to change a rule that said non-certified teachers could only substitute for up to 40 days in a school year. Non-certified teachers may now teach up to 90 days.

Although approved by the Board of Regents in July, the regulation change had critics.

“The places and the school districts that have the most difficulty finding teachers are the districts that have large numbers of high-poverty students—the very population that we want to improve in terms of academic performance,” said Regent Judith Johnson, according to a July 13 story in the *Times Union*. “And we want to put into their classroom teachers who are not qualified and not certified to teach kids who desperately need rigorous opportunities to learn? That is unconscionable.”

Earlier this year, Illinois state Sen. Steve Stadelman had another idea. He introduced a bill that would waive the registration fee for retired teachers returning to work in a position that requires a professional educator license if the teacher plans to work as a substitute teacher. On June 30, the bill was re-referred to the House Rules Committee.

“It’s a big problem,” Stadelman told WREX-TV in March, referring to the shortage of substitute teachers in Illinois. “I think it affects the quality of education.”

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary: This bill, which went into effect on July 1, 2015, prohibits local or regional boards of education from imposing out-of-school suspensions or expulsions on students in grades preschool through two. The exceptions to this occur if: the student’s conduct is violent or sexual in nature that endangers others; the student possesses firearms or certain other weapons; the student sells or distributes controlled substances; or the student possesses a firearm on or off school grounds or at school-sponsored activities. For all other offences, students who are in preschool or kindergarten through second grade are only eligible for lesser disciplines, such as suspensions that are in-school suspensions.

Status: This bill became law upon signature of the governor on June 23, 2015.

Comment: From [New America](#) (June 26, 2015)

Next week, Connecticut’s [legislation](#) to restrict out-of-school suspensions and expulsions for pre-K through second grade students will go into effect. Gov. Malloy signed the bill into law last week, after it [passed](#) unanimously in the state’s House and Senate. State Representative Andy Fleischmann explained [in the Hartford Courant](#), how the bill received bipartisan support, saying, “A recent report from the state Department of Education showed a disturbingly large number of children getting suspensions. That was one of the things that motivated the General Assembly to act.” In fact, the number of children under the age of seven who were suspended from public schools [increased by 22 percent](#) between 2011 and 2014.

Last year, over 1,200 Connecticut children under the age of seven received at least one out-of-school suspension. The increasing use of suspension and expulsion in the early years of a child’s life has [damaging implications](#). Even more concerning is the number of young children who get expelled from pre-K programs. In a [2005 policy brief](#), Dr. Walter Gilliam found that across the country prekindergarten students were expelled at a rate more than three times that of their older peers in K-12 grades.

Connecticut’s new policy aligns with [research](#) that shows suspension and expulsion can have a negative impact on young children and their families. In addition, the policy addresses the root cause of disruptive classroom behaviors by solidifying a partnership with early childhood mental health professionals to assist with screenings and early intervention by providing [trauma informed intervention services](#).

Early childhood classrooms should be that safe space for children to learn socially, emotionally, and academically. Children who need high quality early childhood education the most are often denied access through the frequent use of suspension and expulsion. The benefits associated with pre-K and kindergarten significantly diminish if children are excluded from high-quality programs that are explicitly teaching self-regulation and emotional intelligence skills.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

03-38A-06 Requires Public Schools to Provide Students with 20
Consecutive Minutes of Recess Per Day
Bill/Act: [HB 7644](#)

Rhode Island

Summary:

HB 7644 Requires public schools to provide student in grades kindergarten through six with at least twenty minutes of free-play recess each school day.

Status: This bill became law upon signature of the governor on June 27, 2016

Comments: From [Education Week](#) (July 8, 2016)

The governor of Rhode Island recently signed [legislation into law requiring schools to provide 20 consecutive minutes of recess a day](#) for students in kindergarten through 6th grade.

The law recognizes recess as a right for students. It also asks teachers to make a good-faith effort not to take away recess as a form of punishment and allows schools to treat recess as instructional time. That provision means schools won't have to extend the school day to meet the requirement.

"Parents really speaking up is what actually made this a reality for students," said Tracy Ramos, the director of Parents Across Rhode Island.

Her group, along with others, pushed legislators to mandate recess after they noticed that some children were missing out on time for unstructured play, Ramos said.

The American Academy of Pediatrics has called recess, "a crucial and necessary component of a child's development." And some educators believe free playtime leads to more success in the classroom.

Before this law passed, Rhode Island school regulations called for schools to, "provide daily recess opportunities for students" in kindergarten through 5th grade.

But Ramos said parents found that insufficient.

"We found that there was great disparity of availability of recess depending on the district and in some cases within the district depending on the school," said Ramos. "This was about leveling the playing field so that all kids would get a bare minimum standard."

A spokesman for the Rhode Island Department of Education said he doesn't believe the new law will have a significant impact.

"We think that most schools have already met this requirement in that we've had a regulation on the books for quite a while that daily recess should be available to students in grades K through 5," said Elliot Krieger, the state education department spokesman. "For those that may not have had 20 minutes of recess, they'll have to adjust their schedules to fit the extra time in."

Ramos disagrees.

"This law actually says children have to have 20 consecutive minutes of free play every day," said Ramos. "The regulation that existed prior to the law just said that children have to have opportunities for recess, and we know on a regular basis children were not getting that."

In December of 2015, Ken Wagner, the state education commissioner, told a local newspaper [he didn't think the state's schools needed another mandate from the state.](#)

"That view holds," said Krieger. "He believes these problems can be and should be resolved at the district or school level."

Ramos said they tried that without any success. A parent group in Florida made the same argument earlier this year before trying to get state legislators to pass a law mandating recess, but their efforts failed. The measure passed in the state house but never got a hearing in the state senate.

Ramos had hoped that the law would have gone a bit further in prohibiting schools from taking away recess as a form of punishment.

"I expect that we'll continue to monitor that as the next school year comes and see how the law is implemented," said Ramos. "Parents are really paying attention now."

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary: Madison Holleran Suicide Prevention Act”; requires institutions of higher education to have individuals who focus on reducing student suicides and attempted suicides available 24 hours a day. Further, the institutions must inform each student via email that such services are available and how to utilize them within 15 days of the start of each semester.

Status: Signed into law by the governor 8/1/16

Comment:

The law, S-557, would provide students with greater access to professionals and services designed to aid college students in crisis.

The “Madison Holleran Suicide Prevention Act” (S-557) calls for health care professionals, with training in mental health and reducing suicides, to be available 24 hours a day remotely or on college campuses to assist students in crises. Students must receive information about these resources via electronic mail, no later than 15 days following the beginning of each semester.

Suicide is the second-most common cause of death among college students, accounting for more deaths than all medical illnesses combined. In New Jersey, 72 percent of youth suicides were committed by college-age young adults, according to the most recent data available.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary: HB 1042 requires that institutions of higher education who receive state funding must provide students with information about their student loans, including the amount, predicted repayment amounts including interest, and the percentage of the borrowing limit the student has reached. The institutions must provide this information to students on an annual basis. The law went into effect July 1, 2015.

Status: Became law upon signature of the governor on April 15, 2015

Comment: From the [Indiana Commission for Higher Education](#) (July 22, 2015)

To help Indiana colleges provide students clear and useful information about their loan debt, the Indiana Commission for Higher Education provided all colleges guidance and templates to assist them in meeting the requirements of new “truth in borrowing” legislation signed into law in April.

House Enrolled Act 1042, authored by State Representative Casey Cox (R-Fort Wayne), requires Indiana’s public and private colleges to provide yearly information to all students with college loans—including total estimated debt and estimated monthly payments after graduation.

The Commission estimates in its Return on Investment report that the average debt for a Hoosier graduate with a four-year degree is \$27,000 and \$17,000 for graduates with two-year degrees.

“As we call upon Indiana’s colleges to keep tuition increases to an absolute minimum, we must also make sure students make informed decisions when they borrow to pay for college,” Indiana Commissioner for Higher Education Teresa Lubbers said. “Providing students at every Indiana college an easy-to-understand breakdown of their debt responsibility is a small step that will help thousands of Hoosiers graduate with less debt.”

The law was inspired by the success of a similar effort at Indiana University. After just two years of sending annual letters to all student borrowers, IU officials estimated undergraduate student borrowing decreased by almost 16 percent, amounting to approximately \$44 million in student savings.

The law requires public and private colleges to send the following data to students with debt on an annual basis beginning in June 2016:

- Estimated total amount of student loans (principal)
- Estimated total amount the student will have to pay (principal + interest)
- Estimated monthly repayment amount
- The percentage of the cumulative federal borrowing limit a student has reached

“Providing students and their families greater access to loan information will allow them to better plan their financial future and avoid excessive borrowing,” Rep. Cox said. “It will also

reduce the potential burden for taxpayers who may otherwise bear responsibility for defaulted student loans.”

In addition to basic debt information, the Commission recommends that colleges provide information about the importance of on-time graduation in its annual communication to students. An additional year of college can cost students \$50,000 in extra tuition, lost wages and related costs. Along with their estimated monthly payment based on current borrowing levels, the Commission also recommends that colleges show students their estimated monthly payment if they reach the maximum borrowing limit.

Read all of the Commission’s reports as well as its Reaching Higher, Achieving More strategic plan at www.che.in.gov.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary: This is an omnibus higher education bill that includes appropriations and other guidelines. One highlight of this bill is its modification of state policies regarding sexual assault on college campuses. This includes public institutions as well as most private ones. The bill requires that colleges and universities establish an anonymous online system for victims to report sexual assault. It also requires schools to publish statistical data about the number of sexual assault investigations they conduct and how many result in discipline for the accused. Additionally, this bill mandates that new students receive training about sexual assault within their first 10 days of classes.

Status: This bill became law upon approval of the governor on May 22, 2016.

Comment: From [The Washington Post](#) (August 2, 2016)

On the heels of a [wave](#) of Title IX investigations by the Department of Education, a Minnesota [law](#) took effect this week aimed at improving sexual assault prevention and response on college campuses across the state.

Perhaps most significantly, the law requires colleges to have websites where students can anonymously report incidents of sexual assault. That means survivors no longer will be forced to trek across campus to a Title IX office. They'll no longer have to contemplate whether facing the stigma and victim-blaming outweighs the good they can do for themselves and others by reporting.

Rather, the student can give an anonymous account of what transpired on a website. And in the University of Minnesota's [system](#), the student is able to return to the website to add details or inquire about the status of the investigation — again, all anonymously.

But for many students, that investigation will never even begin. Criminal investigations with completely anonymous victims are understandably difficult to complete, so the law gives the university discretion over whether to launch an investigation in each case. The school is only legally obligated to look into the incident if a formal report, which isn't anonymous, is filed. "The idea was to ... reduce some of the fear around reporting," Yvonne Cournoyer of the Minnesota Coalition Against Sexual Assault, an organization that supports sexual assault prevention and response programs, [told](#) the Minnesota Star Tribune about the website. It allows victims to come forward when they're not ready to be identified, she said.

Additionally, the law requires colleges to release annual statistics on the number of sexual assault complaints they investigate, and how many of the accused they discipline. This allows the public, as well as lawmakers, to get a glimpse at potential problems in the sexual assault adjudication process, which largely occurs behind closed doors.

This goes a step beyond the federal [Clery Act](#), which requires colleges that receive federal funds (that is, almost every not-for-profit university) to disclose the number of reports of sexual assault they receive.

The law also mandates that colleges require their students to complete sexual assault training within 10 days of starting school. School officials who investigate the cases must also receive training on best practices, and must coordinate more closely with law enforcement. The content of each training is not specified in the law except that it should cover rules and laws concerning consent, “preventing and reducing the prevalence of sexual assault; procedures for reporting campus sexual assault; and campus resources on sexual assault, including organizations that support victims of sexual assault.”

These regulations aren’t revolutionary.

Several colleges in Minnesota, including the flagship state school the University of Minnesota, already have anonymous reporting websites. And Connecticut enacted a [law](#) requiring them in 2014, a year ahead of Minnesota.

Many schools already have some form of sexual assault training for students, whether online or on campus as part of orientation. [Colorado](#) and [Illinois](#), among others, require students to receive sexual assault training. And states including [New York](#) and [California](#) require school administrators to be trained.

At present, there are two Minnesota colleges under federal [investigation](#) for violating Title IX: St. Cloud State University, a medium-size public school, and St. Olaf College, a small private university.

And at the University of Minnesota, reporting sexual assault appears infrequent. According to the school’s [police department](#), two reports of sexual assault were filed each in 2014 and 2015, and none were filed in the first three months of 2016.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary: This act sets up a structure to allow accredited institutions of higher education in Arkansas that are approved or seeking approval by the U.S. Department of Education to operate a comprehensive transition and postsecondary program to receive state funding, when funding is available, to create a "Building Better Futures Program". This program serves students with diagnosed intellectual disabilities as defined by the Diagnostic and Statistical Manual of Mental Disorders.

The program must:

- Have a selective admission process
- Be exempt from the state minimum core curriculum
- Be exempt from Arkansas Higher Education Coordination Board review of new programs
- Be a part of a comprehensive transition and postsecondary program approved by the U.S. Department of Education within three years of the program's establishment
- Allow program completion certificates to be awarded
- Not permit hours completed in the program to be transferred toward credit for a degree

To be eligible for admission into the program, a student must:

- Be a U.S. citizen
- Be an Arkansas resident, unless there are openings after all eligible Arkansas residents are admitted
- Be selected for admission into the institution's comprehensive transition and postsecondary program
- Have an intellectual disability
- Be able to participate in an inclusive classroom and work setting
- Not be a danger to themselves or others

The Department of Higher Education is responsible for providing information statewide on the options available for postsecondary education for students with intellectual disabilities, and must particularly provide this information to Arkansas high schools. The act allows a program to be supported by any available source, including tuition and other support services costs.

Status: This bill became law upon approval of the governor on March 16, 2016.

Comment: From [Arkansas Online](#) (February 12, 2015)

The House Committee on Education approved a bill on Thursday that would enable the creation of post-secondary programs for those who are intellectually disabled.

Rep. Mary Broadaway, D-Paragould, sponsored House Bill 1255, which creates the Building Better Futures Program.

Broadaway said this program would help special needs students who complete high school receive more education and work training to become more independent.

"This will enable, encourage and incentivize [higher education institutions] to create this program at various institutions," Broadaway said. "When [intellectually-disabled people] complete high school, they go home and they do not rise to the level of capabilities that they should."

Broadaway said struggling with what her autistic son would do after completing high school led her to work on this bill for two years.

Broadaway found one program in Fayetteville that would provide her son with a college-like experience, she said.

"He completed the program, he has a job and lives in his own apartment," Broadaway said of her now 22-year-old son. "I am enormously proud of that and proud that his Social Security income has diminished from \$780 to \$200. We have made a contributing citizen out of someone who would be drawing on the system."

Several representatives from Pulaski Technical College's 3D Program, which offers young adults with developmental disabilities post-secondary education, spoke to the committee in favor of the bill.

Bentley Wallace, Pulaski Tech vice president of economic development, said the 3D Program is a pilot and has grown from five to 11 students in two years.

The program provides education in workforce training through the Culinary Arts and Hospitality Management Institute, critical thinking, independent functioning and professionalism in the workplace, Wallace said.

Wallace said the program is currently pursuing certified transition program accreditation through the Department of Education.

Accreditation would allow the program to offset some of its current costs with additional funding, Wallace said. As of now, the program costs about \$7,500 per year per student.

Wallace said the program is funded through private donors, Arkansas Rehabilitation Services, the governor's Commission on People with Disabilities and student tuition.

Linda Ducrot, 3D Program director, said the program creates inclusion by having participants learn side-by-side with mainstream students.

"We are creating a culture in our culinary institute that people with all types of differences are accepted and valued," Ducrot said.

Quentin Robinson, a 3D Program participant, told the committee the program has changed his life.

"I'm cooking and doing different things," Robinson said. "So many chefs like to work with me."

The room erupted in applause when Robinson said he will graduate this spring, as well as when the committee unanimously passed the bill.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary: This act sets up a structure to allow public and private high school and home school students under the age of twenty-two (22) with diagnosed intellectual disabilities as defined by the Diagnostic and Statistical Manual of Mental Disorders to participate in an accredited institution of higher education's comprehensive transition and postsecondary program that is approved or for which approval is being sought by the U.S. Department of Education. This "Building Better Futures High School Program" may receive state funding if the funding is available. For a public high school student, the student must have an individual education program (IEP). The act requires a student's parents to notify the student's IEP committee of the parent's desire for the student to participate in the program, and the committee must make a determination whether participation in the program is appropriate for the student to receive a free and appropriate public education. If the committee deems participation appropriate, the committee will apply on the student's behalf to the nearest program within fifty (50) miles of the student's high school.

The program must:

- Have a selective admission process
- Be exempt from the state minimum core curriculum
- Be exempt from Arkansas Higher Education Coordination Board review of new programs
- Be a part of a comprehensive transition and postsecondary program approved by the U.S. Department of Education within three years of the program's establishment
- Allow program completion certificates to be awarded
- Not permit hours completed in the program to be transferred toward credit for a degree

To be eligible for admission into the program, a student must:

- Be a current public or private high school or home school student under the age of twenty-two (22)
- Be an Arkansas resident, unless there are openings after all eligible Arkansas residents are admitted
- Be selected for admission into the institution's comprehensive transition and postsecondary program
- Have an intellectual disability
- Be able to participate in an inclusive classroom and work setting
- Not be a danger to themselves or others

The Department of Higher Education is responsible for providing information on the options available for postsecondary education for students with intellectual disabilities to each high school in the state. Public high schools must then provide the department's information to the parent of each student with an intellectual or developmental disability in the high school during the annual IEP committee meeting's annual review conference.

This act specifically provides that the provisions in the act do not relieve a school district from satisfying the student's IEP, and the lack of a program within fifty (50) miles of the high school

or the failure of the program to admit the student is not a failure to provide a free and appropriate public education. Public high schools are required to provide transportation for the student to a program within fifty (50) miles, and an institution that houses the program is required to provide instructional and support staff for the student while the student is attending the program.

The act allows a program to be supported by any available source, including tuition and other support services costs. In addition, an institution is not allowed to charge a higher tuition rate to high school students participating in a program than it charges to non-high school students, and the tuition and fees must be charged to the student's public high school. The rate charged by the institution must be proportionate to the student's participation in the program as the participation is described in the student's IEP.

Status: This bill became law upon approval of the governor on April 2, 2016.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary: Changes regulatory program covering the over-land transportation of oil, including requiring railroads to do oil spill response planning and provide information to the Department of Ecology about their oil transport activities, authorizing rulemaking by the Pilotage Commission to require tug escorts for oil-laden vessels, and authorizing rulemaking by the Utilities and Transportation Commission to set safety standards for private railroad crossings.

Increases the Oil Spill Administration Tax on oil received from vessels to 10 cents per 42-gallon barrel, and expands the tax's scope to include oil received by rail and pipeline.

Status: Signed by the governor May 14, 2015; Effective Date 7/1/2015

Comment: From [q13fox.com](#), April 24, 2015

OLYMPIA, Wash. (AP) — The Washington Legislature on Friday passed a measure to improve the safety of oil transportation due to a sharp increase in the number of oil-carrying freight trains in the state.

Lawmakers reached a compromise in the afternoon to resolve differences between competing versions that earlier cleared the Senate and House.

The Senate voted 46-0 and the House 95-1 on House bill 1449, which now heads to Gov. Jay Inslee for consideration.

The compromise includes some provisions that Inslee and Democrats had pushed for, including requiring railroads to show they can pay to clean up oil spills.

It extends a barrel tax on boat-transported oil to railroads to help pay for oil spill response, but doesn't cover pipelines. It also does not include marine protections that environmental groups had sought for oil shipments via the Puget Sound.

The bill also requires railroads to provide weekly notice to first responders of the type and volume of oil shipped. That information will be made public on a quarterly basis.

Inslee issued a statement later Friday night in which he indicated he would sign the bill into law: *"Today, legislators did the right thing and approved a much-needed bill to improve the oversight of crude oil being transported through Washington and our ability to prevent and respond to oil spills. This was one of my top priorities for this session and I particularly want to thank Rep. Jessyn Farrell for all her work over the past months to shepherd this bill through with bipartisan support."*

"This bill means our first responders will get advanced notification when oil trains are coming through, and it also expands the barrel tax on crude oil and petroleum products to include both rail and marine. This means that at a time when the number of oil trains running through

Washington is skyrocketing, oil companies will be held accountable for playing a part in preventing and responding to spills.

“There are things this bill does not do, however. It does not increase the barrel tax rate which means we will have to continue relying on other sources of funding that are already stretched thin. In addition, the final bill does not include provisions that would allow us to continue strengthening our marine response capabilities in Puget Sound.

“This is a solid first step, but clearly we have more work to do. And while our state does its part to bolster safe transport of crude oil by rail and boat, I urge Congress and the federal government to push for quick action on reduced speed limits and prohibition of outdated oil train cars.”

