



Georgia Bio Legislative Watch
Week: March 20, 2015
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Only seven more days of the 2015 Legislative Session! With the legislature only in session for three days this week, both the House and Senate were busy attempting to move bills through committees. The below tracking sheet highlights the bills we are following, updated with their current status.

SB 51: The House passed our legislation this week, with a vote of 162-0 and little discussion. Both pieces of legislation have made it through the legislative process. Congrats to everyone who worked so hard on these bills!

Budget: The budget passed out of the Senate on Friday of this week, with a vote of 51-1. Senator Vincent Fort was the only Nay vote, taking the well to voice his opposition to the bill. He stated that because the legislation does not include language that would expand Medicaid, he would not be voting for the approved budget.

Transportation: The Senate also took up the House Transportation Funding Act of 2015 on Friday of this week. Sen. Gooch highlighted various aspects of the proposal which does include that there must be accountability – the Department of Transportation must make a report to the General Assembly on the money expended and ask for approval for projects and priorities. The newest version of HB 170 does contain \$250 million for debt service. It also clarifies the definition of "alternative fuel vehicle" and requires that individuals using these vehicles must pay \$200 annually and \$300 for commercial use as they are not paying motor fuel taxes. There is also a highway user fee of \$25 annually, paid with your renewal of tag (this will cost more for trucks). The proposal also sunsets the tax credit for alternative fuel vehicles. It also has clean up language for the local prepaid tax rates.

It does not contain any funding for public transit. Sen. Vincent Fort (D-Atlanta) took issue with this omission but he was told that there were bond funds included in HB 76. which passed; he argued that the moneys in those bonds would not impact Atlanta transit.

Several Senators spoke about the bill (including Sen. Joshua McKoon (R-Columbus) who indicated that he would be willing to consider a tax on tobacco and a sales tax on personal services) and several other Senators proposed amendments. In the end, there were four amendments adopted. An amendment by Sen. Elena Parent (D-Atlanta), which would have not eliminated the tax credit for alternative fuel vehicles but would have phased out the tax credit (much like what Rep. Ben Harbin (R-Evans) had proposed) failed. One of the amendments adopted, by Sen. Tommie Williams (R-Lyons), will create a Joint Committee on Revenue Structure much like the tax reform issues previously used a few years ago; this would allow this Committee to come up with a plan to look at all tax credits and exemptions and make a legislative proposal that would be voted up or down in the House and if passed by the House then the Senate would have the option to vote such ideas up or down. After adoption of the amendments, the legislation passed with a vote of 29-25.

The General Assembly will reconvene on Monday, March 23rd for legislative day 34 at 10:00.

Bill	Status	Analysis
<u>HB1</u>	This bill passed through the House by Committee Substitute, 158-2. It passed out of the Senate Health and Human Services Committee after a four hour debate.	<p><u>Rep. Allen Peake (R – Macon) proposes an amendment to O.C.G.A. Chapter 34-43 to encourage the use of medical marijuana for specified treatment conditions, his “Haleigh’s Hope Act” for 2015. The discussion around this proposal has been to add epilepsy to the set of conditions, such as glaucoma and cancer, for which medical marijuana in liquid, pill or injection form may be used. The initial version of the bill is stated in the form of legislative intent to permit use of cannabis of controlled strength to qualified patients. The bill prohibits recreational use of cannabis. The bill would provide immunity to individuals who have legally obtained the medicine by decriminalizing possession of cannabis oil that contains less than 5% THC (3% for individuals under the age of 18), and holds a minimum of 1:1 CBD-THC ratio. Additionally, patients obtaining this oil would have to register with the Department of Public Health and obtain a medical marijuana registration card; and that resources would be allocated through the budget to allow GBI to test the product should law enforcement officers wish to do so.</u></p> <p>http://www.georgiahealthnews.com/2015/03/medical-cannabis-bill-scores-key-victory/</p>
<u>HB47</u>	This bill passed through the House with a vote of 160-1. It has been assigned to the Senate Health and Human Services Committee.	<p><u>Rep. Sharon Cooper (R-Marietta) authored this proposal in O.C.G.A. § 26-4-80(f) relating to the dispensing of prescription drugs. It would authorize certain refills of topical ophthalmic products to prevent "unintended interruptions in drug therapy." Further, it states:</u></p> <ol style="list-style-type: none"> 1. <u>A pharmacist shall be authorized, without obtaining subsequent authorization from the practitioner or obtaining a new prescription from the practitioner, to permit refills at 70 percent of the predicted days of use; and</u> 2. <u>A physician shall be permitted to authorize refills earlier than 70 percent of the predicted days of use for patients who have continual difficulty with inadvertent wastage.</u> <p><u>The change, though, would "apply to refills purchased through retail pharmacies and mail order sources."</u></p>
<u>HB117</u>	This bill passed the House, 159-1. It has been assigned to the Senate Insurance and Labor Committee.	<p><u>Rep. Mark Hamilton (R-Cumming) offered this initiative relating to "employment security." It adds language to current law at O.C.G.A. § 34-8-43 concerning the most recent employer (the last employer for whom an individual worked in claiming benefits with years that begin on or after July 1, 2015). It further proposes deleting and adding new language at O.C.G.A. § 34-8-157 concerning the charging of regular benefits paid against experience rating account.</u></p>

Bill	Status	Analysis
<u>HB119</u>	This legislation passed the House 157-13 and has been assigned to the Senate Judiciary Committee.	<u>Rep. Bert Reeves (R-Marietta) introduced this amendment to O.C.G.A. § 24-12-21 regarding the disclosure of AIDS confidential information in Georgia's Evidence Code. It would add that AIDS confidential information shall be disclosed as medical information, per O.C.G.A. § 24-12-1, or pursuant to any other law which either authorizes or requires such disclosure of medical information if the person identified in the information: "is suspected by being mentally ill and is the subject of an order issued pursuant to Code Section 37-3-41 when the court issuing such order finds in an in camera hearing by clear and convincing evidence a compelling need for the information which cannot be accommodated by other means. In assessing compelling need, the court shall weigh the public health, safety, or welfare needs or any other public or private need for the disclosure against the privacy interest of the person identified by the information and the public interest which may be disserved by disclosures which may deter voluntary HIV tests. If the court determines that disclosure of that information is authorized under this subparagraph, the court shall order that disclosure and impose appropriate safeguards against any unauthorized disclosure. The records of that hearing otherwise shall be under seal."</u>
<u>HB195</u>	This bill has passed the House with a vote of 165-0. It has been assigned to the Senate Health and Human Services Committee.	<u>Rep. Sharon Cooper (R-Marietta) brings the House version of the biosimilar drug substitution bill in O.C.G.A. § 26-4-5. Similar to SB 51, this version defines biological products and interchangeable biological product and permits the substitution by a dispensing pharmacist of the interchangeable product for the biological one unless a physician instructs that no substitution be made. The bill requires labeling the substituted product as such and notification to the prescribing physician that the substitution has occurred. Unlike the Senate bill, this version requires this notice to occur within 48 hours of the dispensing of the product. The bio similar drug with the lowest retail price is required to be substituted.</u>
<u>HB211</u>	This bill has passed through the House 159-2. It has also passed through the Senate Floor with a vote of 52-0.	<u>Rep. Bruce Broadrick (R-Dalton) proposes to amend Chapter 13 of Title 16 relating to controlled substances. This bill changes provisions relating to Schedules I, III, and IV controlled substances. This is the dangerous drug update. Additionally, under O.C.G.A. § 16-13-73, language has been amended to require the name of the 'practitioner' instead of 'physician' to appear on the container of the prescribing drug from the pharmacy.</u>
<u>HB237</u>	This bill passed through the House with a vote of 170-0 by Committee Substitute. It has been assigned to the Senate Finance Committee.	<u>Rep. Bruce Williamson (R-Monroe) seeks to amend O.C.G.A. §48-7-40.30 and the imposition, rate and computation of and exemptions from State income tax so as to extend Georgia's angel investor tax credit. Current law permits the qualified investments through 2015 and this change would allow those to be made in years 2016, 2017, 2018, 2019 and 2020 with a tax credit of 35 percent of the amount invested against the tax imposed. There are limits posed for qualified investors or pass-through entities for such investments in the proposal (not to exceed \$5 million in each such year).</u>

Bill	Status	Analysis
HB 362	It passed through the House, 157-0. It has passed through the Senate Education and Youth Committee and is waiting to be heard in Rules.	This piece of legislation allows school systems to stock asthma medication. Any school employee trained in recognizing symptoms of respiratory distress may provide the medication or administer it to a student. This bill also allows schools to purchase asthma medication directly from manufacturers and allows physicians to prescribe the medication to schools.
HB 394	This bill has passed through the House 154-0 and has been assigned to the Senate Health and Human Services Committee.	This bill authorizes the Georgia Board of Nursing to investigate disciplinary orders issued by the former Georgia Board of Examiners of Licensed Practical Nurses. Additionally, this bill allows those individuals who have graduated from a nursing education program located outside of the United States to be eligible for licensure as a registered professional nurse.
HB 416	It has passed through the House, 151-21. It has been assigned to the Senate Health and Human Services Committee.	This bill is known as the Patient Information and Awareness Act and requires healthcare practitioners to wear name badges with identifying qualifications – such as if they are registered nurses, physician's assistants, lab technicians, physicians, etc. There are some exceptions where these badges are not required to be worn including in the operating rooms, mental health settings, or by a health administrator who does not have direct contact with patients.
<u>HB429</u>	This bill passed through the House with a vote of 170-0. It has been assigned to the Senate Industry and Labor Committee.	<u>Rep. Mickey Stephens (D-Savannah) proposes to amend Chapter 24 of Title 3, to provide that no health benefit plan, in O.C.G.A. § 33-24.59.18, shall restrict coverage for treatment of a terminal condition, which is defined as a disease, illness, or health condition that a physician has diagnosed as expected to result in death in 24 months or less, when such treatment has been prescribed by a physician as 'medically appropriate' and such treatment has been agreed to by an insured patient or someone who has been delegated authority to consent on behalf of the insured patient. If a health benefit plan refuses to pay for prescribed treatment, they would be in violation of this code section.</u>
HB 436	This bill has passed through the House by Committee Substitute with a vote of 161-7.	This legislation by Rep. Valerie Clark (R-Lawrenceville) was back before the House Health and Human Services Committee after drafting errors were found once the legislation reached the House Rules Committee. It creates the Georgia HIV/Syphilis Pregnancy Screening Act of 2015 and requires that physicians and health care providers offer HIV and syphilis testing of pregnant women in their third trimester of pregnancy. The Committee made the slight change in the wording about the test for these two diseases and the Committee then passed the proposal by substitute with the amendment.
<u>HB439</u>	This bill passed the House with a vote of 151-18, by	<u>Rep. Jason Shaw (R-Lakeland) proposes a new Code Section at O.C.G.A. § 33-1-23 to establish qualified low-income community investment and how certain entities may earn credit against the State premium tax liability. It also provides for</u>