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary: Clarifies that term “public utility” does not include people’s utility districts or electric cooperatives for the purpose of regulation by Oregon Public Utility Commission (PUC). Requires electric company providing electricity to retail consumers located in Oregon to eliminate coal-fired resources from the electric company’s electricity supply on or before January 1, 2030. Revises large utility renewable portfolio standard (RPS) to require that at least 27 percent of electricity sold in years 2025 - 2029 be qualifying electricity generated from a renewable energy source, at least 35 percent of electricity sold in years 2030- 2034 be qualifying electricity generated from a renewable energy source, at least 45 percent of electricity sold in years 2035- 2039 be qualifying electricity generated from a renewable energy source and at least 50 percent of electricity sold in 2040 and beyond be qualifying electricity generated from a renewable energy source. Revises how renewable energy certificates may be banked and used by electric companies. Allows as qualifying electricity the use of electricity from a generating facility using biomass or direct combustion of municipal solid waste. Revises provisions regarding RPS requirements for utility acquiring another utility's service territory without consent. Directs the PUC to establish a stranded costs obligation associated with condemnation of, or transaction related to, service territory or property of an electric company. Authorizes PUC to investigate if RPS compliance is likely to result in conflict or compromises to obligation to comply with North American Electric Reliability Corporation standards or compromises the integrity of the electric company’s system. Directs that by year 2025, eight percent of the aggregate electrical capacity of all electric companies that make sales of electricity to 25,000 or more consumers in this state must be composed of one or both of (1) small scale renewable energy projects with generating capacity of 20 megawatts or less or (2) generating facilities that generate thermal energy for a secondary purpose. Directs each public utility to annually forecast the projected state and federal production tax credits received due to variable electrical production and directs PUC to allow forecasts to be included in rates. Makes legislative findings regarding energy efficiency. Directs energy companies to plan for and pursue all available energy efficiency resources that are cost-effective, reliable and feasible and, as directed by PUC, plan for and pursue acquisition of cost-effective demand response resources. Requires each electric company to file applications with the Commission for programs to accelerate transportation electrification by December 31, 2016. Allows the return of, and return on investment made by, an electric company for purposes of the programs. Defines “community solar project.” Directs PUC to adopt rules for the implementation of a community solar program and require each electric company to implement such a program. Establishes required elements of program rules. Directs PUC to 1 of 3 This summary has not been adopted or officially endorsed by action of the Committee. Report to interim legislative committees on program on or before July 1, 2019. Repeals minimum solar energy capacity standard for electric companies. On or after January 1, 2020, directs PUC to investigate and report to Legislature the impact of changes to RPS on rates, greenhouse gas emissions, electrical system reliability and operations, allocation of risk between customers and companies, eligibility and timing of cost recovery for the generation of qualifying electricity, and the resource procurement process. Declares emergency, effective date March 8, 2016.

Status: governor signed Mar. 8, 2016

Comment: [Gov. Kate Brown signs Clean Energy bill](#) – From The Statesman Journal March 11, 2016

Gov. Kate Brown has signed a bill into law that fundamentally changes Oregon's energy system. The bill, SB 1547, requires Oregon to stop using electricity generated from coal by 2030. It also requires the state to get at least 50 percent of its electricity from renewable sources by 2040. State law currently requires at least 15 percent of electricity sold to consumers be generated by renewables.

Environmentalists are lauding the legislation as landmark because it makes Oregon the first state in the nation to attempt to divest from coal. There also may be environmental benefits from moving to renewable energy; utility company Pacific Power said the bill's potential carbon-reducing effect may equal taking 6.4 million cars off the road. Supporters of the bill also say it will help Oregon lead the nation in clean energy jobs.

The bill was not without its critics, however. Unhappy with the legislation and how it was developed, Republicans in the state Senate didn't show up the day the so-called "coal-to-clean" bill was scheduled for a vote. That stalled the legislation for a time. But Democrats, who have majorities in the state House and Senate, used a procedural workaround to stuff the coal-to-clean bill into another piece of legislation, bypassing any Republican stall tactics.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

Prohibits the sale, offer to sell, purchase, trade, possession with intent to sell, or barter of any part or product from various animal and marine species. Provides exceptions to this prohibition, including for traditional cultural practices protected under the State Constitution. Imposes penalties for violations of the prohibition on trafficking animal parts and products.

Status: Approved by the governor on June 23, 2016

Comment: [From the Humane Society of the United States:](#)

As the “endangered species capital of the world,” Hawai‘i knows first-hand the devastating impacts of losing significant and iconic native species. The state has now taken a historic step in helping to prevent the further loss of critically endangered species within its own borders and abroad.

With the signing of Senate Bill 2647, now Act 125, Hawai‘i passes the most comprehensive U.S. state law targeting the illegal wildlife trade.

The law goes into effect immediately, although enforcement of the law is delayed until June 30, 2017 to grant individuals and businesses with wildlife products in their possession time to lawfully dispossess of the items. The law also provides reasonable exemptions for bona fide antiques, musical instruments, guns and knives, and traditional cultural practices.

In the past two years, a number of states across the U.S. have pushed for stricter laws to crack down on illegal wildlife trafficking. New York, New Jersey, and California have each passed laws prohibiting the purchase and sale of products made with elephant ivory and rhino horn. And in 2015, philanthropist and entrepreneur, Paul G. Allen backed Initiative 1401, a first-of-its-kind statewide ballot measure that will keep products from 10 highly endangered animals out of his home state of Washington.

“The loss of species has significant and unpredictable consequences for the health of our planet. The passage of this legislation is an important step in stopping this race to extinction,” said Jared Axelrod, government affairs manager for Paul G. Allen’s Vulcan Inc. “We believe the most effective way to save animals from extinction is to strengthen enforcement. This new law will provide enforcement officials with the tools they need to stop the traffickers and disrupt the supply chain.”

Disposition of Entry:

SSL Committee Meeting: 2018 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:

- ☐ next SSL meeting
- ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

05-38A-02 Revolving Loan Fund to Help Property Owners Prepare for Virginia
Sea-Level Rise
Bill/Act: [SB 282](#)

Summary:

Prohibits the sale, offer to sell, purchase, trade, possession with intent to sell, or barter of any part or product from various animal and marine species. Provides exceptions to this prohibition, including for traditional cultural practices protected under the State Constitution. Imposes penalties for violations of the prohibition on trafficking animal parts and products.

Status: Signed by the governor on April 22, 2016

Comment: From [Governing Magazine](#), April 26, 2016:

Virginia has established a revolving loan fund to help homeowners and businesses make changes to their properties in anticipation of sea-level rise -- a step the program's advocates say no other state has taken.

But the distinction comes with an asterisk: There's no money in the fund, and there may not be for several years.

Gov. Terry McAuliffe on Friday signed legislation establishing the Virginia Shoreline Resiliency Fund. Sen. Lynwood Lewis, a Democrat from the Eastern Shore, sponsored the bill, SB282. It's similar to a program in Connecticut called ShoreUp CT. But that fund and those like it in other states focus on helping applicants deal with current flooding threats. Virginia's program would lend money not just for immediate needs, but also for changes "to mitigate future flood damage" -- in other words, sea-level rise.

The Norfolk-based nonprofit group Wetlands Watch worked with Lewis to develop the legislation. Skip Stiles, the group's executive director, said the fund has the potential to accelerate retrofits of buildings in flood-prone areas throughout coastal Virginia.

The Federal Emergency Management Agency provides grants to elevate properties for which multiple damage claims have been made through the National Flood Insurance Program. But that mitigation assistance program is so backlogged that new applicants in this region have almost no chance of getting any money through it in their lifetimes, he said.

In Norfolk, the wait would be 188 years at the pace applications are being processed now, Stiles said. An increase in flooding episodes in recent years led more people to apply for the federal help.

"This is a big problem getting bigger," he said.

New Orleans is the only U.S. metro area considered at greater risk from climate change than Hampton Roads. Scientists have predicted water levels could climb in the region from 1.5 to 8 feet by the century's end, and that was before a study published last month in the journal *Nature* that warned Antarctic ice melting could cause sea-level rise to accelerate.

Lewis first introduced the legislation in 2015, and Stiles said it was an accomplishment to win bipartisan support for it in this year's General Assembly. Business or home owners would go through their local governments to apply for the low-cost loans, which would be secured by placing liens on their properties. As loans are repaid, money would be freed up to lend to others. The next step, actually getting money for the fund from the legislature or through a state bond issue, could take three or four years, Stiles said: "But at least now we've got a bucket to put it in."

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

Specifies that no statewide elected official or member of the General Assembly shall serve as a paid political consultant: prohibits statewide elected officials, members of the General Assembly, and candidates for those offices from receiving compensation as political consultants who are paid for profit to engage in specified political activities on behalf of other individuals holding office as statewide elected officials or members of the General Assembly. Compensation for activities on behalf of a candidate committee for another individual holding statewide office or who is a member of the General Assembly is also prohibited as is serving as a paid political consultant for any type of campaign committee or continuing committee.

No statewide elected official or member of the general assembly shall accept or receive compensation of any kind as a paid political consultant for:

- (1) A candidate for the office of governor, lieutenant governor, attorney general, secretary of state, state treasurer, state auditor, state senator, or state representative;
- (2) The candidate committee of the governor, lieutenant governor, attorney general, secretary of state, state treasurer, state auditor, state senator, or state representative or any candidate for such offices;
- (3) The governor, lieutenant governor, attorney general, secretary of state, state treasurer, state auditor, any state senator, or any state representative;
- (4) Any continuing committee; or
- (5) Any campaign committee.

“Paid political consultant” is defined as a person who is paid to promote the election of a certain candidate or the interest of an organization or committee, as defined in section 130.011, including, but not limited to, planning campaign strategies; coordinating campaign staff; organizing meetings and public events to publicize the candidate or cause; public opinion polling; providing research on issues or opposition background; coordinating, producing, or purchasing print or broadcast media; direct mail production; phone solicitation; fund raising; and any other political activities;

Status: Approved by the governor on April 14, 2016

Comments: From [Governing Magazine](#) (April 15, 2016)

Gov. Jay Nixon signed legislation Thursday barring statewide elected officials and lawmakers from serving as paid political consultants.

The law is part of a package of legislation moving through the General Assembly designed to bolster public trust in state government, which has seen numerous scandals in recent years, including the resignation of two lawmakers last year amid allegations they had inappropriate dealings with college interns.

The new law, which goes into effect Aug. 28, prevents elected officials from profiting from their positions by getting paid by other lawmakers for their political advice. It is the first ethics-related bill to become law this session.

“Members of the General Assembly are here to represent their taxpaying constituents, not cash in on their political connections,” Nixon told reporters during a signing ceremony in his Capitol office.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

A bill relating to general insurance provisions, to provide that no health benefit plan shall require an insured to fail to successfully respond to a drug or drugs for stage four advanced, metastatic cancer prior to the approval of a drug prescribed by his or her physician; to provide for definitions; to provide for a short title; to provide for legislative findings and intent; to provide for related matters; to repeal conflicting laws; and for other purposes.

[House Bill 965](#), designated as The Honorable Jimmy Carter Cancer Treatment Access Act, prevents insurance companies from limiting coverage of drugs for stage 4 cancer patients. Bill sponsor, Rep. Mike Cheokas, (Americus), says former President Jimmy Carter is a constituent his cancer battle inspired him to help others get access to the same drugs that helped Carter.

Status: Became law with governor's signature on April 27, 2016.

Comments: From the [Atlanta Journal Constitution, March 14, 2016](#).

More cancer patients in Georgia would be able to receive the same treatment that former President Jimmy Carter says eliminated signs of his disease under a bill given final passage Monday by the state Senate.

House Bill 965 — dubbed the Honorable Jimmy Carter Cancer Treatment Access Act — now goes to Gov. Nathan Deal for his signature to become law.

The bill aims to prevent insurance companies from limiting coverage of drugs for Stage 4 cancer patients. Its sponsor, state Rep. Mike Cheokas, R-Americus, counts Carter as a constituent and has said the former president's cancer battle inspired him to try to help others get access to the same drugs that helped Carter.

Carter, 91, announced in August that doctors found four small melanoma lesions on his brain, and that he would undergo treatment at Winship Cancer Institute of Emory University using the drug pembrolizumab as well as radiation therapy. In early December 2015, Carter announced that tests showed no sign of the cancer in his body.

The bill says any insurance company that offers health care plans in Georgia cannot force patients to first fail to respond to other treatments before trying more advanced treatment programs such as those that helped Carter. The bill would only apply to health plans that cover the treatment of advanced, metastatic cancer, which typically involves Stage 4 patients in which cancer has spread to other parts of the body.

The state House unanimously passed the bill last month [February]. The Senate vote was 53-1, with state Sen. Bill Heath, R-Bremen, the lone no.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

Balance billing is the practice of physicians billing patients for the portion of medical expenses not covered by the patient's insurance. Most commonly, this occurs when a facility-based physician does not have a contract with the same health benefit plans that have contracted with the facility in which they practice. An enrollee who is admitted into one of these facilities for a procedure or an emergency is ultimately responsible for an unexpected bill.

Prior to the passage of H.B. 2256, in 2009, there was no remedy for this unexpected bill other than the patient attempting to set up a payment plan with the facility-based physician. H.B. 2256 established a new mediation process for consumers who are balance billed.

Mediation is working for consumers when it is available. In the past year, mediations have saved consumers millions and virtually all claims have been settled.

Despite the success of mediation, balance billing continues to be common practice and it has become increasingly difficult for consumers to avoid being balance billed in emergency care situations.

S.B. 481 provides further protection to consumers from the balance billing process. The bill expands the options for consumers to go to mediation when they are balance billed by simply reducing the current \$1,000 threshold for claims eligible for mediation to \$500.

Status: Became law with governor's signature on June 15, 2015.

Comments: From the [Amarillo Globe News, June 16, 2015](#).

Insured Texans, who get surprisingly high medical bills, as well as consumer advocates, received welcome news this week.

Gov. Greg Abbott on Monday signed a bill that will help patients if they or family members in their policy receive an excessively high bill because a physician who treated them in the emergency room or in an unplanned surgical procedure is out of network.

The bill, which becomes law on Sept. 1, will allow consumers to seek mediation when their balance billing is \$500 or more.

There are consumers who have received bills for hundreds and even thousands of dollars more than they were expected to get billed for, Hancock and other legislators said.

Consumer advocates welcomed Abbott's signature because they anticipate a significant reduction in surprisingly high medical bills in Texas.

“The Legislature listened to Texans who are fed up with surprise medical bills after emergency room visits or when they go to hospitals in their insurance network,” said Bob Jackson, director of AARP Texas, the organization that represents more than 2 million Texans 50 and older.

The Texas Medical Association, which had initially opposed the legislation, said it now supports it because Smithee made some key changes to the bill.

“TMA appreciates that Representative Smithee and the members of the House supported a \$500 mediation threshold in lieu of the \$0 threshold which was in the bill as filed,” Dr. Tom Garcia of Houston, president of the organization, said after the bill passed. “This compromise amount addresses the concerns of the consumers as well as out-of-network facility-based physicians and assistant surgeons.”

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

07-38A-03 Prohibiting an Out-of-Network Provider from Balance Billing Florida
Members of a PPO or EPO
Bill/Act: [HB 221](#)

Summary:

The bill prohibits an out-of-network provider from balance billing members of a preferred provider organization (PPO) or an exclusive provider organization (EPO) for covered emergency services or covered nonemergency services. The bill establishes a payment process for insurers to provide reimbursement for such out-of-network services.

The bill amends the claims resolution process to add several mandatory components and voluntarily steps to resolve billing issues between providers and insurers.

The bill requires insurers to provide coverage for emergency services without a prior authorization determination and regardless of whether the provider is a participating provider. Applicable cost sharing must be the same for participating or nonparticipating providers for the same services. An insurer is solely liable for the payment of fees to a non-participating provider for covered nonemergency services other than any applicable copays, deductibles and coinsurance when such services are provided in a facility that has a contract with the insurer for the nonemergency services and would have otherwise been obligated to provide services under the contract, and the insured does not have the opportunity to choose a participating provider at the facility. Insurers or health care providers may not balance bill the insured.

Status: Became law with governor’s signature on April 14, 2016.

Comments: From [Miami Herald, Nov. 2, 2015](#).

Patients can be on the hook for thousands of dollars, according to testimony from consumers and patient advocates who spoke at an October hearing on balance billing held by Florida’s Insurance Consumer Advocate, Sha’Ron James.

James noted that her office has received “numerous complaints” about balance billing for several years, and that the practice happens most often in emergency room settings or during pre-planned surgeries where someone on the medical team is out-of-network, such as an anesthesiologist.

Balance billing is prohibited by Florida law — but only if you’re in a health maintenance organization, or HMO, and only for emergencies and covered services provided in an in-network facility.

Consumers who belong to preferred provider organizations (PPOs) or exclusive provider organizations (EPOs) are not covered by the statute.

Trujillo defends his bill as a consumer protection issue, and he argues that it should be a bipartisan concern because patients from either political party can be hit with unexpected

medical bills for an emergency when they did not have the time or ability to look for an in-network provider.

But some healthcare providers say the bill would undermine their ability to negotiate a fair price from insurance companies for their services.

Jonathan H. Slonin, an anesthesiologist and president of the Florida Society of Anesthesiologists, said insurers and their desire to create “narrow networks” with fewer healthcare providers are causing patients to suffer through balance billing.

But Audrey Brown, president of the Florida Association of Health Plans, said some healthcare providers oppose the legislation because they can extract higher payments from consumers than they can from the insurance companies.

“They are basically using it as a business model to upcharge the consumer because there is no protection in place,” said Brown, who supports the bill.

Trujillo’s bill would require out-of-network doctors and hospitals to be paid the greater of three payment methods for emergency services provided to consumers with PPO and EPO plans: the Medicare rate; the usual and customary reimbursement paid by insurers in a geographical area; or an amount agreed upon through mediation.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

Relates to establishing protections to prevent surprise medical bills including network adequacy requirements, claim submission requirements, access to out-of-network care and prohibition of excessive emergency charges (Part H)

The new provisions protect consumers in the following ways:

1. Consumers are held harmless from out-of-network emergency bills and non-emergency claims where an in-network provider was unavailable or disclosure of services provided by an out-of-network provider was not made. In these situations, consumers will be responsible for their usual in-network cost-sharing.
2. An arbitration process between providers and insurers will shield patients from becoming involved in payment negotiations and will provide additional financial protection.
3. Plans that offer out-of-network coverage will be required to provide a minimum level of coverage for out-of-network services.
4. Plans have to provide improved disclosure so consumers can understand reimbursement levels and have an idea of the amount their plan will cover for out-of-network services.
5. Plans must meet minimum network adequacy requirements.
6. Plans will have to make it easier for consumers to submit out-of-network claims online and out-of-network doctors will have to include an insurance claim form with their bills.

Status: Became law with governor's signature on March 13, 2014.

Comments: From Kaiser Family Foundation, "[Surprise Medical Bills,](#)" Karen Pollitz, March 17, 2016.

The Kaiser Family Foundation report contains these two sections under the heading State Policy Responses:

New York's comprehensive approach to surprise medical bills – Last year a new law took effect in [New York](#) limiting surprise medical bills from out-of-network providers in emergency situations and in non-emergency situations when patients receive treatment at an in-network hospital or facility. To date, this law stands out as offering the most comprehensive state law protection against surprise medical bills. For emergency services, patients insured by state-regulated health plans (e.g., not including self-funded employer plans) are held harmless for costs beyond the in-network cost sharing amounts that would otherwise apply. For non-emergency care, patients who receive surprise out-of-network bills can submit a form authorizing the provider to bill the insurer directly, and then are held harmless to pay no more than the otherwise applicable in-network cost sharing. In both situations, out-of-network providers are prohibited from balance billing the patient; although providers who dispute the reasonableness of health plan reimbursement may appeal to a state-run arbitration process to determine a binding payment amount. The New York law applies only to state-regulated health plans. However, patients who are uninsured or covered by self-insured group health plans may

also apply to the state-run arbitration process to limit balance billing by providers under certain circumstances.

NAIC *model act* – This fall [2015], the National Association of Insurance Commissioners (NAIC) proposed changes to its health plan network adequacy [model act](#) to address surprise medical bills.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

Define "step therapy," "fail-first protocol," and "override of the restriction"; establish step therapy or fail-first protocol limitations; require override of restriction within 48 hours of request if based on sound clinical evidence that the preferred treatment has been ineffective or based on sound clinical evidence or medical and scientific evidence that the preferred treatment will be ineffective for the insured or will cause or will likely cause an adverse reaction to the insured.

Health insurance policies, in an attempt to hold down costs, may require prior authorization or mandatory step therapies for certain prescriptions. Step therapy, often called “fail first,” may require a patient to first try a less expensive medication and fail treatment before the originally prescribed medication is allowed.

SB 114 establishes a method for prescribers to override insurance company restrictions when there is evidence that the alternate, cheaper medication will be ineffective or cause an adverse reaction in the patient. It also decreases the time frame that patients must fail on a medication before they are permitted to take what is prescribed by their healthcare provider.

Status: Became law with governor’s signature on April 11, 2012.

Comments:

Kentucky was one of the first states to pass legislation to set limitations on step therapy practices by health insurers. By the end of 2015, 13 states had enacted similar laws on step therapy protocols and overriding insurance practices. They are Arkansas, California, Connecticut, Kentucky, Louisiana, Maryland, Mississippi, New Mexico, Oregon, South Dakota, Texas, Vermont and Washington. At least six additional states passed laws in 2016: Illinois, Indiana, Kansas, Missouri, New York and West Virginia.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

Prohibits a health care service plan (plan) or insurer from applying a step therapy protocol (STP) when a patient has made a "step therapy override determination request," if the patient's physician determines that step therapy would not be medically appropriate. Requires a carrier to expeditiously review a request made by a patient, if specific criteria are met and adequate supporting rationale and documentation is provided by the prescribing physician.

Status: Became law with governor's signature on October 8, 2015.

Comments: Besides California, by the end of 2015, 12 other states had enacted similar laws on step therapy protocols and overriding insurance practices. They are Arkansas, Connecticut, Kentucky, Louisiana, Maryland, Mississippi, New Mexico, Oregon, South Dakota, Texas, Vermont and Washington. At least six additional states passed laws in 2016: Illinois, Indiana, Kansas, Missouri, New York and West Virginia.

Comments: [California Health Line](#), Sept. 17, 2015

The California Legislature approved a bill ([AB 374](#)) last week to allow providers to sidestep the so-called "step therapy" rule, under which health insurers can require some patients to fail one therapy protocol before they're allowed to move on to a more expensive one.

The cost-saving rule can be disastrous to some patients with severe illnesses such as lupus, epilepsy or multiple sclerosis, according to Assembly member Adrin Nazarian (D-Sherman Oaks), the bill's author.

"What is most painful in that process is the time lag — sometimes as much as 90 days," Nazarian said at a legislative hearing.

He said he understood the reasons behind gradual escalation of medications, but that a one-size-fits-all approach to limiting medication may not actually fit anyone.

"Keeping health care costs down is important," Nazarian said in a statement, "but we must not allow cost-cutting to become more important than a patient's well-being."

AB 374 allows providers in California to fill out a form to bypass step therapy requirements. The bill passed floor votes in the Assembly and Senate last week and now needs the governor's signature to become law.

Under the proposed law, once the health plans receive the form, they have 72 hours to respond. If the request is deemed urgent, the plans would have 24 hours to answer. Then, if the provider didn't receive an answer during the allotted time, the request would be considered approved.

Nazarian said, in some instances, patients have to try five different medications and fail them all before they're allowed to get the medication of their provider's choice. That time delay increases risk and pain for those patients, he said.

The governor has until Oct. 11 to sign or veto bills passed this session.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

This act directs the Green Mountain Care Board to identify annually up to 15 prescription drugs on which the State spends significant health care dollars and for which the wholesale acquisition cost has increased by 50 percent or more over the past five years or by 15 percent or more over the past 12 months. For each drug listed, the Attorney General's Office must require the drug's manufacturer to provide a justification for the wholesale acquisition cost increase, and the manufacturer must submit to the Office relevant information and supporting documentation.

The act requires the Attorney General to provide an annual report to the General Assembly based on the information the Office receives from manufacturers and to post the report on the Office's website. The act requires the Commissioner of Financial Regulation to adopt rules requiring health insurers that offer plans through the Vermont Health Benefit Exchange to provide searchable information online about their Exchange plan prescription drug formularies.

Status: Became law with governor's signature on April 14, 2016.

Comments: From [StatNews.com, June 6, 2016](#).

Despite opposition from the pharmaceutical industry, Vermont late last week became the first state in the country to require drug makers to justify price hikes for medicines.

The law is part of a wave of state legislation that comes in response to growing concern over the rising cost of prescription drugs. Around the country, lawmakers have been introducing bills in hopes of forcing drug makers to either disclose costs or explain pricing. These demands reflect industry arguments that rising prices reflect rising R&D costs.

"This bill is about accountability," Vermont Gov. Peter Shumlin said in a statement.

The Vermont law requires state officials to identify 15 drugs for which "significant health care dollars" are spent, and where wholesale acquisition costs — otherwise known as list prices — rose by 50 percent or more over the previous five-year period. Alternatively, they must identify list prices for 15 medicines that rose 15 percent or more over a 12-month period.

Afterwards, the state attorney general must contact each drug maker to obtain justification for price hikes. The companies would have to submit information concerning all factors that contributed to the price increases, including detailed cost breakdowns. Ultimately, this information would be collected in a report and posted on a public website. Each violation carries a \$10,000 penalty.

It is worth noting that the law is worded in such a way that, even though pricing information will eventually be made available publicly, the names of specific drugs and companies will not be released. This provision is designed to appease the pharmaceutical industry, which objected to disclosing this sort of data for competitive reasons.

Whether the law will accomplish its goal remains to be seen.

There is speculation drug makers may try to avoid having explaining price hikes by simply raising prices below thresholds stipulated in any state law.

“That could cause companies to set a list price much higher than originally envisioned,” John LaMattina, a former head of R&D at Pfizer and now a senior partner at PureTech Health, a venture capital firm, wrote in his blog.

Then again, such a tactic could also backfire if new drugs are introduced at prices that physicians or payers believe cannot be justified easily. After all, more tools are being developed to assess value. The Institute for Clinical and Economic Review, for instance, has created a firestorm among drug makers for taking this approach to examining new medicines.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

The bill ensures greater consumer access to health care price and quality information by requiring certain health care providers, insurers and health maintenance organizations (HMOs) to give that information to patients. The bill requires the state Agency for Health Care Administration (AHCA) to contract with a vendor for an all-payer claims database (APCD), which provides an online, searchable method for consumers to compare provider price and quality, and a Florida-specific data set for price and quality research purposes. The bill requires insurers and HMOs to submit data to the APCD, under certain conditions.

The bill creates pre-treatment transparency obligations for hospitals, ambulatory surgery centers, health care practitioners providing non-emergency services in these facilities, insurers and HMOs. Facilities must post online the average payments and payment ranges received for bundles of health care services defined by AHCA. This information must be searchable by consumers. Facilities must provide, within 7 days of a request, a written, good faith, personalized estimate of charges, including facility fees, using either bundles of health care services defined by AHCA or patient-specific information. Failure to provide the estimate results in a daily licensure fine of \$1,000, up to \$10,000.

Facilities must inform patients of health care practitioners providing their nonemergency care in hospitals and these practitioners must provide the same type of estimate, subject to a daily fine of \$500, up to \$5,000. Facilities and facility practitioners must publish information on their financial assistance policies and procedures. Insurers and HMOs must create online methods for patients to estimate their out-of-pocket costs, both using the service bundles established by AHCA and based on patient-specific estimates using the personalized estimate the patient obtains from facilities and practitioners. In addition, diagnostic-imaging centers owned by a hospital, but located off of the premises, must publish and post charges for services

Post-treatment, facilities must provide an itemized bill within 7 days of discharge or request, whichever is later, meeting certain requirements for comprehension by a layperson, and identifying any providers who may bill separately for the care received in the facility.

Status: Became law with governor's signature on April 14, 2016.

Comments: From [Modern Healthcare Vital Signs](#), April 19, 2016.

Florida last week enacted one of the strongest state laws protecting consumers against surprise out-of-network medical bills. What got less attention is that on the same day, Republican Gov. Rick Scott also signed into law what could turn out to be one of the nation's most robust healthcare price and quality transparency systems.

The law's sponsors apparently came up with a creative way around a recent U.S. Supreme Court decision barring states from requiring self-insured employers to share their cost data with state all-payer claims databases. That ruling poses a major hurdle to state transparency and cost-

containment efforts.

Ironically, Florida's new transparency law benefiting consumers was born out of Scott's pique at hospitals over their support for expanding Medicaid to an estimated 800,000 low-income Floridians. Several years ago, the Florida Medical Association blocked price transparency legislation. This time the Florida Hospital Association got behind the legislation after the governor's proposed criminal penalties against hospitals for alleged price-gouging were dropped.

Along with 44 other states, Florida previously received a failing grade from the not-for-profit Catalyst for Payment Reform on healthcare cost transparency. Depending on how it's implemented, this legislation could move Florida into the vanguard—along with Colorado, Maine and New Hampshire—in bringing healthcare prices and quality measures out into the bright sunshine.

Under the new Florida law, the state Agency for Health Care Administration must contract with a private vendor to provide a consumer-friendly, Internet-based platform allowing consumers to research the cost of healthcare services. Services will be grouped by bundles to facilitate price comparisons of services provided in hospitals and ambulatory surgery centers. The price data—based on what providers actually receive from payers, not on their chargemaster sticker prices—will be accompanied by quality measures.

Consumers may request good-faith estimates of charges for non-emergency services from hospitals, surgery centers, and individual healthcare professionals. These estimates must be presented within seven days, or the providers face a daily fine for noncompliance. Similarly, patients may request a clear, specific itemized bill from the hospital or surgery center, and it must be presented within seven days.

“The hospital has to say, 'This is what we're going to bill you' and should provide all the pertinent information so the consumer can ask the insurer, 'What will my responsibility be?' ” said Laura Brennaman, policy director for the Florida Community Health Action Information Network, a consumer advocacy group.

“It gives insurers a choice to be a provider of services to the state or to opt out of those lines of business,” said David Newman, executive director of the Health Care Cost Institute, a strong contender to receive the contract to run the new Florida claims database.

Newman said no other state's price transparency website currently reports costs for as many healthcare services as Florida aims to publish, and no other state has established as consistent a way to calculate costs and ensure they are reliable for consumers.

But Newman and other experts caution that consumers aren't necessarily in the strongest position to evaluate the price and quality of healthcare services, and many simply are not interested in price shopping for healthcare.

After signing the transparency legislation, Gov. Scott, issued a statement tossing more fuel on the fire in his feud with Florida hospitals. “I want to thank the Florida Legislature for their efforts

to increase transparency at Florida hospitals and empower patients to fight against hospital price-gouging,” he said in a written statement. "This legislation is an important first step as we continue to address the high costs hospitals pass on to patients and their families.”

The Florida Hospital Association said it was “proud” to have worked with the bill's sponsors and that it stands ready to collaborate with the Agency for Health Care Administration to implement the law.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary: The Act prohibits health insurers, nonprofit health service plans, and health maintenance organizations from applying a copayment, coinsurance, or prior authorization requirement for specified contraceptive drugs and devices. It provides that the prohibition does not apply with respect to a specified grandfathered health plan. It establishes an exception to the prohibition against applying a copayment or coinsurance requirement for specified contraceptive drugs or devices.

Status: Signed by the governor May 10, 2016. Effective date: January 1, 2018.

Comment: [From *The Baltimore Sun*](#) (May 9, 2016):

Advocates say a new Maryland law will place the state at the forefront of efforts to require insurance plans to offer birth control at no out-of-pocket cost, expanding access to women and men who want to prevent unwanted pregnancies.

The law goes further than President Barack Obama's Affordable Care Act, which already reduced costs for women seeking birth control in many cases.

Under the Contraceptive Equity Act, Maryland will be the first state to require insurance companies to cover over-the-counter emergency contraceptives, such so called morning-after pills, at no cost. Maryland also will be the first state prohibiting out-of-pocket costs for men who have vasectomies.

Advocates who pushed the bill through the General Assembly say Maryland is the first state to pass such a comprehensive approach.

"Maryland is on the forefront across the board with this act," said Karen Nelson, president and CEO of Planned Parenthood of Maryland.

Other provisions prohibit co-payments for any type of contraceptive and also ban preauthorization requirements for long-acting contraceptives such as IUDs. The law allows women to receive six months' worth of birth control pills at one time.

Del. Ariana B. Kelly, a Montgomery County Democrat who shepherded the bill through the legislature, said the act will make a "huge difference in people's lives." ...

The law won't go into effect until Jan. 1, 2018 — timing that will allow insurers to prepare for the 2017 open-enrollment season — and will apply only to insurance companies regulated by the state of Maryland. Some insurance plans that Marylanders have will not be covered, such as those that are issued from other states. ...

Kelly called the bill the most important piece of birth control legislation since 1998, when Maryland first required insurance companies to cover birth control. She said it closes "gaps" left by the Affordable Care Act, which is often called by its nickname, Obamacare.

For example, the Affordable Care Act requires that for each of 18 categories of contraceptive, only one type must be offered to patients with no co-payment. That means a woman taking birth control pills might have to choose between the formulation that works best for her and a formulation that's covered without a co-payment, Kelly said.

Kelly said the bill met some resistance from insurance companies, but she talked with them through the legislative process. She believes the final version is one that insurance companies can live with.

"It was a very difficult bill to get through because it costs insurance companies money," Kelly said. ...

The requirements are likely to cost more money in the short term. State analysts estimate that Medicaid, for example, will spend about \$1 million more per year for women who receive six months' worth of birth control pills at a time. Companies could pass along the increased costs to consumers in the form of higher premiums.

Proponents hope the long-term savings of preventing unwanted pregnancies will more than offset the short-term expenses.

Dr. Peter L. Beilenson, president and CEO of insurer Evergreen Health and a supporter of the bill, said his organization's plans already cover most of the requirements in the new law at minimal expense.

"It's preventive care. It's frankly not expensive at all," said Beilenson, who previously served as the top health official for Baltimore City and Howard County. Evergreen Health has about 40,000 members in Maryland.

Beilenson said that requiring insurers to provide long-acting reversible contraceptives — such as Norplant and the Depo-Provera shot — as well as intrauterine devices without doing a preauthorization first could actually save money for health insurance companies. Insurance companies almost never deny them, so preauthorization is only an exercise in paperwork, he said.

Nelson, of Planned Parenthood, said Maryland is breaking new ground in allowing men to get vasectomies without paying out of pocket. Women's sterilization already was covered at no cost to the patient.

Maryland also will be the first to require insurers to cover emergency contraceptives at the point of purchase. Currently, if a woman's insurance covers emergency contraception, she often must pay for it up front — at a cost of about \$50 — and then seek reimbursement.

She said Maryland is taking a bold step by making it easier and cheaper for people to get birth control.

"When so many states and so many pockets of the country are trying to take away reproductive health care and take away rights of women, Maryland is saying, 'We are going to provide more health care coverage and more access to birth control.'"

Some parts of Maryland's bill mimic laws already on the books in other states. Oregon and Washington, D.C., for example, require insurance companies to allow women to obtain 12 months' worth of birth control pills at a time.

"Many other states are implementing piecemeal provisions, but there's nothing as comprehensive as this act," Nelson said.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary: The act requires health insurance plans to provide coverage with no deductible, coinsurance, co-payment, or other cost-sharing for at least one drug, device, or other product in each contraceptive method for women identified by the U.S. Food and Drug Administration and prescribed by a health care provider. Plans also must provide coverage for voluntary sterilization procedures for men and women with no cost-sharing, except if the coverage would disqualify a high-deductible health plan from eligibility for a health savings account under the federal tax code. The act requires health insurance plans and Medicaid to provide coverage for a 12-month supply of prescribed contraceptives, which may be dispensed all at once or over the course of the 12 months at the discretion of the health care provider. The act directs the Department of Vermont Health Access to establish and implement value-based payments to health care providers for insertion and removal of long-acting reversible contraceptives and appropriates funds to increase the reimbursement rates. It also requires health insurance plans offered through the Vermont Health Benefit Exchange to allow a pregnant woman and her family to enroll at any time after her pregnancy begins, with coverage starting on the first of the month after she selects a health plan.

Status: Signed by the governor on May 23, 2016.

Comment: [From *The Barre Montpelier Times Argus*](#) (May 5, 2016):

A bill that makes contraceptives and sterilization more accessible, while taking preventative measures against the uncertainty of the 2016 elections, passed on Wednesday. It also incorporates vasectomies into contraceptive health coverage.

Bill H.620 will retain the basic birth control mandate in the federal Affordable Care Act, requiring health insurance plans to provide contraceptives at no cost to patients, regardless of what happens this fall.

“If things ever change with the Affordable Care Act in D.C., this would protect Vermonters,” said Anne Burmeister, a lobbyist with Planned Parenthood of Northern New England.

The Affordable Care Act recognized that birth control is a preventative service for women. The act classified pregnancy as preventable and made birth control available at no cost for patients, with no co-pays or deductibles. Since the act became law, women have been able to get birth control for free.

“In the event that the Affordable Care Act is somehow altered in the future, depending on the political climate in Washington, our state law says that insurance policies sold through the exchange have to give people access to the family planning,” said Timothy Briglin, Democrat, District Windsor-Orange-2, and cosponsor of Bill H.620. ...

Briglin said the bill is intended to make birth control more accessible in the state on a couple of levels. It allows women to obtain a full 12 months of oral contraceptives without having to go back to their doctor each month. The bill will increase Medicaid reimbursement for a particular

type of contraception called long-acting reversible contraception, often referred to as LARC. LARC can include IUD (an intrauterine device), injection or implant.

“It’s by far the most effective form of contraception,” said Briglin of the LARC methods. “But it’s a little more expensive. By raising the reimbursement level under Medicaid it makes it more available for low income Vermonters.”

This bill has also expanded birth control benefits to vasectomies, which is a surgical procedure for male sterilization or permanent contraception.

“The Obama administration did not include vasectomies when they were trying to decide which methods are covered,” said Burmeister. “There are 20 FDA approved birth-control methods, and 18 are covered. Those are the 18 that women use, but the two they didn’t cover were vasectomies and condoms. We expanded the birth control benefit to vasectomies. We (are) the first state to have passed that.”

The bill states that a health insurance plan shall provide coverage for voluntary sterilization procedures for men and women without any deductible, coinsurance, copayment, or other cost-sharing requirement. Briglin said this brings gender parity to health insurance regarding family planning.

He said that making effective birth control and sterilization more accessible is important because right now half the pregnancies in Vermont each year are unintended. Bill H.620 also states that registered health insurance carriers should allow for enrollment of women who are already pregnant.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary: The legislation requires that an individual or group policy of accident and health insurance amended, delivered, issued or renewed after the effective date provide coverage for all contraceptive drugs, devices and other products approved by the U.S. Food and Drug Administration, voluntary sterilization procedures, contraceptive services, patient education, counseling on contraception, and follow-up services related to the drugs, devices, products, and procedures. It requires that all of those options be covered without co-payments or deductibles for women covered through health plans regulated by the state and plans that cover state employees, retirees and their dependents.

Status: Signed by the governor on July 29, 2016. Effective date: January 1, 2017.

Comment: [From *The State Journal Register*](#) (August 2, 2016):

Thousands of Illinois women will have an easier time affording the birth-control pills and other contraceptives that are best for them under a bill Gov. Bruce Rauner signed into law late last week.

House Bill 5576, which will take effect Jan. 1, expands birth-control access beyond what is required under the federal Affordable Care Act and gives Illinois “the most comprehensive contraceptive law on the books in the country,” according to EverThrive Illinois’ Kathy Waligora.

“The case for this bill is undeniable,” said Waligora, director of the health-reform initiative for Chicago-based EverThrive, formerly known as the Illinois Maternal and Child Health Coalition.

The 2010 Affordable Care Act requires all health insurance plans nationwide to cover birth-control pills and other contraceptives for women with no out-of-pocket costs. But the law doesn’t require all brands and formulas of pills to be covered without cost sharing. The law also doesn’t prohibit cost sharing for all types of intrauterine and other birth-control devices.

HB 5576 requires that all of those options be covered without co-payments or deductibles, at least for women covered through health plans regulated by the state and plans that cover state employees, retirees and their dependents.

The Illinois law, like any state insurance mandate, doesn’t affect the half or more of all Illinoisans who are covered by self-insured insurance plans.

Still, many advocates for women view the new law as a major step forward, even though HB 5576 was opposed by insurance companies as potentially boosting their costs. It received no Republican votes in the General Assembly. ...

Waligora and other advocates said Tuesday that contraceptives save money in the long run by avoiding unintended pregnancies, so they contended that the bill would create a net cost savings for insurance companies.

Contraceptives cost about \$14 per health-plan member per month — a cost shared by employers and employees — while the average delivery of a healthy baby costs \$11,000, Waligora said.

She said her group had received dozens of complaints from women that the birth-control pills their doctors wanted them to take, based on effectiveness and the fewest side effects, weren't on their insurance plans' preferred lists. That situation required women to pay extra or use medications that they and their doctors didn't prefer, Waligora said. ...

HB 5576 requires insurance companies to allow women to get a 12-month supply all at once, if they desire.

By reducing unplanned pregnancies, the bill will save the state in Medicaid costs, Waligora said, noting that 50 percent of births in Illinois are covered by Medicaid.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary: The legislation creates a Drug Overdose Fatality Review Commission, similar to commissions that the state has in place to review child deaths and the deaths of domestic violence victims. The purpose of the Commission is to examine the facts and circumstances of deaths resulting from prescription opioid, fentanyl and heroin overdoses and make recommendations to the state based on those examinations as to how to prevent future overdose deaths.

Status: Signed by the governor on April 21, 2016.

Comment: [From *The News Journal*](#) (April 21, 2016):

State leaders have created a commission they hope will answer a question burning in many Delaware communities: Why are so many friends and neighbors dying of heroin overdoses?

A flood of cheap, deadly, easily available heroin has caused a skyrocketing number of fatalities. About 180 Delawareans die of an overdose a year — an average of once every two days.

Attorney General Matt Denn said the state's rate of overdose fatalities is the ninth highest in the country, with the number of deaths tripling between 2009 and 2014.

But broad statistics aren't always practically useful to law enforcement and health agencies, Denn said. Questions loom, such as the kind of heroin that is the most common and particular areas where the heroin is coming from. Another question: Are prescription opiates being too liberally distributed, getting too many Delawareans hooked?

Put simply: why is Delaware's death rate so high?

"The truth is that we are working right now to a large extent from theories and not from hard facts," Denn said.

State leaders hope the new Drug Overdose Fatality Review Commission will get those answers.

Gov. Jack Markell on Thursday signed a bill that would create the panel, which will consist of the state's highest-ranking law enforcement and public health officials, along with representatives of top advocacy associations. Its job will be combing through the facts of the state's overdose deaths involving prescribed opiates, fentanyl or heroin and report to the governor and General Assembly each year with recommendations for how to prevent those circumstances from occurring.

"Addiction is a disease and one of the most important things we can do with a disease epidemic is find the root cause," Markell said.

The group will have power to compel testimony from those who are involved in fatal overdoses will be able to put them under oath. It also will have broad exemptions from open government laws, holding meetings closed to the public and keeping documents under wraps.

State leaders say these powers, unusual for government task forces, are necessary for the commission to get an unvarnished picture of the epidemic, which means combing through medical records and other documents best kept out of the public eye.

"They'll be able to comb through and analyze trends of use, whether it's heroin, fentanyl, opiates, what's bringing our families to their knees basically, with deaths every other day," said state Sen. Bethany Hall-Long, D-Middletown, who sponsored the legislation creating the commission.

As he went to sign the bill, Markell said he wanted to do without a major photo-op because "this isn't something we should be celebrating."

But David Humes, who lost his son Greg to a heroin addiction in 2012 and is a leader of the AtTack Addiction advocacy organization, said there was reason to celebrate.

"This is important," Humes said. "This bill will save lives."

The panel is similar to commissions the state has in place to examine child deaths and deaths of domestic violence victims.

Heroin deaths also are increasing nationally, and the U.S. Senate last month passed a bill that would create grants to bolster state and local programs aimed at reducing overdoses. At a news conference Thursday, a bipartisan group of House lawmakers pushed for a package of bills including similar grants and legislation to reduce over-prescribing and improve treatment.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary: The Act provides for remote pharmacist supervision of a certified pharmacy technician practicing at an approved telepharmacy practice site. It requires the licensure board to adopt rules for the issuance of a special or limited-use pharmacy license to a telepharmacy site and specifies subjects to be addressed by the rules. The Act prohibits the board from issuing a special or limited-use pharmacy license to a proposed telepharmacy site if a licensed pharmacy that dispenses prescription drugs to outpatients is located within 10 miles of the proposed telepharmacy site unless the proposed telepharmacy site is located on property owned, operated, or leased by the state or unless the proposed telepharmacy site is located within a hospital campus and is limited to inpatient dispensing. The Act permits an applicant seeking a special or limited-use pharmacy license for a proposed telepharmacy site that does not meet the mileage requirement and is not statutorily exempt from the mileage requirement to apply to the board for a waiver of the mileage requirement. The Act specifies when the board can grant a waiver and procedures for review of waiver decisions. The Act requires the board to issue a special or limited-use pharmacy license to a telepharmacy site that meets the minimum requirements established by the board by rule. The Act amends provisions relating to the licensure of nonresident pharmacies that provide prescription pharmaceutical products to patients located in Iowa. The Act requires the pharmacist in charge of a nonresident pharmacy to be identified as such on the nonresident pharmacy license application or renewal, report any change in the pharmacist in charge to the board within 10 days, and be registered in accordance with board rules. The Act clarifies the information required for license application, including evidence of recent inspection of the pharmacy, and defines the elements of an acceptable inspection. The Act describes and identifies various entities that may be employed to perform an inspection acceptable for Iowa licensure. The Act authorizes the board to recoup from a nonresident pharmacy any costs incurred by the board in completing an inspection of the nonresident pharmacy if the nonresident pharmacy cannot provide an acceptable inspection report. The Act eliminates the requirement that a nonresident pharmacy maintain minimum hours and days of operation, requiring in lieu thereof that a pharmacist with access to patient records be readily available to speak to patients by phone at least six days per week for a total of at least 40 hours. The Act authorizes the board to deny an application for a nonresident pharmacy license if the applicant fails to meet the application requirements and authorizes the board to refuse to issue or renew a nonresident pharmacy license for any grounds under which the board may impose discipline. The Act amends the grounds for disciplining nonresident pharmacies. The board may impose discipline for violations listed in the Act. For nonresident pharmacies, the Act adds that the board has the option to fine the nonresident pharmacy, in addition to license suspension, revocation, and other sanctions. The Act adds a new license classification for outsourcing facilities, for the purpose of licensing and regulating any compounding facility that is registered under federal law as an outsourcing facility. The Act establishes the requirements for application and licensure, license renewal, cancellation, and denial, and establishes grounds for discipline of the outsourcing facility license identical to the disciplinary procedure available regarding nonresident pharmacies.

The Act clarifies that the officers, agents, inspectors, and representatives of the board may perform functions and activities relating to authorized enforcement activities regardless of the location of the office or business that is the subject of the enforcement activities. The Act authorizes the board to provide reports of inspections of board licensees to the National Association of Boards of Pharmacy's inspection network, a closed network of information regarding individual states' licensees that compiles information and makes that information available to other state boards of pharmacy for purposes of regulating the subject licensees.

Status: Signed by the governor on April 21, 2016.

Comment: [From Des Moines Register](#) (March 21, 2016):

Other small towns are looking to this corner of Story County for an answer to a chronic challenge: How can rural areas provide crucial pharmacy services, especially for elderly people who have trouble traveling?

Zearing leaders say the key is tucked in the corner of a former beauty parlor that has been transformed into a small drugstore. Next to the counter, organizers set up a video screen through which customers can interact with pharmacists working in larger towns.

The pharmacists explain how patients should take medications and avoid interactions with other drugs. Customers can ask questions and raise concerns. The video conversations, which usually take a minute or two, could soon become more common around the state.

Iowa legislators are considering a bill that would let state pharmacy regulators routinely approve tele-pharmacies instead of handling them as limited pilot projects. ...

Zearing, which has about 550 residents, is one of five Iowa towns where the tele-pharmacy idea has been tested. Customers at the NuCara pharmacy said the three-year-old arrangement took some getting used to.

Dorothy Perisho stopped in the other day to pick up a prescription. She said she used to drive nearly 30 miles to Wal-Mart in Ames for medications. Now she can buy them in Zearing.

Perisho, 85, said she needed help at first to use the video screen, which is similar to an iPad. But she said she got the hang of using her finger to respond to a few prompts on the screen, then speaking to a pharmacist via a phone handset attached to the video system. "It's pretty self-explanatory," she said. "I think it's great. Anyone will tell you that."

The store is staffed by a pharmacy technician, who works with pharmacists in Ames and Nevada. The technician fills orders, and one of the pharmacists visits at least monthly.

Such video communication also is being used to bring other scarce medical services, such as psychiatry, to small towns. Supporters say pharmacy could become one of the most common health care uses of the technology.

Brett Barker, vice president of the NuCara chain, said Zearing residents' nearest pharmacy used to be in Nevada, which is 20 miles to the southwest. That drive was especially daunting for many seniors, who tend to use the most prescription drugs, he said.

"Best-case scenario, they were looking at an hour to get a prescription filled," he noted.

Barker said the Zearing store fills about 800 prescriptions a month, which is less than half the minimum needed to justify a pharmacist behind the counter. The store stocks most common medications, such as those for high blood pressure, cholesterol, heartburn and diabetes. It can order almost anything else and have it delivered within a day, he said.

Town leaders helped make the pharmacy possible. They bought the vacant beauty parlor, renovated the building and leased it to NuCara.

"We've got to have meds in this town," City Clerk Shelley Soe said. "If you're sick and there's a blizzard, this place is absolutely a blessing."

The pharmacy also has bolstered a neighboring clinic, run by nurse practitioner Mary O'Connor. The clinic is such an institution that some townspeople refer to it simply as "Mary's place." But O'Connor said some residents went instead to clinics in other towns, since they figured they'd have to travel for pharmacy services anyway.

"It's all about access to care, and if you don't have access to medications, you don't have access to care," O'Connor said. With the addition of the pharmacy next door, her practice has swelled enough that she hired a second nurse practitioner.

The legislative bill, Senate File 453, was passed last spring by the Iowa Senate and is before the House. Proposed amendments include steps to ensure that new tele-pharmacies will serve communities that lack pharmacy services instead of competing with existing drug stores.

Andrew Funk, executive director of the Iowa Board of Pharmacy, said the pilot projects have shown tele-pharmacies can safely help rural residents. He said the board has heard little opposition to letting the approach spread to other towns, as long as safeguards are in place.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary: The legislation makes the following changes to the laws governing the Controlled Substances Prescription Monitoring Program and the prescribing and dispensing of opioids and other drugs:

1. It provides to a prescriber immunity from liability for disclosure of information to the Controlled Substances Prescription Monitoring Program.
2. It provides that upon initial prescription of a benzodiazepine or an opioid to a person and every 90 days for as long as the prescription is renewed, a prescriber must check prescription monitoring information maintained by the Controlled Substances Prescription Monitoring Program for records related to that person. A prescriber who violates this provision is subject to a fine of \$250 per incident, not to exceed \$5,000 per calendar year.
3. It provides that prior to dispensing a benzodiazepine or an opioid to a person; a dispenser must check prescription monitoring information maintained by the Controlled Substances Prescription Monitoring Program for records related to that person. A dispenser must notify the program and withhold a prescription until the dispenser is able to contact the prescriber of that prescription if the dispenser has reason to believe that that prescription is fraudulent or duplicative. A dispenser who violates these provisions is subject to a fine of \$250 per incident, not to exceed \$5,000 per calendar year.
4. It provides that the failure of a health care provider who is a prescriber or dispenser to check prescription monitoring information or to submit prescription monitoring information to the Department of Health and Human Services as required by law is grounds for discipline of that health care provider.
5. It requires that by December 31, 2017 and every 5 years thereafter a health care provider who is a prescriber must successfully complete a training course on the prescription of opioid pain medication that has been approved by the Department of Health and Human Services as a condition of prescribing opioid pain medications.
6. It sets limits on the amount of opioid pain medication that may be prescribed to a patient.
7. It provides that beginning January 1, 2018, opioid pain medication may only be prescribed electronically.

Status: Signed into law on April 19, 2016.

Comment: From [National Academy for State Health Policy \(April 20, 2016\)](#):

Gov. Paul LePage signed into law “An Act to Prevent Opiate Abuse by Strengthening the Controlled Substances Prescription Monitoring Program” (now PL 2015, c. 488) on April 19, 2016, making Maine the second state to pass legislation on the issue this year. In March, Massachusetts passed the nation’s first law limiting first-time opioid prescriptions.

Maine’s bill introduces new language into the state laws governing licensure of physicians, nurses, podiatrists, dentists, and veterinarians. Beginning January 1, 2017, providers will not be allowed to prescribe more than a seven-day supply of opioids within a seven-day period for acute pain or a 30-day supply within a 30-day period for chronic pain. The daily supply is limited to 100 morphine milligram equivalents (MME) of medication per day, which is an aggregated total

in cases where an individual receives a combination of opioids. The language originally filed by Gov. LePage would have set the caps at three days for acute pain and 15 days for chronic pain.

The law allows a number of exceptions, including cancer pain, palliative care, end-of-life and hospice care, medication assisted treatment for substance use disorder, and other circumstances determined through rulemaking by the state's Department of Health and Human Services. The law also includes a provision allowing individuals currently receiving more than 100 MME of opioid medication per day to continue to receive up to 300 MME until July 1, 2017, at which time the 100 MME limitation will apply.

In addition to the limits on opioids, Maine's law:

- Requires prescribers to check the state's prescription drug monitoring program (PDMP) when first prescribing an opioid or benzodiazepine—prescribers must also check the PDMP every 90 days thereafter for as long as the prescription is renewed;
- Requires dispensers to check the state's PDMP when dispensing to a non-resident, dispensing for a prescription written by an out-of-state provider, or if an individual is paying cash despite having insurance information on file;
- Requires electronic prescribing for all opioid medications no later than July 1, 2017—providers and pharmacies unable to meet this requirement must receive a waiver from the state; and
- Requires providers to complete at least three hours of relevant continuing education every two years as a condition of prescribing opioids—Maine providers are required to receive a total of 40 hours of continuing education over two years.

The law also calls for specific enhancements to be made to the state's PDMP. Specifically, the law calls for:

- A mechanism or calculator that converts dosages to morphine milligram equivalents;
- Broader access authorizations to authorize prescribers and pharmacists to allow staff members to access the PDMP on their behalf; and
- The ability for prescribers and pharmacists to tailor the functions of the PDMP to better fit their workflows.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary: S 2823 requires pharmacies to transmit prescription information to the prescription monitoring database within one business day of dispensing an opioid, and to provide information to patients about the proper use of medication devices and disposal of unused medications. Prescriptions for acute pain management in adults are limited to 30 morphine milligram equivalents (MMEs) total daily dose per day for a maximum of 20 doses, or the appropriate maximum daily opioid dosage for pediatric patients per department of health regulations, except in certain circumstances. It requires that the prescription drug monitoring database be reviewed prior to starting any opioid.

Status: Signed by the governor on June 28, 2016.

Comment: [From Providence Journal](#) (May 19, 2016)

The Senate on Thursday overwhelmingly passed legislation to curb the supply of addictive prescription painkillers by limiting initial opioid prescriptions to treat acute pain.

The bill (S-2823 Sub A), approved by a vote of 36-0, with two members not voting, marks the first attempt in Rhode Island to establish legal limits on opioid prescribing. ...

The effort to limit prescribing in Rhode Island has gained an unlikely ally: the medical establishment.

“This is all about treating pain and doing it in a responsible, reasonable fashion,” Steven R. DeToy, director of government and public affairs for the Rhode Island Medical Society, said. “You’re always trying to balance the concern of ... making sure that patients who need opioid treatment get it, but not making it too widely available. We’ve done that.”

The limits would apply to opioids used to treat acute pain from injuries or surgeries, not for chronic pain.

Rhode Island’s bill differs from the seven-day prescription limit Massachusetts’ governor signed into law in March, because here the prescribing limits would be based on dosages rather than days. The dosage limit — measured in morphine equivalencies — is more palatable to doctors, DeToy said, because it “provides some flexibility” in prescribing.

“If you say three days and you go to an emergency room on Thursday night,” he said, “you’re going to run out on Sunday afternoon and you’re not going to be able to get any.”

By contrast, a dosage limit allows doctors to prescribe lower doses over a longer time period and still remain within the legal limit. The bill would limit initial prescriptions for adults to 30 morphine milligram equivalents per day, for a maximum of 20 doses.

The maximum Vicodin prescription for routine wisdom teeth extractions, for example, might allow the patient to take anywhere from four to six doses per day over a period of three to five

days, depending on the doses, said Dr. James McDonald, chief administrative officer of the board of medical licensure and discipline.

New York, Ohio and Washington also limit opioid prescribing based on morphine equivalencies, DeTroy said.

Rhode Island's bill also focuses only on initial opioid prescriptions, meaning for people who have been opioid-free within the preceding 60 days, McDonald said.

"It's probably not going to make national headlines but very likely it will reduce overdoses and overdose deaths," McDonald said, "because it's limiting the amount of opioids in people's houses... (which) could be diverted (or)... accidentally ingested by a family member, especially children."

The Health Department's previous attempt to curb opioid prescribing through regulations which took effect in March 2015 said only that opioids be prescribed for "a reasonable duration for the pain that is being treated" but set no limits.

"Over 90 percent of the prescription drugs that are components of overdoses are not accessed on the black market but through prescription of either yourself, your family or friends," Miller said on the Senate floor Thursday. "So this bill is very important to limit that kind of access."

DeTroy, of the medical association, points out that most of the recent increase in overdose deaths has been attributed to illicit opioids. Since 2012, accidental overdose deaths involving illicit drugs rose 135 percent, while deaths due to prescription drugs fell 34 percent.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary: Senate Bill 17 requires that persons with intellectual disabilities on the waiting list for services be enrolled in the self-determination waiver when their caregivers attain the age of 80 rather than the age of 75.

Status: Signed by the governor on May 18, 2015, the legislation took effect on July 1, 2015.

Comment: [From Stateline](#) (August 10, 2016)

In Tennessee, The Arc Tennessee, an affiliate of the national group, pushed the Legislature to help older caregivers.

And, because these people have gone without the state's help for so long, the Legislature wanted to help, said state Rep. Bob Ramsey, a Republican who advocated for the state's new law.

"I felt it really appropriate for us to do something to give them some relief and some assurance that they weren't going to have children, loved ones or friends that were assigned to institutions," Ramsey said.

About 6,000 people are on the state's waiting list, but that's only people with intellectual disabilities. Before this year, a person with a developmental disability but not an intellectual disability did not qualify for services. But the state is making changes. As of July 1, people with intellectual or developmental disabilities qualify for services under the state-run health system, as they do in California.

The state plans to provide new home- or community-based services to 1,700 people — compared to the 100 or 200 people it has been helping in recent years — on the waiting list this budget year, according to a spokeswoman, Sarah Tanksley.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

07-38A-17 Allowing First Responders to Administer Epinephrine
from a Vial Rather than an EpiPen
Bill/Act: [SB 3335](#)

Illinois

Summary:

Permits EMT, EMT-I, A-EMT, or paramedics who have successfully completed a Department of Public Health approved course in the administration of epinephrine to administer epinephrine from a glass vial, auto-injector, ampule, or pre-filled syringe.

Status: Became law with governor's signature on August 19, 2016.

Comments: From [StatNews.com](#), July 6, 2016

Millions of people with severe allergies carry EpiPens to reverse life-threatening [allergic reactions](#). But as the prices of these auto-injectors have soared, more than quintupling since 2004, many emergency medical responders — and some regular families — are turning to manual syringes as a cheaper alternative.

That's raising concern among some doctors and patient advocates, who warn that it's more complicated to get the correct dose and administer it safely with a syringe.

"Anyone using this approach would require extensive medical training to do it effectively and safely, without contamination or accidental intravenous injection," said Dr. James Baker, Jr., the CEO and chief medical officer of Food Allergy Research & Education. The organization's corporate sponsors include Mylan, which manufactures the EpiPen, and Sanofi, which used to sell a competitor.

Emergency medical providers have been talking about the rising cost of EpiPens for the past few years, said Dr. Peter Taillac, chair of the medical directors council of the National Association of State EMS Officials.

"They cost too damn much," Taillac said.

Mylan has raised the list price of EpiPens over 450 percent since 2004, after adjusting for inflation, according to data provided by Elsevier's Gold Standard Drug Database. A pack of two EpiPens cost about \$100 in today's dollars in 2004. The list price now tops \$600. Some emergency medical services buying directly from medical supply companies pay even more — upwards of \$900 for a pack of two. The company said the price increases over time "reflect the multiple, important product features and the value the product provides," but declined to provide specifics about those features.

"The price of the auto-injector has become a real issue, particularly for the small rural agencies," Taillac said.

The high cost has driven officials in at least 10 states — including Colorado, Maryland, and South Carolina — to push for training more EMTs to give epinephrine injections using regular syringes.

One of those agencies is the Broadlands-Longview Fire Protection District in Central Illinois, which uses all volunteer firefighters. Jim Jones, a district official, said his district has two fire stations, seven vehicles, and eight EpiPens. Those EpiPens alone cost the district about \$2,400 a year, or 3 percent of its total operating budget.

Switching to regular syringes, Jones said, would save at least \$2,200, which could pay for emergency medical technician training for five firefighters.

“That’s huge,” Jones said. “So I can spend the money educating our firefighters as opposed to buying EpiPens.”

Jones asked Illinois state Senator Chapin Rose to sponsor a bill to expressly allow first responders to administer epinephrine from a vial rather than an EpiPen. Rose estimated it could save hundreds of thousands of dollars for his district, and millions for the state. “It seems like we could do a heck of a lot of good with this change,” said Rose, a Republican.

The bill passed the House and Senate and is awaiting the governor’s signature. [Signed August 19, 2016.]

Meanwhile, first responders in Seattle have developed a kit to use in place of EpiPens to save money. King County EMS began using the kits, which contain instructions, an epinephrine vial, and a syringe, in 2013. By now, they’ve replaced about 950 of their 1000 EpiPens with the kits, according to Jim Duren, professional standards manager for King County EMS.

They also sell the kits sans epinephrine, at \$15 each, to other public health agencies. Kits from King County have made their way into Alaska, Montana, Oregon, Utah, and Wyoming, Duren said.

Duren said that in the first year, his county saved more than \$150,000. In New York, a pilot program with similar kits is estimated to save more than \$1 million, if implemented statewide, said Dr. Jeremy Cushman, one of the program’s leaders. In September, the New York team will seek approval to expand.

The Asthma and Allergy Foundation of America finds the trend troubling. It recommends that everyone — parents, patients, and emergency responders — use epinephrine auto-injectors, not regular syringes.

“It’s fast, you don’t need to think, [and] it provides a measured dose,” said Dr. Cary Sennett, president and CEO of the foundation. The foundation has business relationships with many pharmaceutical firms, including Mylan and Sanofi.

But Dr. Richard Lockey, a professor at the University of South Florida who has been an allergy doctor since the 1970s, said some patients have always preferred syringes over the branded EpiPens and predicted that rising prices will likely prompt more to make that choice. He estimates that 1 out of every 6 of his patients chooses the regular syringes.

As long as patients are educated about how to use the syringes, he said they're "99 percent as good" as the EpiPens. "Is that ideal? Well, no, not necessarily," he said. "It's better to have an auto-injector, yes."

But Lockey said syringes make sense for patients who can't afford the EpiPen. "Everyone wants to drive around in a Cadillac," he said, "but not everybody does."

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

07-38A-18 Establishing a Pilot Program Allowing Military Medical Virginia
Personnel to Practice Certain Medical Acts Under Supervision
Pilot Program
Bill/Act: [SB 437](#)

Summary:

SB 437 Establishes Virginia's Military Medics and Corpsmen Program (MMAC).

Creates a pathway to employment for former Military Medics and Corpsmen by allowing them to perform medical procedures under the supervision of physician at the major healthcare systems and hospitals across Virginia.

While the law does not grant licensure, it enables military medics and corpsmen to continue practicing their medical skills in a healthcare environment as they enroll in higher education courses and/or prepare for licensure in long-term/high demand allied health and medical careers such as EMTs, Paramedics, RNs and PAs.

Status: Became law without governor's signature on June 27, 2016.

Comments: From the [Navy.mil](#) (June 28, 2016)

NORFOLK (NNS) -- Approximately 20 corpsmen and staff members from Naval Medical Center Portsmouth (NMCP) attended a historical event June 27, when Virginia Gov. Terry McAuliffe signed a first-of-its-kind bill which established the Virginia Military Medics and Corpsmen (MMAC) Pilot Program.

The program allows active-duty medical personnel currently participating in MMAC to earn licenses or credentials that are recognized by civilian health care organizations.

"Today we celebrate a milestone piece of legislation that not only serves our veterans and transitioning service members, but it also takes care of a private business -- our health care industry," said McAuliffe. "We can now transition folks into the health care field, which is a field that desperately needs people to come work in. It is a win-win for everybody."

Military medics and corpsmen receive extensive health care training while on active duty. When they transition to civilian life, their military health care experiences may not easily translate into comparable certifications or licenses required for health care jobs. As a result, many veteran medics and corpsmen are unemployed because they cannot apply their skills immediately in civilian health care jobs.

"Per capita, we have more veterans than any other state in America," said McAuliffe. "One in 10 Virginians is a veteran, and we are doing all that we can to integrate them into our workforce. The medics and corpsmen have real-time field experience, and they are a natural fit into our health care workforce."

Prior to the bill being unanimously passed in the Virginia general assembly, efforts had already

been underway to translate veterans' military medical experience into academic credit and shorten the pathway to obtaining various civilian credentials. However, in health care veterans may still need to spend several years in a college program before they can obtain a credential.

"I have several Sailors who have decided to separate from the Navy this summer, and they would make great candidates for the new program," said Chief Hospital Corpsman Sybil Magrill, leading chief petty officer of the NMCP Critical Care Department.

She pointed out many of the Sailors have intensive care unit (ICU) training and they have extensive medical knowledge, but the qualifications they earned on active duty do not translate to civilian certification. Additional college, potentially two years or more, would need to be completed prior to the military service member being considered for the civilian certification.

"It is refreshing to see the state of Virginia advocating for a vocational program in order to quickly get our veterans into the workforce," Magrill added.

The MMAC Program will be accepting applications from qualified service members by this fall. To learn more, visit <http://www.dvs.virginia.gov/> or call the MMAC Program Manager at 804-786-0571.

For more information, visit www.navy.mil, www.facebook.com/usnavy, or www.twitter.com/usnavy.

For more news from Naval Medical Center Portsmouth, visit <http://www.navy.mil/local/NMCP/>.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

The Act provides that an adult ward has the right to communicate, visit, and interact with other persons upon the adult ward's consent. If the adult ward is unable to express consent, consent may be presumed by a guardian or a court based on the adult ward's prior relationship with such person.

The Act provides that a guardian may place reasonable time, place, or manner restrictions on an adult ward's communication, visitation, or interaction with another person without court approval, but that a guardian may not deny all communication, visitation, or interaction between an adult ward and another person unless a court has approved such denial after a showing of good cause by the adult ward's guardian.

Status: Signed into law on March 24, 2015.

Comments: From the [Des Moines Register](#) (April 24, 2015)

A year after the children of radio personality Casey Kasem had to seek court action to see their ailing father, a new law in Iowa aims to ensure that adult children can see their sick parents — granting them visitation rights unless the person's guardian goes to court to stop them.

Gov. Terry Branstad signed the bill into law Friday. Under the measure, an adult with a legal guardian — someone who cannot manage their own affairs — would have the right to receive visits from family members and others they have previously expressed interest in seeing. The legal guardian could still control factors like the time and place of the visits.

Previously, Iowa law did not address how to handle such situations, said Sen. Rob Hogg, a Cedar Rapids Democrat who pushed for the bill.

The legislation was backed by Kasem's daughter, Kerri Kasem, who appeared on Iowa talk radio several times advocating for the bill. Kasem, a radio show host herself who lives in Los Angeles, is pushing for similar laws in several other states and said she believes Iowa is the first to enact such a bill.

"I promise you, every single state will have what I have dubbed the visitation bill. We need guardianship laws to change. We need visitation laws to change," said Kasem. She and her siblings fought with her father's wife of more than 30 years over his care in his final days.

Lawmakers from both parties worked on the legislation, which won unanimous approval in both chambers. Hogg said he started working on the issue after hearing last year from a constituent who was having difficulty visiting her brother.

"There was a hole in Iowa's law and we are filling that with a really well-crafted piece of legislation that balances the right of visitation with the right of the guardian," Hogg said. 170 Kasem, the host of "American Top 40," died last June in Washington. He was 82 and suffering

from dementia. Kasem's children and his second wife, former actress Jean Kasem, feuded over his care for years.

In 2013, his children filed a legal petition to gain control of his health care, alleging that Kasem was suffering from advanced Parkinson's disease and that his wife was isolating him from friends and family members. Last May, a judge temporarily stripped Kasem's wife of her caretaker role after she moved him from a medical facility in Los Angeles to a friend's home in Washington state.

Kerri Kasem was appointed caretaker and has said that her stepmother's actions shortened Kasem's life. Jean Kasem has denied that she caused her husband harm.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

A guardian has broad authority that can be used to prevent family members, including children, from visiting or communicating with the person under guardianship. What's more, a guardian is not required legally to notify the family of major changes in the person's health, location, or even of the person's death. Accordingly, the guardian can interfere with the person's desire to see his or her children, and a child of the person under guardianship can be unjustly denied visitation to the parent and not provided timely with notifications of serious changes in the parent's health or even of the parent's death.

H.B. 2665 provides a framework for a child to file an application for access to a parent, including an opportunity to establish visitation or communication, under guardianship over the objections of the guardian. Specifically, H.B. 2665 would authorize a court to order access and prohibit guardian interference on a showing that the guardian has prevented access improperly and the ward desires contact. To encourage meritorious claims, the court may also limit, suspend, or deny access and order the loser to pay court costs and attorney's fees. H.B. 2665 also requires a guardian to inform an adult ward's immediate family as soon as possible of significant health changes, a new residence, or a stay for over a week outside the residence. Finally, if the person under guardianship dies, the bill would require notice of the death, including information on funeral arrangements and the person's final resting place. These changes would ensure that guardians do not interfere improperly with the familial relationships of those under their care.

H.B. 2665 amends current law relating to access to and receipt of certain information regarding a ward by certain relatives of the ward.

Status: Signed into law on March 24, 2015.

Comments: From Katherine C. Pearson, Dickinson Law, Penn State, March 7, 2016 in [Elder Law Prof Journal Blog](#)

"These three new pieces of legislation [Iowa, Texas, California], despite similarities in purpose -- i.e., recognition of family members' interest in continued communications with a loved one who has become a "court ward," -- are quite different in effect. It will be important to see whether such provisions can be used to ease family tensions or instead serve as a frustrating, procedural gauntlet for warring factions. The Texas law seems to me to go the furthest in recognizing an affirmative right of a family member to challenge an attempt by a guardian or conservator to limit access."

In 2015, three states—Iowa, Texas, California—passed visitation laws prompted by the Kasem family dispute. According to a [website](#) maintained by the Kasem family, five more states passed similar laws in 2016. Those states are Alabama, Illinois, Louisiana, Virginia and Wisconsin. The 2016 New York law dubbed "Peter Falk's Law" is similar.

Comments: From the [El Paso Times](#) (April 21, 2015)

State Rep. Joe Moody wants Texas families to avoid the painful experience that the children of legendary disc jockey Casey Kasem suffered. Moody, an El Paso Democrat, said the turmoil in Kasem's family afflicts not only the rich and famous.

"It was an awful situation, but it's one I've seen before (without the same media attention) as an attorney," Moody said in a statement. "No child should suffer the heartbreak of having a parent kept from them. However, our current law not only makes it possible for the guardian of an incapacitated adult to stand between that person and their children, it doesn't provide any legal way for children to fight back."

Kasem's eldest daughter, Kerri Kasem, is on a quest to change the law in all 50 states.

"The law's on the side of the caretakers, whether it's the guardian or the spouse," she said Tuesday outside a hearing of the House Judiciary and Civil Jurisprudence Committee, where she was about to testify in favor of Moody's proposal, House Bill 2665.

Kerri Kasem said that even though her father told a court-appointed attorney that he greatly wished to see his children, it was legally impossible since the guardian opposed it.

"The judge could not rule on visitation," Kerri Kasem said.

The bills she's supporting in Texas and elsewhere would allow judges to grant visitation and communication rights after a hearing. If the loved one is no longer sentient, the judge can look at past visitation and communication, and decide whether it should continue, Kerri Kasem said.

Under Moody's bill, if death is imminent, an emergency hearing must be held within 10 days, Moody told the committee.

The bill also would require guardians to notify adult children of significant changes in their ailing parent's health and of funeral arrangements after death.

HB 2665 was laid out, but not voted on, in committee Tuesday.

The panel must pass it, and then it must pass in the House and Senate and be signed by the governor to become law.

Kerri Kasem is advocating for similar bills in California, Nevada and Pennsylvania. The Iowa General Assembly passed a visitation bill earlier this month and Gov. Terry Branstad is expected to sign it Friday, she said.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

Assembly Bill A3461C Provides for an appointment of a guardian for personal needs or property management; provides that the order of appointment shall identify the persons entitled to receive notice of the incapacitated person's death, funeral arrangements, receive notice of the incapacitated person's transfer to a medical facility and persons entitled to visit such person.

In some circumstances under the current law, legally-appointed guardians have failed to notify family members or close friends of the individual when they become sick, are admitted to the hospital, or pass away. By requiring the identification and notification of other family and friends, this law will help ensure legal guardians will no longer be able to improperly isolate an incapacitated person at the end of their lives

This act takes effect immediately

Status: Signed by the governor July 21, 2016

Comments: Gov. Cuomo's Press Release July 21, 2016

Gov. Cuomo Signs "Peter Falk's Law" Legislation Establishing End of Life Notification Requirements - Albany, NY

Governor Andrew M. Cuomo today signed "Peter Falk's Law," legislation that requires guidelines for end of life notices and visitation rights regarding incapacitated individuals subject of legal guardianship proceedings.

The bill (A.3461-C/S.5154-C) requires the court order appointing a guardian to oversee the care of an incapacitated person to identify all individuals who are entitled to notice of a person's death, funeral and burial arrangements.

"Losing a loved one is always hard, but not being given the chance to say goodbye is perhaps even harder," Gov. Cuomo said. "This measure will help ensure an individual's friends and family will have an opportunity to express their love and pay their respects at this critical and trying time."

In some circumstances under the current law, legally-appointed guardians have failed to notify family members or close friends of the individual when they become sick, are admitted to the hospital, or pass away. By requiring the identification and notification of other family and friends, this law will help ensure legal guardians will no longer be able to improperly isolate an incapacitated person at the end of their lives

"Peter Falk's Law" was sparked by the end-of-life treatment of the late actor and "Columbo" star Peter Falk. Mr. Falk's daughter had alleged the actor's second wife obtained conservatorship of him and blocked all contact with other family members at the end of his life.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

This bill authorizes the chief medical officer of the department of health to implement a state-wide collaborative pharmacy practice agreement specific to opioid antagonist therapy with any pharmacist licensed, and practicing in this state.

Pursuant to a valid agreement authorized under this bill, a pharmacist may dispense an opioid antagonist to a person at risk of experiencing an opiate-related overdose or a family member, friend, or other person in a position to assist a person at risk of experiencing an opiate-related overdose.

This bill requires a pharmacist to provide documentation of completion of an opioid antagonist training program within the previous two years prior to entering into an agreement with the chief medical officer. A pharmacist entering into such an agreement must maintain a copy of the agreement on file at the pharmacist's places of practice and have the agreement reviewed and renewed biennially, at a minimum, pursuant to present law. The pharmacist must also make the agreement available to the department upon request.

Under this bill, any licensed pharmacist acting in good faith and with reasonable care, who dispenses an opioid antagonist to a person the pharmacist believes to be experiencing or at risk of experiencing a drug-related overdose, or who prescribes an opioid antagonist to a family member, friend, or other person in a position to assist a person experiencing or at risk of experiencing a drug-related overdose, will be immune from disciplinary or adverse administrative actions for acts or omissions during the dispensation of an opioid antagonist. Any licensed pharmacist who dispenses an opioid antagonist as authorized by this bill is immune from civil liability in the absence of gross negligence or willful misconduct.

ON FEBRUARY 24, 2016, THE SENATE ADOPTED AMENDMENT #1 AND PASSED SENATE BILL 2403, AS AMENDED.

AMENDMENT #1 clarifies that a licensed pharmacist will be permitted to "dispense" rather than "prescribe" an opioid antagonist under this bill. This amendment also extends immunity from disciplinary or adverse administrative, as well as civil liability in the absence of gross negligence or willful misconduct, actions to the chief medical officer for acts or omissions during the dispensing of an opioid antagonist by a pharmacist acting pursuant to a collaborative agreement established pursuant to this bill.

Status: Became law with governor's signature on March 10, 2016.

Comments: From the [Kingsport Times News](#) (February 21, 2016)

Accessing medication to help people suffering from an opioid overdose could get a lot easier in Tennessee.

That is if the state legislature can pass a bill allowing pharmacists to dispense an opioid antagonist to a person at risk of experiencing an opiate-related overdose or know of a family member, friend or other person at risk of experiencing an opiate-related overdose.

Opioid antagonists, such as Narcan or Naloxone, work by attaching to opioid receptors in the brain without activating them in order to block or reverse the effects of opioids.

Senate Bill 2403, which was sponsored by Sen. Doug Overbey, R-Maryville, cleared a big hurdle last week after the Senate Health and Welfare Committee approved the bill unanimously. As of Friday, a date for a vote in the Senate had not been set.

The measure cleared the Tennessee House Health Committee earlier this month and is scheduled for a vote in that chamber on Feb. 25.

If the bill is passed and signed into law by Gov. Bill Haslam, the Tennessee Department of Health would be required to draft a “Collaborative Pharmacy Practice Agreement,” in which standards and parameters would be outlined for the dispensing of medication by pharmacists.

Pharmacists would also be required under the bill to complete an opioid antagonist training program within the previous two years to dispense the medication. The bill would also establish immunity from disciplinary or adverse administrative actions as well as immunity from civil liability if the medication is dispensed properly.

The bill comes at a time when more Tennesseans are becoming hooked on prescription pain killers than ever before. According to a study conducted by the Tennessee Department of Mental Health and Substance Abuse in November 2015, prescription pain killers are the drug of choice among all age groups in Tennessee.

Overdose deaths in the state have been on the rise for years. According to TDH, 1,166 people died from drug overdoses while that number increased by almost 100 in 2014. Sullivan County saw 44 overdose deaths in 2014, the latest data available.

Steps have been taken in Tennessee to allow greater access to opioid antagonists. In 2014, doctors were allowed to prescribe them to patients. Emergency responders have been giving the drug to overdosing patients for years.

Overbey said this bill is a way to help tackle the prescription drug problem.

“Opioid antagonists are life-saving drugs, and the ultimate goal is not to have to use them, but rather to educate people so that prescription opioids are not misused or, in the case of those who are addicted, to get them into treatment to stop an overdose before it happens,” he said in a press release. “This is just one of a multifaceted approach to confronting this growing problem in our state.”

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

Universities and community colleges are prohibited from restricting a student's right to speak, including verbal speech, holding a sign or distributing fliers or other materials, in a public forum. Universities and community colleges may restrict a student's right to speech in a public forum only if it demonstrates that the application of the burden to the student is both the furtherance of a compelling government interest and the least restrictive means of furthering that interest (A.R.S. § 15-1864).

Statute defines *public forum* as any open, outdoor area on the campus of a university or community college and any facilities, buildings or parts of buildings that the university or community college has opened to students or student organizations for expression (A.R.S. § 15-1861).

Statute classifies obstructing a highway or other public thoroughfare as a class 3 misdemeanor if a person, alone or with other persons: 1) recklessly interferes with the passage of any highway or public thoroughfare by creating an unreasonable inconvenience or hazard if the person has no legal privilege to do so; or 2) intentionally activates a pedestrian signal on a highway or public thoroughfare if the person's reason for activating the signal is not to cross but to stop the passage of traffic and solicit a driver for a donation or business (A.R.S. § 13-2906). The maximum penalty for a class 3 misdemeanor is 30 days in jail and up to a \$500 fine. The maximum penalty for a class 1 misdemeanor is six months in jail and up to a \$2,500 fine.

Status: Signed into law by the governor on 5/7/16

Comment: The [Your West Valley](#) reported that:

[Gov.] Ducey penned his approval to HB 2548 which was originally crafted to forbid state universities and community colleges from unlawfully restricting a student's right to speak. Rep. Paul Boyer, R-Phoenix, said he wanted to be sure that "noncommercial expressive activity" was protected on campuses, backed by the threat of a lawsuit.

But the final version of the measure signed by the governor allows judges to impose six-month jail terms on protesters who stop traffic headed to political rallies. The same penalty would apply to those who, after ignoring a warning, block anyone from heading to government meetings or hearings...

... It was crafted by Sen. John Kavanagh, R-Fountain Hills, after protesters blocked Shea Boulevard in March to prevent Republican presidential hopeful Donald Trump from getting to a rally in that community as well as keep people from hearing him speak...

... Kavanagh pointed out that existing law provides for a penalty of 30 days in jail and a \$500 fine for blocking traffic....

... Sen. Steve Farley, D-Tucson, said lawmakers cannot decide that a person's motive for blocking traffic makes him or her subject to a harsher penalty. In fact, Farley said an argument could be made that the people blocking traffic were exercising their own First Amendment rights.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

This bill allows judges to appoint a volunteer, from a list of attorneys and law students provided by the agriculture commissioner, to advocate for the interests of justice in certain proceedings involving animals. Specifically, advocates may be appointed in (1) prosecutions for animal cruelty or fighting, (2) court proceedings for an animal control officer's seizure of a cruelly treated or neglected animal, and (3) criminal cases involving a cat's or dog's welfare or custody. (Presumably, the bill applies only to cats or dogs.)

Under the bill, the court may order on its own, or any party or party's counsel may request, an advocate. The bill prohibits the appeal of a decision denying a request for an advocate. Under the bill, the Department of Agriculture must maintain a list of (1) attorneys with knowledge of animal issues and the legal system and (2) law schools that have or anticipate having students with interest in animal issues and the legal system. The bill authorizes these attorneys and law students to serve as advocates and requires law students doing so to be governed by the Connecticut Practice Book's legal intern provisions.

The bill allows these advocates to do the following:

1. monitor the case;
2. consult individuals with information that could aid the judge or fact finder;
3. review records of the cat's or dog's condition and the defendant's actions, including, but not limited to, animal control officers', veterinarians', and police officers' records;
4. attend hearings; and
5. present to the court information or recommendations related to the interests of justice, provided the information and recommendations are based solely upon the advocate's duties under the bill.

*House Amendment "A" (1) restricts advocates to cases involving cats and dogs; (2) eliminates provisions allowing advocates to represent the animal's interests, in addition to the interests of justice; (3) allows, rather than requires, animal advocates to take certain actions; and (4) makes minor changes.

Status: Signed into law by the governor on 5/26/16.

Comment: [Governing](#) magazine reported on the bill that:

Legislation [signed](#) by Gov. Dan Malloy makes Connecticut the first state in the nation to appoint "animal advocates" to assist courts in deciding animal cruelty cases. The new measure allows judges to choose pro bono lawyers or law students to represent victims -- in this case, pet cats and dogs -- by gathering witness testimony as well as other records from police, animal control and veterinarians.

The law is a victory for animal rights proponents who see Connecticut's current approach as a pro-forma rehab process that fails to adequately prosecute offenders and prevent future abuse...

... But some critics worry that bringing more animal cruelty cases to trial will bog down Connecticut's court system -- the very thing rehabilitation and other pre-trial diversion programs are designed to prevent.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary: Amends definition of hate crimes to include selection of the victim based upon the status as a law enforcement officer, firefighter, or emergency medical services personnel; and provides definition of those terms.

Status: Signed into law by governor on 5/26/16

Comment: The Washington Post [reported](#):

Louisiana Gov. John Bel Edwards (D) signed the “Blue Lives Matter” bill into law Thursday, making the state the first in the nation where public safety workers are considered a protected class under hate-crime law.

In many states, hate crime laws call for additional penalties for those convicted of crimes that targeted victims on the basis of race, ethnicity or religion. Targeting police officers, firefighters and emergency medical service personnel now fall under Louisiana’s hate crime law...

... No other state includes police officers as a protected class under hate-crime laws, according to the National Conference of State Legislatures. But at least 37 states — including Louisiana — have enhanced penalties for assaulting police officers.

In some states, hurting a police officer can be an “aggravating factor” to an assault or battery charge. Killing a police officer, in many states, can be an aggravating factor or circumstance that makes the crime eligible for the death penalty...

... In 2015, 124 officers died in the line of duty, according to the National Law Enforcement Memorial Fund. The number of officers fatally shot declined, falling to 42 from 49 a year earlier, while the overall number of deaths increased because of more traffic accidents and job-related illnesses. Fatal shootings of officers have decreased over the previous few decades — from an average of 127 in the 1970s to 57 yearly between 2000 and 2009...

...The regional director of the Anti-Defamation League had also said it’s not wise to add occupations to hate-crime protected classes. “It’s really focused on immutable characteristics,” Allison Goodman told the Advocate. “Proving the bias intent for a hate crime for law enforcement or first responders is very different than proving it for someone who is Jewish or gay or black.”

Some states have floated proposals similar to the Louisiana legislation, and a bill proposed in Congress would amend federal hate-crime law to include officers as a protected class.

Disposition of Entry:

SSL Committee Meeting: 2018 A
() Include in Volume

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

Comments/Note to staff

Summary: This bill allows an individual who is at least 21 years old to conduct a home game involving wagering if the home game (1) is limited to Mah Jong or a card game; (2) is conducted not more than once a week in the individual's home or in a common area of a residential property that is restricted to residents age 55 or older; (3) allows a player to compete directly against one or more other players who share a preexisting social relationship; (4) does not allow an individual to benefit financially in any way, directly or indirectly, other than from the winnings accrued by participating as a player in the game; and (5) has a \$1,000 limit on the total amount of money, tokens representing money, or any other thing or consideration of value that may be wagered by all players during any 24-hour period. The home game may not involve a player's use of an electronic device that connects to the Internet, the use of paid public advertising or promotions, the charging of specified fees, or the use of any money except money used for wagering.

Status Signed into law by the governor 5/19/16

Comment: LexisNexus [reported](#):

Del. Kirill Reznik (D), one of the bill's sponsors, said it was intended to save authorities from having to use limited public resources for policing people playing card games in their own homes.

"What is important is eliminating the possibility that police can come and bust a game," he said.

But the bill received a boost from an unlikely source: Loretta Alessandrini -- a 72-year-old resident of Heritage Harbour, a senior residential community in Annapolis -- who took part in a letter-writing campaign in support of the bill. Apparently Alessandrini's regular \$4 mahjong game at Heritage got shut down after the police broke up a poker game there last year on a tip from a resident who'd lost \$20 in the game.

"We love it," Alessandrini said of mahjong. "It's the best game for senior citizens. It keeps your mind alert."

HB 127 gives a special nod to her and other gamblers in her age bracket, allowing games "in a common area of a residential property that is restricted to residents who are at least 55 years old."

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

() Reject

Comments/Note to staff

Summary: The act changes the definition of court costs to exclude any certified costs, and to include fines added to the annual real estate tax bill or a special tax bill of a property owner for the cost of nuisance abatement and removal. The definition of minor traffic violation is modified to include traffic ordinance violations for which no points are assessed to a driver's driving record and amended charges for any minor traffic violation and adds a definition for municipal ordinance violations.

The maximum allowable fine for minor traffic violations has been lowered from three hundred dollars to two hundred twenty-five dollars. For municipal ordinance violations committed within a twelve month period beginning with the first violation: the maximum allowable fine is two hundred dollars for the first offense, two hundred seventy-five dollars for the second offense, three hundred fifty dollars for the third offense, and four hundred fifty dollars for the fourth and subsequent offenses. No court costs shall be charged to defendants found to be indigent. Municipal courts are also required to not charge defendants for costs associated with community service alternatives.

Municipal ordinance violations and amended charges for municipal ordinance violations are added to the calculation limiting the percentage of annual general operating revenue that can come from fines and court costs for minor violations and to provisions regarding fines, imprisonment, and court costs in municipal court cases. Municipal ordinance violations are also added to municipal disincorporation provisions if a municipality fails to remit excess annual general operating revenue to the Department of Revenue for the county school fund and the disincorporation threshold has been lowered from sixty percent to a majority of participating voters.

Currently, every municipality located within St. Louis County must provide certain municipal and financial services and reports. This act modifies the list of services that municipalities must offer.

Currently, certain cities and counties may enact an ordinance to provide for the abatement of nuisances, and the ordinance may provide that if the nuisance is not removed or abated then the building commissioner or designated officer may remove or abate the nuisance. This act provides that the ordinance must require that a written notice be provided to the property owner which describes the condition of the lot, what action will remedy the nuisance, and provides not less than ten days to abate or commence removal of each condition identified in the notice.

This act also specifies that the state is not liable for the debts of a municipality that is financially insolvent.

The act establishes disincorporation procedures for third class cities, charter cities, and home rule cities.

The act prohibits a municipal judge from serving on more than five municipal courts.

Status: Signed into law by the governor on 6/17/16

Comment: The St. Louis Post-Dispatch [reported](#):

State lawmakers are putting the final touches on the latest proposal aimed at addressing abuses by municipal courts in Missouri.

On Monday, a House committee listened to concerns from cities and court administrators about provisions of the overhaul they said could hurt their ability to track down and punish people who violate local traffic and nuisance laws.

The latest changes would eliminate jail time for a number of offenses, as well as place a cap on fines and court costs in order to address outcry over low-income residents being forced into jail when they cannot afford to pay fines for violations such as peeling house paint or an overgrown lawn...

... The bill currently places a \$300 limit on fines for minor traffic violations and \$500 for municipal ordinance violations, such as nuisance properties.

For residents who receive multiple violations, there are provisions allowing the courts to sentence people to jail.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary: Authorizes county police departments to enroll firearms applicants and individuals who are registering their firearms into a criminal record monitoring service used to alert police when an owner of a firearm is arrested for a criminal offense anywhere in the country. Authorizes the Hawaii Criminal Justice Data Center to access firearm registration data.

Status: Signed into law by governor 6/23/16

Comment: CBS News reported:

With of a stroke of his pen last Thursday, Democratic Gov. David Ige of Hawaii made his state the first to place its registered gun owners in a centralized database run by the FBI.

According to the FBI's website, the "Rap Back" database is typically reserved for people who "hold positions of trust" such as school teachers and daycare workers or for those under investigations.

Effective immediately, the legislation also grants local police the authority to determine whether an arrested gun owner should be able to keep his or her firearm...

... "The so-called 'Rap Back' bill in Hawaii is an extreme anti-gun law that puts law-abiding gun owners on a criminal database for FBI monitoring, and therefore treats guns ownership as inherently suspicious," said NRA spokeswoman Amy Hunter in a statement to CBS News...

... State senator and co-author of the bill, Will Espero, told CBS News his critics' "fears of a database are unfounded," noting that those kinds of lists already exist on a state and county level.

"This is a new collaboration between the FBI and the state law enforcement that should add another layer of protection for families and communities," he said. "Using the list allows use of modern technology to efficiently share data between the federal government and state. No rights are infringed upon."

Hunter says the law's grasp could extend beyond the island by affecting gun-carrying visitors and tourists, requiring them to be added to the database. However, the state attorney general says that visitors carrying firearms will be able to petition to be taken off the list once they depart.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

() Reject

Comments/Note to staff

Summary: The act is primarily a series of definitions to reaffirm protections and freedoms associated with speech. As part of this effort the act lays out definitions for stalking and harassment and revised these definitions to include actions committed through the use of a drone or unmanned aerial vehicle:

- (a) “Stalking” means an intentional harassment of another person that places the other person in reasonable fear for that person’s safety.
- (b) “Harassment” means a knowing and intentional course of conduct directed at a specific person that seriously alarms, annoys, torments or terrorizes the person, and that serves no legitimate purpose. “Harassment” shall include any course of conduct carried out through the use of an unmanned aerial system over or near any dwelling, occupied vehicle or other place where one may reasonably expect to be safe from uninvited intrusion or surveillance.
- (c) “Course of conduct” means conduct consisting of two or more separate acts over a period of time, however short, evidencing a continuity of purpose which would cause a reasonable person to suffer substantial emotional distress. Constitutionally protected activity is not included within the meaning of “course of conduct.”
- (d) “Unmanned aerial system” means a powered, aerial vehicle that: (1) Does not carry a human operator; (2) uses aerodynamic forces to provide vehicle lift; (3) may fly autonomously or be piloted remotely; (4) may be expendable or recoverable; and (5) may carry a lethal or nonlethal payload

Status: Signed into law by the governor 6/6/16

Comment: The Witchita Eagle [reported](#):

Gov. Sam Brownback signed legislation Friday that expands the definition of harassment in the state’s Protection from Stalking Act to include the use of an unmanned aerial system – more commonly known as a drone – to harass a person “over or near any dwelling, occupied vehicle, or other place where one may reasonably expect to be safe from uninvited intrusion or surveillance.”

The legislation is the result of an ongoing dispute in Olathe, where one family has reported repeated harassment from a neighbor with a drone. The language is one of several provisions lawmakers stuck into SB 319 last week during their wrap-up session.

Disposition of Entry:

SSL Committee Meeting: 2018 A

- () Include in Volume
- () Include as a Note

- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

08-38A-08 Requiring That a Person Subject to a Protective Order May Virginia
Not Possess a Weapon
Bill/Act: [HB 1391](#)

Summary: Provides that it is a Class 6 felony for a person who is subject to a permanent protective order (i.e., a protective order with a maximum duration of two years) for family abuse to possess a firearm while the order is in effect. The bill also provides that such person may continue to possess and transport a firearm for 24 hours after being served with the order for the purposes of selling or transferring the firearm to another person. Under current law, it is a Class 1 misdemeanor for a person subject to a protective order to purchase or transport a firearm.

Status: Signed into law by the governor on 2/26/16

Comment: The Richmond Times-Dispatch [reported](#):
Domestic abusers will have to surrender their firearms within 24 hours of being served a civil, family abuse final protective order or face felony charges, under a law scheduled to take effect July 1.

The firearms surrender provision is part of a far-reaching gun rights and gun control legislative compromise reached in February between Republican legislative leaders and the administration of Democratic Gov. Terry McAuliffe.

As part of the deal, Virginia will recognize concealed-carry firearms permits issued by other states...

... The law does not apply to temporary or emergency orders, which do not require a judicial determination or personal service of the order. Nor does the law require a person subject to a permanent order to surrender their firearms to a law enforcement agency; they only need to hand the firearms over to a third party, which may include a friend or family member who is not prohibited from possessing a firearm...

... Secretary of Public Safety Brian J. Moran said Virginia is one of only 17 states that require firearms forfeiture subject to family abuse final protective orders — and one of only four states that require surrender in 24 hours and make violators subject to a felony charge.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary: The original bill (HB 126) addressed the use of unmanned aircraft in relation to a wildland fire and generally prohibits an individual from flying an unmanned aircraft, or drone, within certain areas relating to a wildland fire. HB 3003 increases the original penalties contained in HB 126 and authorizes the neutralization of an unmanned aircraft in certain circumstances.

Status: HB 3003 signed by the governor July 17, 2016; HB 126 signed by the governor March 21, 2016

Comment: From [Desertnews.com](#), February 5, 2016

SALT LAKE CITY — Aerial drones delayed suppression efforts in at least two Utah wildfires last year, and a proposal in the Legislature would make it a crime to fly them in the vicinity of a fire.

[HB126](#), sponsored by Rep. Kraig Powell, R-Heber City, would make it a class B misdemeanor to fly unmanned aircraft within 3 miles of an uncontrolled wildfire. It would be a class A misdemeanor if the drone causes an air tanker to have to drop its load somewhere other than the fire.

An incident commander on the scene of a wildfire, however, could grant someone permission to fly in the area, according to the bill.

"This is welcomed by everyone in the wildfire community," said Jason Curry, an investigator with the Utah Division of Forestry, Fire and State Lands.

Air support was delayed for about 30 minutes last September because of a drone that was sighted near the Church Fork Fire in Millcreek Canyon.

Also in September, a drone hovering directly over a firefighting helicopter caused all air operations to be suspended for the day at the Wheeler Fire in Wasatch County. An air tanker on final approach to drop a load of retardant had to be diverted and dropped its load in a location away from the fire, according to the U.S Forest Service.

The House Natural Resources, Agriculture and Environment Committee unanimously passed the bill to the House floor Friday.

From [fox13news.com](#), July 12, 2016

A bill under consideration in Wednesday's special session of the Utah State Legislature will allow authorities to "neutralize" drones over wildfires.

Fed up with unmanned aircraft that have shut down wildland firefighting operations, lawmakers are introducing the bill that could allow them to shoot down the drones. House Bill 3003 is sponsored by Rep. Don Ipson, R-St. George, and Sen. Evan Vickers, R-Cedar City.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

Requires a person, commencing July 1, 2018, to apply to and obtain from the Department of Justice (DOJ) a unique serial number or other mark of identification prior to manufacturing or assembling a firearm, as specified; and requires by January 1, 2019, any person who, as of July 1, 2018, owns a firearm that does not bear a serial number assigned to it to obtain a unique serial number or other mark of identification prior to manufacturing or assembling a firearm, as specified.

Status: Approved by the governor on July 22, 2016

Comment: From [The Sacramento Bee](#) (July 22, 2016)

Weeks after [splitting the difference](#) on a sweeping package of new gun regulations, Gov. Jerry Brown has added one more bill to the pass column.

Brown on Friday announced that he had signed without comment Assembly Bill 857, requiring anyone who manufactures or assembles a homemade firearm to first apply for a unique serial number or other marking from the state Department of Justice, which must then be affixed to the weapon. The measure, by Assemblyman Jim Cooper, D-Elk Grove, would also prohibit the sale or transfer of any self-assembled firearms.

AB 857, supported by gun control and law enforcement groups, is aimed at preventing people who are prohibited from purchasing or possessing firearms in California from simply making their own at home instead. Rapid advances in three-dimensional printing technology have made it substantially easier to manufacture crude guns out of plastic or metal.

In 2014, Brown vetoed a similar bill by Senate President Pro Tem Kevin de León.

“I appreciate the author’s concerns about gun violence, but I can’t see how adding a serial number to a homemade gun would significantly advance public safety,” he wrote at the time.

Opponents of AB 857, led by the National Rifle Association and other gun-rights organizations, argued that the bill would infringe on a constitutionally protected right to assemble one’s own firearms by requiring government permission and would cost California hundreds of thousands of dollars each year to enforce.

In a statement, the Firearms Policy Coalition slammed Brown and warned that the law could be the spark to ignite a revolution against the state government.

“Today’s action by Gov. Brown shows how craven California’s despotic ruling class has become,” President Brandon Combs said. “The Legislature has abandoned the Constitution, representative government, and the People of California. I fully expect the People to respond in kind.”

Late last month, lawmakers sent Brown a [dozen measures](#) to strengthen the state's gun laws, already among the strictest in the nation. A day later Brown signed six of them, including bills to institute background checks on ammunition purchases and prohibit the possession of magazines capable of firing more than 10 rounds, and vetoed five, including one that would have mandated reporting the loss or theft of a firearm.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

08-38A-11 Requiring Courts to Verify That Violent Offenders
Surrender Guns
Bill/Act: [AB 464 \(2013\)](#)/ ACT 321

Wisconsin

Summary:

A person is prohibited from possessing a firearm, and must surrender any firearm he or she possesses, if he or she is subject to a domestic abuse injunction, a child abuse injunction, or, if the court determines that he or she may use a firearm to harm another or endanger public safety, a harassment injunction. 2013 Wisconsin Act 321 creates a standardized procedure for the surrender of firearms by persons subject to a domestic abuse or child abuse injunction, or subject to an order prohibiting the respondent from possessing firearms issued in connection with a harassment injunction.

Under the Act, the procedure for surrendering firearms begins when the respondent is served with the petition for an injunction. The person serving the respondent must provide the respondent with notice of the applicable firearm possession restrictions, the penalties for violating these restrictions, an explanation of the procedures for surrendering a firearm, and a firearm possession form, as described below.

Status: Became law upon the governor's signature 04/16/2014

Comments: From the [Milwaukee-Wisconsin Journal Sentinel](#) (April 16, 2014)

An October 2012 shooting at the Azana Salon and Spa in Brookfield made reforming domestic violence laws a priority for state lawmakers in both chambers and both parties this legislative session.

"This legislation will offer some more tools so the system doesn't fail victims of domestic abuse who are seeking to get restraining orders," Walker said after a ceremonial signing of three domestic violence-related bills in Milwaukee.

The most significant change requires people who are served with temporary restraining orders to be notified that they must surrender their firearms. Abusers also must fill out a questionnaire listing any guns owned. In some cases, the victim will have the opportunity to inform the court of guns owned by the abuser.

If the guns are not surrendered within 48 hours, the perpetrator must attend another hearing and prove the guns have been given up.

The idea is modeled after a pilot project conducted in 2010 and 2011 in Winnebago, Outagamie, Waushara and Sauk counties. Milwaukee County implemented similar procedures last year.

Disposition of Entry:

SSL Committee Meeting: 2018 A

☐ Include in Volume

☐ Include as a Note

- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

Relates to the possession of firearms in domestic abuse situations; prohibits the possession of firearms or carrying of a concealed weapon by persons convicted of domestic abuse battery; prohibits the possession of firearms by persons who are the subject of protective orders or permanent injunctions involving domestic violence; provides criminal penalties for violations.

Status: Became law upon the governor's signature 5/22/2014

Comments: From [WGNO.Com](#) (May 29, 2014)

A bill aimed at protecting victims of domestic violence is now the law of the land in Louisiana. Perhaps it would have prevented a shooting spree last December that targeting a Lafourche Parish Councilman, his family, and others. WGNO News Anchor Vanessa Bolano has tonight's emotional update.

"Life is still good" says Lafourche Parish Councilman Phillip Gouaux. He has six daughters and 13 energetic grandkids keeping him young. His only wish is that his wife was still here.

"She was my wife for 43 years and just living life without her is terrible; such a tragic way to go is the hardest part," says Councilman Gouaux.

On December 26, Susan Gouaux, known by most as "Pixie", was shot to death in her home. Her ex son-in-law Ben Freeman had gone on a violent rampage first drowning his wife, and then driving to Councilman Gouaux's home in Lockport, killing Pixie, wounding Councilman Gouaux, and leaving one of their daughters paralyzed from the waist down.

"He shot my wife three times. He chased her around the house. He shot her in the hand, in the shoulder, and then in the back. Then he proceeded to go down and corner my daughter in the sunroom and shot her in the back," remembers Gouaux.

Freeman then drove to Raceland, shot and killed his former boss, Milton Bourgeois, the CEO of Ochsner St. Anne, and wounded his wife. Eventually, he turned the gun on himself.

Gouaux says, "We had a restraining order, and restraining orders are pieces of paper."

Pieces of paper Gouaux says did not do enough to prevent violence, yet now that's changed. Thursday Gov. Bobby Jindal signed multiple bills into law aimed at stopping domestic violence. Among them, House Bill 753 now called the Susan "Pixie" Gouaux Act, making it illegal for someone with a domestic abuse conviction to carry a gun for 10 years following the conviction, or for someone with a protective order to carry a gun during the duration of the order.

"Having her name up there means such a lot to me and my family," says Gouaux.

Louisiana has led the nation in domestic homicides since 1997

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

08-38A-13 Prohibiting a Landlord from Evicting a Tenant Because of Maine
An Instance of Domestic Violence, Sexual Assault or Stalking
Bill/Act: [Maine SB 305/L.D. 861](#)

Summary:

Amends the laws governing residential leases in instances where a tenant is a victim of domestic violence, sexual assault or stalking; prohibits a landlord from evicting a tenant because of an instance of domestic violence, sexual assault or stalking; renders the perpetrator liable for certain damages.

Status: Became law upon Legislative override of governor's veto 6/30/2015

Comments: From [CentralMain.com](#) (2/06/2016)

“Lawmakers of opposing political stripes put aside their differences in Maine to strengthen restrictions on gun ownership for people convicted of domestic violence crimes.

The state Legislature passed a law last year that keeps domestic violence criminals from owning guns for five years after the end of their sentences. The law goes beyond federal standards to protect victims of domestic violence, as well as to punish abusers, supporters have said.

Passing the law required cooperation between the Republican-controlled Senate and Democrat-controlled House. Legislators then overrode a veto by Republican Gov. Paul LePage, who is a supporter of both gun rights and curbing domestic violence. LePage supported the concept of the new restrictions but argued that the ban wasn't lengthy enough.”

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

08-38A-14 Prohibiting Nonattorneys from Providing Legal Services in Colorado
Immigration Matters
Bill/Act: [HB 1391](#)

Summary:

Concerns a prohibition against non-attorneys providing legal services related to immigration matters; establishes that if a person, other than a licensed attorney or a specified representative, engages in certain practices that amount to providing or offering to provide legal advice or legal services in an immigration matter for compensation, the person is engaged in a deceptive trade practice; provides that the Attorney General or a district attorney may seek civil penalties for violations.

Status: Became law upon the governor's signature 6/10/2016

Comments: From [Colorado Public Radio](#) (5/26/2016)

“Colorado will likely soon have a new law on the books because of a word that is lost in translation.

In some Spanish-speaking countries, the word notario means an attorney or a highly trained legal specialist, but that is not what "notary" means in the United States. Unscrupulous people who describe themselves as notarios can capitalize on this confusion and hold themselves out as immigration specialists in this country. The deception has cost immigrants in Colorado thousands of dollars and split apart families.

State Rep. Dan Pabon, a Democrat who represents northwest Denver, sponsored a bipartisan bill in the last legislative session to crack down on deceptive notarios. Gov. John Hickenlooper is expected to sign the Immigration Consultants Deceptive Trade Practice bill into law soon.”

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

Amends current law allowing judges to depart from mandatory minimum sentences for some drug crimes if the court finds a compelling reason that imposing the mandatory minimum sentence would be unjust and would not protect the public.

A BILL for an Act to create and enact a new section to the North Dakota Century Code, relating to exceptions from mandatory minimum sentences; to amend and reenact a subsection of the Code relating to the definition of manifest injustice.

A new section to chapter of the North Dakota Century Code is created and enacted as follows: Mandatory sentences – Exceptions: In addition to any other provision of law, when sentencing an individual convicted of a violation for which there is a mandatory minimum sentence, the court may depart from the applicable mandatory minimum sentence if the court, in giving due regard to the nature of the crime, history and character of the defendant, and the defendant's chances of successful rehabilitation, finds a compelling reason on the record that imposition of the mandatory minimum sentence would result in manifest injustice to the defendant and that the mandatory minimum sentence is not necessary for the protection of the public.

The new subsection does not apply if:

- a. The defendant willfully used, attempted to use, or threatened to use serious physical force against another individual or caused serious bodily injury of another individual;
- b. The defendant intentionally used a firearm or other dangerous weapon in a manner that caused bodily injury during the commission of the offense;
- c. The defendant committed an offense that involved any sexual contact against a minor; or
- d. The defendant has been convicted of a substantially similar offense during the five-year period before the commission of the offense.

Upon departing from a mandatory minimum sentence, a judge shall report to the state court administrator who shall make available in electronic form and on the world wide web an annual report by July 1 of each year on the total number of departures from mandatory minimum sentences.

Status: Signed into law by the governor on April 10, 2015.

Comments: From [The National Conference of State Legislators](#) (July 30, 2016)

Recently, many states have revised some mandatory penalties, especially for nonviolent and drug offenses. Notable actions affecting drug crimes have included removing mandatory penalties associated with three-strikes policies (California, Minnesota and South Carolina) and giving courts discretion to depart from mandatory minimum sentences (Georgia, Maryland, North Dakota and Oklahoma). Iowa and Maryland have made their changes retroactive.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary: LB947 enables the State of Nebraska to make full use of the skills and talents in the state by ensuring that a person who is work-authorized is able to obtain a professional or commercial license and practice his or her profession.

For purposes of a professional or commercial license, the Legislature finds that a person not described in subdivision (1)(a) or (1)(b) of this section who submits (i) an unexpired employment authorization document issued by the United States Department of Homeland Security, Form I-766, and (ii) documentation issued by the United States Department of Homeland Security, the United States Citizenship and Immigration Services, or any other federal agency, such as one of the types of Form I-797 used by the United States Citizenship and Immigration Services, demonstrating that such person is described in section 202(c)(2)(B)(i) through (ix) of the federal REAL ID Act of 2005, Public Law 109-13, has demonstrated lawful presence pursuant to section 4-108 and is eligible to obtain such license. Such license shall be valid only for the period of time during which such person's employment authorization document is valid. Nothing in this subsection shall affect the requirements to obtain a professional or commercial license that are unrelated to the lawful presence requirements demonstrated pursuant to this subsection.

Nothing in this subsection shall be construed to grant eligibility for any public benefits other than obtaining a professional or commercial license. (d) Any person who has complied with the requirements of this subsection shall have his or her employment authorization document verified through the Systematic Alien Verification for Entitlements Program operated by the United States Department of Homeland Security or an equivalent program designated by the United States Department of Homeland Security. (e) The Legislature enacts this subsection pursuant to the authority provided in 8 U.S.C. 1621(d), as such section existed on January 1, 2016.

Since an emergency exists, this act takes effect immediately.

Status: Passed notwithstanding objections of the governor, Apr. 20, 2016

Comments: From [KETV Omaha](#) April 20. 2016

Over the objections of Gov. Pete Ricketts, Nebraska lawmakers Wednesday pushed through a bill that will allow young immigrants who entered the United States illegally to apply for professional and commercial licenses.

The Legislature voted 31-13 to override Ricketts' veto. Thirty votes were needed to override. Last week, the bill received final approval with 33 votes.

Those who opposed the override: Senators Bloomfeld, Brasch, Craighead, Davis, Fox, Groene, Kintner, Kuehn, McCoy, Murante, Riepe, Schnoor and Watermeier.

Observers, including many of the so-called DREAMers, broke into applause as the vote became final.

In debate Wednesday morning, Omaha state Sen. Heath Mello said the bill will move Nebraska forward.

Ricketts had lobbied senators to support his veto over the last few days.

The bill will apply to immigrants who have received temporary legal status under a 2012 presidential executive order. They'll be able to apply for licenses in more than 170 professions.

It's estimated Nebraska has 5,200 youths with "deferred-action" status.

At the Guaca Maya restaurant in Omaha, celebration was on the menu as many Dreamers returned home from Lincoln.

Zaida Mendez has been living in the U.S. since she was just a year old.

"I grew up thinking I was born here, so when I got older, I was like, 'why can't I get a job, why can't I get my permit, why can't I get my license?' I want to contribute to Nebraska," she said.

Dreamers are required to have arrived before the age of 16, gone to school, and can't have a felony record.

Brenda Esqueda started Kindergarten here in the U.S. Now, she's a senior at South High, with aspirations of teaching in Omaha someday.

"It's not just a vote, it's not just a bill. This was something that's going to affect people's lives, people's dreams, peoples' goals what they aspire for their future," she says.

She is now rejoicing that her dream, and those of many others who call Nebraska home, can become reality.

"Now that we have this bill passed, I'll be able to come back here and teach in these classrooms, which I'm so happy about, I'm so passionate, and I want to see change happen in this community," Esqueda said.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary: Authorizes the coroner to donate tissue or biological samples to an individual who is affiliated with an established search and rescue dog organization for the purposes of training a dog to search for human remains.

Status: Signed by the governor, effective date 6/17/2016

Comment: From The Town Talk, August 10, 2016

<http://www.thetowntalk.com/story/news/2016/06/10/alexandria-fire-captain-gets-training-bill-through-legislature/85612344/>

The dog stared at Alexandria Fire Department Capt. Jeff Tarver, poised with ears alert, and that meant just one thing: Tarver had treats in his pocket.

But the dog, Nitro, isn't just a pet. Nitro is used as a human remains detection (HRD) dog, more commonly known as a cadaver dog, and he and Tarver are partners. [House Bill 539](#), a bill written by Rep. Chris Hazel, R-Ball, that would allow the use of a small amount of human remains to train such dogs, now awaits Gov. John Bel Edwards' signature.

UPDATE: Edwards signed the bill into law on June 17. Tarver shared a photo of the signed bill on Facebook on Aug. 9.

It's a bill Tarver suggested to Hazel after he discovered it's illegal to have human remains to use for training such dogs.

How the bill got to Edwards' desk is a story that started back in 2012. Tarver's brother, Bill Galloway, went fishing at Kincaid Lake but didn't return. The search for Galloway's body lasted for three days, and it was a cadaver dog from Red River Parish that found him.

That experience moved Tarver to bring such a dog to Alexandria. It took more than a year to search for and to train a suitable dog. Nitro was rescued from a San Antonio animal shelter, and the pair has been together for almost three years now.

"I wanted a kid-friendly, approachable dog," said Tarver, who said Nitro makes many appearances at schools and public events sponsored by the department. And the search paid off. "He loves all kids. He loves everybody," said Tarver as Nitro circled him with an orange toy in his mouth, clad in his orange vest that identifies as a search dog. "He is just as friendly as he can be."

The two trained together for two weeks in Texas, with Nitro sniffing out placentas. Once the training was over, Tarver had to figure out where he'd get a supply of placentas to keep schooling the dog.

He found a midwife in Columbia, near Monroe, who would meet him in Alexandria as she traveled to Texas for training. He soon discovered a problem, though.

"Going through some of the seminars, I found out that placenta only gives 25 percent of the smells that a human body puts off in decomposition," said Tarver.

He began researching in a quest for more training materials, finding out it was illegal to possess human remains in Louisiana. That's meant he's had to travel to Texas for most training, where the sponsors are able to secure body parts through official channels.

"We went to the body farm in Texas [\(the Forensic Anthropology Center\) at Texas State University](#), that's where we exposed him to everything from fresh deaths all the way down to just the dirt," he said.

Tarver and Nitro have been there twice and have been able to bring back rags soaked in the scent of bodies, but it's not the best way to train. He admits that the discussion about the dog's training "is kind of disgusting," but knows how valuable a tool Nitro can be for families who are agonizing as they wait for news about their missing loved ones.

Once it becomes law, Louisiana could be just the fourth state in the nation to allow remains to be used for training, said Tarver. There still may be some hurdles to clear after that, he said, citing difficulties in Texas.

"We will find out when it goes into law how easy it will be," he said.

He'll be required to get various types of forms to keep track of the remains — release of liability, donation, biohazard. The bill only allows trainers to use no more than 28 grams of remains, and Tarver said he could use material from procedures such as hip or knee replacement surgeries.

"If you want a good dog, you have to have the real stuff," he said.

He said some doctors have asked him why he doesn't use animal parts instead. Tarver said the pair failed a certification earlier in the week because Nitro alerted on some animal bones.

"There's a difference," said Tarver. "He has to know the difference."

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

08-38A-18 All Gender Restrooms
Bill/Act: [A 1732](#)

California

Summary:

Requires all single-user toilet facilities in any business establishment, place of public accommodation, or government agency to be identified as all-gender toilet facilities. Authorizes inspectors, building officials or other local officials responsible for code enforcement to inspect for compliance with these provisions during any inspection.

Status: Became law upon the governor's signature 9/29/2016

Comments: From [KRCTV.com](#) (10/04/2016)

“Gov. Jerry Brown recently signed Assembly Bill 1732. the bill will require all single toilet restrooms in schools, businesses, and in public to be gender neutral, for anyone to use.”

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary: This act requires higher education institutions in Connecticut to use an affirmative consent standard when determining, in the context of their required policies on sexual assault and intimate partner violence, whether sexual activity is consensual. It requires that the policies include clear statements advising students and employees of the affirmative consent standard.

Additionally, the act specifies that the policies must describe the institutions' investigation procedures for students and employees. (Existing law requires that the policies describe the institutions' disciplinary procedures.) The act also requires that an official trained annually in issues relating to sexual assault, stalking, and intimate partner violence conduct investigations if students are the respondents. (Existing law applies this requirement to disciplinary proceedings if students are the respondents.)

The act requires higher education institutions (except for Charter Oak State College) to include an explanation of the affirmative consent standard in the awareness programming they offer to students and employees. It also replaces references to “victim” and “accused” in prior law. Generally, it replaces references to (1) “victim” with “student or employee who reports or discloses the alleged violation” and (2) “accused” with “student or employee responding to such report or disclosure.”

Status: Signed into law by the governor on 6/1/16

Comment: The Hartford Currant [reported](#):

"Yes means yes" would be the standard in sexual assault cases on college and university campuses if the bill becomes law. Insisting that victims of sexual assault prove that they said "no" can end up blaming the victim, advocates of the legislation say.

The bill, which requires all public and private universities and colleges in the state to establish affirmative consent as the threshold in sexual assault and intimate partner violence cases, passed the Senate on Tuesday with only a single dissenting vote...

...Sen. Mae Flexer, D-Killingly, who led the effort on the bill, said that it requires colleges and universities to use the affirmative consent standard in their own disciplinary and investigatory process and will also require that students be given training on what affirmative consent means and how it is given...

... Connecticut will become the second state to enact the [affirmative consent] legislation, following California....

... Sen. Joe Markley R-Southington, cast the only dissenting vote. Markley said he believes that the affirmative consent standard, if made into law, could lead to "greater confusion."

"I think it's an example of government trying to involve itself in things it is not in a proper position to adjudicate," Markley said.

He said he also finds it "peculiar" that the state is making a law that applies to university students, but not to the rest of the community. "I don't understand the grounds for the distinction," he said. "I believe that universities should set rules for universities."

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary: This bill provides that recordings made by law enforcement agencies are not public records. It further establishes whether, to whom, and what portions of a recording may be disclosed or released and establishes the procedure for contesting a refusal to disclose a recording or to obtain a copy of a recording. The bill directs state and local law enforcement to provide, upon request, access to a method to view and analyze recording to the state bureau of investigation and North Carolina crime laboratory.

Status: Signed by the governor July 11, 2016

Comment: From [Governing Magazine](#), July 12, 2016

Gov. Pat McCrory signed a bill on Monday that will preclude police body camera footage from being a public record in North Carolina.

The Republican-controlled N.C. General Assembly passed House Bill 972 on June 30 as the 2016 legislative session neared adjournment. The bill, co-sponsored by state Rep. John Faircloth, R-Guilford, of High Point, would set limits on when and how footage and audio from police body cameras could be released by any law enforcement agency in the state.

During a signing ceremony with law enforcement officers in Raleigh, McCrory said House Bill 972 will promote public trust while respecting the rights of public safety officers.

The law sets up "clear and distinct procedures and standards by which a law enforcement agency may disclose or release a recording from a body-worn or dashboard camera," said the first-term Republican governor.

The legislation establishes rules on when and how police body camera footage can be viewed and heard. The recordings could be accessed only by certain parties with the consent of law enforcement agencies or the courts.

A representative with the state chapter of the American Civil Liberties Union objected to the new law.

"People who are filmed by police body cameras should not have to spend time and money to go to court in order to see that footage. These barriers are significant, and we expect them to drastically reduce any potential this technology had to make law enforcement more accountable to community members," said Susanna Birdsong, policy counsel for the ACLU of North Carolina.

Activists gathered outside the governor's mansion in Raleigh this past Friday and Saturday to urge McCrory to veto House Bill 972, said one of the organizers of the campaign, Aneisha McMillan of Fayetteville.

The fatal police shootings last week in Baton Rouge, Louisiana, and Falcon Heights, Minnesota, highlight the need for police body camera recordings to be available to the public following a confrontation, McMillan told The High Point Enterprise.

Faircloth, a former High Point police chief, told The Enterprise last week that the bill is a fair compromise between allowing access to police body camera recordings and protecting evidence in law enforcement investigations.

Faircloth attended the signing ceremony of the bill Monday with the governor in Raleigh.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary:

The Uniform Recognition and Enforcement of Canadian Domestic Violence Protection Orders Act provides for the enforcement of domestic violence protection orders issued by Canadian courts. Reflecting the friendship between the United States and Canada, citizens move freely between the two countries, freedom that in certain limited circumstances can work against victims of domestic violence. Many states enacted legislation recognizing the domestic violence orders of sister states, and in 2002, the Uniform Law Commission (ULC) approved the Uniform Interstate Enforcement of Domestic-Violence Protection Orders Act (UIEDVPOA), encouraging states to recognize and enforce the domestic violence orders of other states. In 2011, the Uniform Law Conference of Canada (ULCC) approved the Uniform Enforcement of Canadian Judgments and Decrees Act (UECJDA), which provides for the recognition of foreign protection orders – including those of the United States – unless the foreign state of origin has been expressly excluded from the provisions of the act. By this act, enacting states accord similar recognition to protection orders from Canada.

This act draws from the UIEDVPOA and the UECJDA in its recognition and enforcement of Canadian domestic violence protection orders. The two Acts are similar in several important respects. Both recognize domestic violence protection orders without requiring that the party seeking enforcement register the foreign order. Likewise, both provide that a law enforcement agency or court respect a facially valid order until successfully challenged after the request for emergency action has passed.

The UIEDVPOA and UECJDA differ in other respects, with the UECJDA providing more narrow recognition and enforcement of protection orders from other countries than the UIEDVPOA provides for orders from sister states. The UIEDVPOA recognizes all parts of the sister state protection order, including parts of the order relating to custody and visitation. This act, like the UECJDA, pursues the narrower goal of addressing the emergency of threatened violence by recognizing and enforcing only the parts of the Canadian domestic violence protection order requiring no contact directly or indirectly with a protected individual. Other Acts and conventions deal with issues of custody between countries.

This act follows the UECJDA and its more limited approach on other issues. Because of the limits on enforcing the criminal orders of another country, this act enforces only Canadian civil domestic violence orders. While the UIEDVPOA's definition of protection orders includes certain criminal orders, such as anti-stalking orders, other sections of the UIEDVPOA recognize the problems inherent in enforcing the criminal law of a sister state. The international setting only multiplies the issues; therefore, the act recognizes and enforces only Canadian civil domestic violence protection orders.

The act also limits recognition of Canadian domestic violence protection orders to those orders that issue from courts. The UIEDVPOA recognizes protection orders issued not just by courts, but also by tribunals, including an “agency...or other entity authorized by law to issue or modify

a protection order.” Following the lead of the UECJDA, this act provides for narrower recognition, limiting the recognition of Canadian domestic violence protection orders to civil orders issued by Canadian courts.

The act defines protection orders more broadly than the UIEDVPOA only in one way. The UIEDVPOA limits recognition to orders “issued... under the domestic-violence [or] family-violence, or anti-stalking laws” of the state that issued the order. In this way, the act excludes orders that issue under more general statutes. The UECJDA has no such limitation, providing for the recognition of foreign protection orders “made by a court of a foreign state.” The Canadian drafters concluded that specifying the type of statute authorizing the order was unnecessary in light of other limitations. Since this act recognizes and enforces only direct or indirect no-contact provisions in a civil order, further specificity seemed unnecessary and unwise. In light of the emergency setting in which enforcement questions arise, this complicated determination of Canadian statutory authority could defeat the purpose of the act.

The act also provides uniform procedures for the cross-border enforcement of Canadian domestic violence protection orders. The act envisions that the enforcement of Canadian domestic violence protection orders will require law enforcement officers of enforcing states to rely on probable cause judgments that a valid order exists and has been violated. The act, however, provides that if a protected individual can provide direct proof of the existence of a facially valid order, for example, by presenting a paper copy or accessing an electronic registry, the copy or registry conclusively establishes probable cause. If there is no such proof, the act nevertheless requires enforcement if officers, relying on the totality of the circumstances, determine that there is probable cause to believe that a valid protection order exists and has been violated. The individual against whom the order is enforced will have sufficient opportunity to demonstrate that the order is invalid if and when the case is brought before the enforcing tribunal. Law enforcement officers, as well as other government agents, will be encouraged to rely on probable cause judgments by the act’s inclusion of an immunity provision, protecting agents of the government acting in good faith.

The act does not require individuals seeking enforcement of a protection order to register or file the order with the enforcing state. It does, however, include an optional registration process. This process permits individuals to register a Canadian domestic violence protection order by presenting a copy of the order to a responsible state agency or any state officer or agency. The issuing Canadian court must certify the copy presented for registration. The purpose of these procedures is to make it as easy as possible for the protected individual to register the protection order and facilitate its enforcement.

Status: Signed into law by the Governor on August 10, 2016

Comment: [ULC Official Commentary](#)

Disposition of Entry:

SSL Committee Meeting: 2018 (A)

- ☐ Include in Volume
 - ☐ Include as a Note
 - ☐ Defer consideration:
 - ☐ next SSL mtg. ☐ next SSL cycle
 - ☐ Reject
- Comments/Note to staff:

Summary: Recognizing that an increasing percentage of people's lives are being conducted online and that this has posed challenges after a person dies or becomes incapacitated, this Act specifically authorizes fiduciaries to access and control the digital assets and digital accounts of an incapacitated person, principal under a personal power of attorney, decedents or settlors, and beneficiaries of trusts. The Act should be construed liberally to allow such access and control, especially when expressly provided for in a written instrument. Section 1 creates a new Chapter 50 in Title 12 to contain the Act itself while Sections 2 through 4 amend existing statutes pertaining to personal powers of attorney, guardianships, and trustee powers to include the authority permitted under Section 1.

Status: Signed by the governor on Aug 12, 2014

Comments: From *ARS Technica* (Aug. 18, 2014)

Delaware has become the first state in the US to enact a law that ensures families' rights to access the digital assets of loved ones during incapacitation or after death.

Last week, Gov. Jack Markell signed House Bill (HB) 345, "Fiduciary Access to Digital Assets and Digital Accounts Act," which gives heirs and executors the same authority to take legal control of a digital account or device, just as they would take control of a physical asset or document.

Earlier this year, the Uniform Law Commission, a non-profit group that lobbies to enact model legislations across all jurisdictions in the United States, adopted its Uniform Fiduciary Access to Digital Assets Act (UFADAA). Delaware is the first state to take the UFADAA and turn it into a bona fide law.

While some states, including Idaho and Nevada, have some existing provisions pertaining to limited digital assets for heirs, they are not as broad as the new Delaware law. For now, the state's version of UFADAA only applies to residents of Delaware, one of the smallest states by population and land area. If other states don't follow suit soon, people creating family trusts could conceivably use this Delaware law to their advantage, even without residing in Delaware. However, even though many tech companies (including Twitter, Facebook, and Google) are incorporated there, they will not be affected by the new law.

"If a California resident dies and his will is governed by California law, the representative of his estate would not have access to his Twitter account under HB 345," Kelly Bachman, a spokeswoman for the Delaware governor's office, said by e-mail.

"But if a person dies and his will is governed by Delaware law, the representative of that person's estate would have access to the decedent's Twitter account under HB 345. So the main question in determining whether HB 345 applies is not where the company having the digital

account (i.e., Twitter) is incorporated or even where the person holding the digital account resides.”

While an important first step, Suzanne Walsh, an attorney with Cummings and Lockwood in Connecticut and chair of the UFADAA committee, told Ars that she is waiting for the most populous state to adopt its own version, which could also have an important influence on other states.

“I think California is the most important,” she told Ars. “It’s even more important that we have uniformity and uniform enactment.”

Specifically, the new Delaware law states:

A fiduciary with authority over digital assets or digital accounts of an account holder under this chapter shall have the same access as the account holder, and is deemed to (i) have the lawful consent of the account holder and (ii) be an authorized user under all applicable state and federal law and regulations and any end user license agreement.

Typically, when a person dies, access to a digital service officially dies with them. Even giving your password to your spouse or a trusted loved one is forbidden under Facebook’s terms of service.

You will not share your password (or in the case of developers, your secret key), let anyone else access your account, or do anything else that might jeopardize the security of your account.

You will not transfer your account (including any Page or application you administer) to anyone without first getting our written permission.

In 2004, Yahoo famously denied access to a US marine’s e-mail account to his family after the marine was killed in action in Iraq.

Neither Twitter, Facebook, nor Google immediately responded to Ars’ request for comment.

“This problem is an example of something we see all the time in our high-tech age—our laws simply haven’t kept up with advancements in technology,” said Daryl Scott, in a statement last week. Scott is a member of the Delaware House of Representatives and the lead author of the bill. “By signing this bill into law, we’re helping to protect the rights and interests of the average person in the face of a rapidly evolving digital world.”

UPDATE Tuesday 2:04pm CT: Jim Halpert, an attorney with DLA Piper, and the director of the State Privacy and Security Coalition, an umbrella group that represents Google, Yahoo, Facebook and other firms, said that he opposes the new Delaware law.

"This law takes no account of minimizing intrusions into the privacy of third parties who communicated with the deceased," he said. "This would include highly confidential

communications to decedents from third parties who are still alive—patients of deceased doctors, psychiatrists, and clergy, for example—who would be very surprised that an executor is reviewing the communications. The law may well create a lot of confusion and false expectations because, as the law itself acknowledges, federal law may prohibit disclosing contents of communications."

When asked why an inherited paper letter should be treated differently under the law, he said that e-mail and other digital messaging has replaced paper correspondence.

"The volume of email is far larger and people usually consider much more carefully what they write in a letter," he said.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary: SB1137 bill defines ransomware as a computer contaminant or lock placed or introduced without authorization into a computer, computer system, or computer network that restricts access by an authorized person to the computer, computer system, computer network, or any data therein under circumstances in which the person responsible for the placement or introduction of the ransomware demands payment of money or other consideration to remove the computer contaminant, restore access to the computer, computer system, computer network, or data, or otherwise remediate the impact of the computer contaminant or lock.

The bill would provide that a person is responsible for placing or introducing ransomware into a computer, computer system, or computer network if the person directly places or introduces the ransomware or directs or induces another person do so, with the intent of demanding payment or other consideration to remove the ransomware, restore access, or otherwise remediate the impact of the ransomware. The bill would provide that a person who, with intent to extort money or other consideration from another, introduces ransomware into any computer, computer system, or computer network is punishable as if that money or other consideration were actually obtained by means of the ransomware. By expanding the scope of a crime, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason

Status: Bipartisan Bill passed on September 27 2016.

Comments: From the [HIPAA Journal](#) April 15, 2016

Californian Senator Bob Hertzberg introduced a new bill (Senate Bill 1137) in February which proposes an amendment to the penal code in California to make it a crime to knowingly install ransomware on a computer.

The bill has now been passed by the senate's Committee on Public Safety, taking it a step closer to being introduced into the state legislature. The bill must now go before the state Senate Appropriations Committee; after which it will be considered by both houses.

Currently, state law in California covers crimes relating to computer services including "knowingly introducing a computer contaminant," as well as extortion, the latter being defined as "obtaining the property of another, with his or her consent, induced by a wrongful use of force or fear." Under existing laws, extortion is punishable with a prison term of 2, 3, or 4 years.

Ransomware is covered under current laws, although Senator Hertzberg believed an update was necessary given the extent to which ransomware is now being used to extort money from businesses. FBI figures suggest that in the first 3 months of 2016, \$209 million was extorted from U.S companies. The total for 2015 was only \$25 million.

Senator Hertzberg hopes to introduce new penalties specifically for these ransomware attacks. Individuals conducting attacks could be fined up to \$10,000 and be sentenced to 2, 3, or 4 years in jail, although prosecuting attorneys could also pursue additional charges under existing state laws. Additional punitive charges may also be incurred depending on the degree of financial harm caused to the organization in question.

The new bill would make it an offense to knowingly introduce ransomware, by directly placing a lock on files or a computer system, or instructing another individual to do so.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary: Expands library record privacy to include digital resources and materials and adds a third party contracted by a library to the list of those who cannot release a library record.

Currently, an employee or agent of a library cannot be required to release or disclose all or a portion of a library record to anyone except the person identified in the record or by a court order. The bill adds any third party contracted by a library that receives, transmits, maintains, or stores a library record to the list of those who cannot release or disclose a record.

A person whose privacy is compromised due to the release of a record may file a written complaint within 180 days of the alleged violation with the Office of the Attorney General describing the facts surrounding the alleged violation. Upon receipt of the complaint, the Attorney General must review each complaint and may initiate legal action if appropriate.

A person whose privacy is compromised may also bring a private civil action in the circuit court of the county in which the library is located to recover damages. The court may award punitive damages and attorney fees to the prevailing party but attorney fees may be awarded to a prevailing respondent only upon a showing that the case is without foundation.

Status: Became law upon signature of the governor and delivery to the Secretary of State on 7/2/14

Comment: From [the Digital Shift](#) (July 30, 2014)

Missouri library patrons can now rest assured that their library records for checkout of digital materials will remain private.

The Missouri State Legislature introduced [a] bill aimed to update its existing privacy laws to include records for materials including ebooks, electronic documents, streaming video, music, and downloadable audiobooks.... Missouri [Gov. Jay Nixon](#) approved [this] bill....

Though the privacy of patrons' library records has traditionally been sacrosanct, digital technology has transformed library services, and many states' privacy laws have been slow to address records for digital media.

Thanks in part to the lobbying efforts of librarians across the state, Gov. Nixon signed [HB 1085](#), the Missouri House of Representatives bill expanding the purview of privacy laws concerning library records to include digital items from third-party vendors.

The existing privacy laws cover patrons' personal information when they check out paper books. But electronic media, though accessed from the library's gateway, is often administered by a third party.

Missouri “already had very strong protection of library records, but our main concern was that the digital age be taken into account, that digital records be included in [data privacy legislation],” said Jim Schmidt, legislative committee chair of the Missouri Library Association (MLA). Consumer protection was MLA’s main talking point when taking the issue to their State Representatives, Schmidt added.

“In order for users to access these services, vendors must authenticate them as [our library] cardholders; this gives the vendors access to our user [database](#),” said Pam Klipsch, director of Missouri’s [Jefferson County Library](#).

At Klipsch’s request, Missouri Rep. [John McCaherty](#) of Jefferson and St. Louis counties sponsored the bill to “to insure that any personally identifiable information about [users] and any information about the resources they accessed remained equally protected and confidential on the vendor side as on the library side of that transaction,” she said.

The bill requires third-party vendors to tell libraries and individual patrons if the vendor’s data servers experience a security breach, Klipsch explained. It also empowers patrons to take their library record privacy matters into their own hands, allowing them to request that the third-party vendors be investigated if the patron feels their data has been compromised. Librarians across the state will meet with third-party vendors to discuss the law’s implementation before it goes into effect in late August.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary: This bill creates the Delaware Online Privacy and Protection Act, which expands the legal protections available under Delaware law to individuals, in particular children, relating to their online and digital activities.

First, the bill prohibits the operator of an Internet service directed to children from marketing or advertising on its Internet service certain products or services deemed harmful to children. When the marketing or advertising on an Internet service directed to children is provided by an advertising service, the operator of the Internet service is required to provide notice to the advertising service, after which time the prohibition on marketing and advertising the specified products or services applies to the advertising service directly. The bill also prohibits an operator of an Internet service who has actual knowledge that a child is using the Internet service from using the child's personally identifiable information to market or advertise the specified products or services to the child, and also prohibits such an operator from disclosing a child's personally identifiable information if that operator has actual knowledge that the child's personally identifiable information will be used for the purpose of marketing or advertising a specified product or service to the child.

Second, the bill requires the operator of an Internet service to make its privacy policy conspicuously available on its Internet service if the Internet service collects personally identifiable information from Delaware residents for commercial purposes, and it requires the operator to comply with that privacy policy. The bill directs the Consumer Protection Unit of the Department of Justice to promulgate rules and regulations identifying the information required to be disclosed in privacy policies, and making publicly available specific language for privacy policies that will serve as a "safe harbor" for operators, and states that any such rules and regulations must give primary consideration to the need to promote uniformity of the law among other states with respect to privacy policy requirements.

Third, this bill protects the personal information of users of digital book services and technologies by prohibiting a commercial entity which provides a book service to the public from disclosing personal information regarding users of the book service to law enforcement entities, governmental entities, or other persons, except under specified circumstances. Among other things, the bill allows immediate disclosure of a user's book service information to law enforcement entities when there is an imminent danger of death or serious physical injury requiring disclosure of the book service information, and requires a book service provider to preserve a user's book service information for a specified period of time when requested to do so by a law enforcement entity. The bill also requires a book service provider to prepare and post online an annual report on its disclosures of personal information, unless exempted from doing so.

The bill gives the Consumer Protection Unit of the Department of Justice the authority to investigate and prosecute violations of the acts.

This bill becomes effective January 1 following its enactment into law.

Status: The bill became law upon signature of the governor on August 7, 2015

Comment: From [Proskauer Privacy Law Blog](#) (November 15, 2015)

On January 1, 2016, the [Delaware Online Privacy and Protection Act \(“DOPPA”\)](#) will go into force, a law that provides strong online privacy protection for its residents. The new law targets three areas of compliance: (1) advertising to children; (2) conspicuous posting of a compliant privacy policy; and (3) enhancing the privacy protections of users of digital books (“e-books”). The law grants the state’s Consumer Protection Unit of the Department of Justice the authority to investigate and prosecute violations of the law. This new Delaware law is substantially similar to three existing California laws that regulate the same practices. Given the similarities in language, DOPPA was clearly drafted with the California laws in mind.

Advertising Directed to Children Strictly Regulated

Under DOPPA, website and app operators that direct their services to children must ensure that they do not advertise or market certain enumerated content that are considered by the law to be inappropriate for children’s viewing, such as alcohol, tobacco, firearms, pornography, and a host of other categories delineated by the law. In seeking to regulate sites that are directed to children, the Delaware law compliments the federal Children’s Online Privacy Protection Act (“COPPA”). However, DOPPA has a wider reach, as it defines children as anyone under the age of 18, while the federal law regulates online content directed to those under 13.

Additionally, to ensure that children are not exposed to inappropriate advertising content, even websites (and apps) that are not directed to children but which have “actual knowledge” that children access the site must refrain from engaging in targeted advertising of adult content by using their personally identifiable information.

Privacy Policies Must be Conspicuously Posted

DOPPA also mandates that operators of websites and apps that collect personally identifiable information of Delaware residents (of any age) conspicuously post a comprehensive privacy policy—and comply with the contents of the posted policy. However, companies will only be found to be in violation of the law if they fail to post a compliant policy within 30 days of being notified that they are not in compliance with the law. The law also mandates that certain enumerated topics are addressed in the privacy policy, such as how “do not track” requests transmitted by web browsing software are handled and whether third parties may obtain users’ personally identifiable information from a user’s visit to the website or app. Among other obligations, companies also must explain to users how they will be informed of any material changes to the privacy policy.

While in most ways, the Delaware law is the same as the California law from which it was apparently modeled, while the California law only applies to websites that collect personally identifiable information about “consumers”, the Delaware law applies more broadly to online properties that collect personal information from “users”, and thus appears to cast a wider net.

Restrictions on Disclosure of E-Book information

Acknowledging that third parties do not have a right to know the viewing habits of e-book users without their informed consent absent special compelling circumstances, DOPPA prohibits e-book services from disclosing the personally identifiable information of readers to third parties unless certain exceptions apply. One exception is a disclosure to a law enforcement entity “pursuant to any lawful method or process by which a law enforcement entity is permitted to obtain information.” Further, a law enforcement agency can also obtain e-book reader information under the law when an imminent danger of death or serious injury is present. Another exception is disclosure to a government entity *other* than a law enforcement entity, which may be obtained via a court order and timely notice to the user so that the user has the opportunity to quash the order and object to the proposed disclosure.

Third parties *other* than government agencies can obtain a user’s book service information only through a court order where the court issuing the order has found that the person seeking the disclosure has a “compelling interest” in obtaining the book information sought, which cannot be obtained by less intrusive means and again, where the user has the opportunity to contest the court order.

However, e-book providers are required to preserve the personally identifiable information of readers that they collect if asked to do so by a law enforcement agency. Of particular note, e-book providers are required to annually post a summary of, among other things, the requests for e-book users’ personally identifiable information by law enforcement and the nature of the disclosure, if any.

Given the DOPPA’s wide reach and regulation of a broad array of commercial internet activities, companies would be well advised to promptly examine their advertising and marketing practices, as well as the content of their online privacy policies, to ensure compliance with the new law by January 1, 2016.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary: SB 602 prohibits commercial providers of a book service from disclosing or being compelled to disclose any personal information relating to a user of the book service, subject to certain exceptions.

The bill requires that providers disclose personal information of a user only if a court order has been issued, with noted exceptions.

The bill requires a provider to disclose a user's personal information if the user has consented to the disclosure. The bill also authorizes a provider to disclose a user's personal information to a government entity if an imminent danger of death or serious physical injury exists or if the provider in good faith believes the information is directly relevant to a crime against the provider or user. The bill requires a provider, upon request by a law enforcement entity, to preserve records and other evidence in its possession of a user's personal information pending issuance of a court order or warrant.

The bill imposes civil penalties on a provider of a book service for knowingly disclosing a user's personal information to a government entity in violation of these provisions, except as otherwise provided.

The bill requires a provider of a book service to prepare a report relating to demands of disclosure for personal information of users of the book service, and to publish that information in a searchable format on the internet, in printed form on display at their location, or by sending it to the state Office of Privacy Protection.

Status: Approved by the governor and Filed with Secretary of State on October 2, 2011.

Comment: From [Electronic Frontier Foundation](#) (October 3, 2011)

The California Reader Privacy Act (SB 602) [passed](#) in October 2011 and will be going into effect on January 1st 2012. EFF and the California affiliates of the American Civil Liberties Union sponsored the bill, as it brings a much-needed digital rights upgrade to state law. It mirrors the strong privacy and free speech standards that are already in place and extends them to digital books and electronic reading records.

As Californians increasingly rely on online services to browse read and buy books it is essential that state law keep pace to safeguard readers. Digital books now outsell paperbacks on Amazon.com and over 18 million e-readers are expected to be sold in 2012. But these digital book services can collect extraordinarily detailed information: which books are browsed, how long each page is viewed, as well as digital notes made in the margins. Current law didn't anticipate this new digital reality.

Reading choices reveal intimate facts about our lives, from our political and religious beliefs to our health concerns. Digital books and book services can paint an even more detailed picture -- including books browsed but not read, particular pages viewed, how long spent on each page, and any electronic notes made by the reader. Without strong privacy protections like the ones in the Reader Privacy Act, reading records can be too easily targeted by government scrutiny as well as exposed in legal proceedings like divorce cases and custody battles.

The United States has a long and proud history of legal protection for reading privacy, and the California Constitution has had especially strong privacy and free speech protections. Courts have long recognized that reader privacy must be protected to avoid a chilling effect on freedom of expression as well as to maintain consumer trust. We laud the efforts of everyone who endorsed and helped get this bill passed.

Disposition of Entry:

SSL Committee Meeting: 2018 A

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

Comments/Note to staff

Summary: Would modify the present law requiring a licensee to have his/her license in immediate possession at all times while driving a motor vehicle to allow a licensee to have a digitized driver's license provided by the Department of Public Safety and Corrections, office of motor vehicles, as an alternative to a physical license.

Status: Signed by the governor on June 23, 2016; Effective Date August 1, 2016

Comment: From [WWLTV.com](#), June 8, 2016

Make room on your smartphone because you may be downloading a new app soon: A digital version of your driver's license. Tuesday, the Louisiana House of Representatives passed House Bill 481 allowing the Office of Motor Vehicles to issue drivers licenses on smartphones. Office of Motor Vehicles Commissioner, Karen St. Germain, said the app could be used during times when you might not have your driver's license with you.

"The application will be used for a traffic stop, insurance stops," St. Germain said. "We all tend to forget some things, but for some reason, we never forget our smartphones."

New Orleans resident Lena Henkelmann said she thinks it would be great.

"It would be immediately available," Henkelmann said. "You always have your phone, but you don't always have your wallet."

Residents would still have to go through the same process as getting a regular ID and the digital license would also be accepted by officers during a traffic stop.

The digital copy, however, would not be accepted when buying things like beer, cigarettes or lottery tickets.

Louisiana has 2.9 million drivers, but they're not all convinced about this digital revolution.

Matt Shaw said it doesn't seem any easier than the current system.

"I mean it seems convenient, but I don't know if it's any more convenient than carrying around a little piece of plastic," Shaw said.

Others said they were concerned about possible security risks.

Mary Beth Moore said what if your phone gets stolen?

"If your driver's license is on this app, and anyone has this information, anyone has your driver's license number, your home address, like anything they could ever want," Moore said.

Disposition of Entry:

SSL Committee Meeting: 2018 A

() Include in Volume

() Include as a Note

- ☐ Defer consideration:
 - ☐ next SSL meeting
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- ☐ Reject

Comments/Note to staff

Summary: Provides that a driver education course (whether offered by a public school, a non-public school, or a driver training school) shall include instruction concerning law enforcement procedures for traffic stops, including a demonstration of the proper actions to be taken during a traffic stop and appropriate interactions with law enforcement.

Status: Signed into law on August 5, 2016.

Comments: From the [Chicago Tribune](#) (September 7, 2016)
A new Illinois law aims to help drivers answer the timely question of what to do if stopped by police.

The measure comes amid heightened tension in Chicago and across the nation over how traffic stops can go terribly wrong — and in the worst cases turn deadly.

Targeting the newest and youngest drivers, the law mandates that all driver's education classes include a section on what to do during a traffic stop.

State Sen. Julie Morrison, D-Deerfield, was a co-sponsor of the bill that sailed through the Illinois legislature and was signed into law last month by Gov. Bruce Rauner. She said it is more about common sense than innovation.

"Being pulled over by an officer is really stressful," she said. "I think it's really important, especially in this time that we're in, that kids and new drivers learn what is expected when they are stopped by an officer, how to respond correctly, to be respectful, and hopefully that will make the encounter as least problematic as possible. I'm hoping it protects both the officer and the driver from things escalating."

The lesson may be familiar to some of the 109,000 students statewide who are currently enrolled in a driver's education program at a public high school, according to the Illinois secretary of state's office. A section titled "Being Pulled Over by Law Enforcement" is part of the Illinois Rules of the Road handbook, which is published by the office. Driver's education teachers in public schools are required to teach the Rules of the Road, though Morrison and others found that it wasn't always happening.

Jim Archambeau, a driver's education teacher in Chicago Public Schools, said he's taught the lesson in his classes for years, each time accompanied by a visit from a police officer. He said he hopes the law will bring uniformity to what he deems an important lesson for novice drivers.

"The police officers tell the students what they like to see: 'Hands on the wheel, window down, no sudden movements,' " he said. "When they ask for your license and registration, they like that you tell them where you're going to get it from: 'It's in my pocket. It's in my glove box. It's above my visor.' "

Archambeau, who serves as president-elect of the Illinois High School and College Driver Education Association, said a video that addresses the topic also would be helpful in the classroom.

The new law goes a step further by expanding the requirement to private driving schools, said Dave Druker, spokesman for the Secretary of State Jesse White's office, which regulates the private driving schools. More than 40,000 people are enrolled in private driver's education, Druker said.

White's office is tasked with updating the curriculum that tackles how drivers should act during a traffic stop. Those guidelines will then be worked into an updated Rules of the Road handbook, which will be published in 2017, when the law is due to go into effect, Druker said. The secretary of state's office will seek input from the Illinois State Police, he added.

"I think this can be a very positive thing," Druker said. "It's something Secretary White believes in very strongly."

Despite its timing, the law wasn't introduced in response to police shootings stemming from escalating traffic stops, said state Rep. Frances Ann Hurley, D-Chicago, who filed the bill in February.

"It was just to teach everybody the same thing," Hurley said. "It's an education bill. We want everybody to know what they're supposed to do when they get pulled over by police. If it helps somewhere down the line, that's wonderful."

David Shapiro, an attorney with the MacArthur Justice Center at Northwestern University, said he was appalled that the new law doesn't include the rights of the new drivers, many of whom are minors. The responsibility is now on parents to educate themselves on those rights and talk to their children about them, he said.

"I think it's a frightening bill for anyone who has kids who drive a car because it doesn't say anything about the kids' constitutional rights during a traffic stop," Shapiro said. "Kids are the most vulnerable to getting pulled into the criminal justice system by overzealous police officers, and traffic stops are one of the main points of contact for pulling people in."

Disposition of Entry:

SSL Committee Meeting: 2018 A

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Comments/Note to staff