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	Committee Substitute.	<u>certification of qualified equity investments and for recapture of credit claimed under certain circumstances. It would be known as the "Georgia New Markets Jobs Act."</u>
HB 504	The bill passed the House by Committee Substitute with a vote of 168 to 1. It has been assigned to the Senate Health and Human Services Committee.	Rep. Sharon Cooper (R-Marietta) authored this bill. This initiative is an expansion of the permission of who may administer vaccines. In this bill, it allows pharmacists under protocol agreements with physicians the authority to administer influenza, pneumococcal, shingles, and meningococcal vaccines under certain conditions. The legislation also addresses the requirements of individuals 18 years of age and older who are living in college campus housing or fraternity or sorority housing so as to require that they have the meningococcal vaccine within five years of living in campus housing.
<u>SB35</u>	It has passed through the Senate, 50-0. It is currently in the House Judiciary Non-Civil Committee, waiting to be heard.	<u>This bill, proposed by Sen. Donzella James (D-Atlanta), provides that leaving certain children in cars while unsupervised will be constituted as cruelty to children in the third degree. The child must be under the age of 6 and not be supervised by anyone over the age of 13.</u>
<u>SB51</u>	Our bill passed the Senate with a vote of 47-1 by Committee Substitute. It has also passed through the House with a vote of 162-0.	<u>Sen. Dean Burke (R – Bainbridge) has proposed to amend O.C.G.A. Chapter 4 of Title 26 to define “biological products” and “interchangeable biological products” in a new O.C.G.A. § 26-4-5. These terms flow from approved products from the United States Food and Drug Administration and the goal is to encourage prescription of such biological medicines and then permit substitution of bio similar meds for the brand name, patented “biological products” approved by the FDA. The bill adds these products and their interchangeable bio similar ones to the substitution permissions in O.C.G.A. § 26-4-81, tracking the language for the substitution of generic drugs for brand name ones. It requires that a dispensing pharmacist notify the prescribing physician of any substitution in a reasonable time and by various electronic, fax, or telephonic means, unless the substitution is for a refill or there is no approved bio similar product. The bill permits a prescribing physician or patient to instruct the pharmacist that substitution is not permitted on a scrip and this limitation may be done on a form prescription pad by a physician. If a substitution is made, it must be shown on the label for the bio similar product.</u>
<u>SB53</u>	The Senate passed the legislation on February 9 th . The House passed the bill on February 25 th .	<u>Sen. Greg Kirk (R-Americus) offered this proposal to remove the sunset provision included in Act Number 546 (SB 65 by Sen. Renee Unterman (R-Buford)) passed in 2014. That legislation, as passed last year and signed into law, permitted licensed professional counselors to perform emergency examinations of persons who are mentally ill or alcoholic or drug dependent in O.C.G.A. § 37-3-41 and O.C.G.A. § 37-7-41(d) but that such permission was only granted through March 15, 2015 when the Act would be repealed. This legislation would extend that sunset from March 15, 2015 to June 30, 2018.</u>

Bill	Status	Analysis
	The Governor signed the bill on March 10 th .	
SB 89	This legislation passed through the Senate with a vote of 45-8.	Sponsored by Sen. John Albers (R-Roswell), seeks to enact the "Digital Classroom Act" and also came to the Senate Floor in the form of a Committee Substitute. It authorizes and directs the State School Board to inaugurate and administer a system of free instructional materials and content for the public schools. Further, it requires that all instructional materials and content and any computer hardware, software, and technical equipment necessary to support such digital materials and content purchased by local units of administration with state Quality Basic Education Program funds or any other means of acquisition may remain the property of the local unit purchasing or acquiring them. Under current law, hardback textbooks are required to remain property of the local unit of administration that has purchased such.
<u>SB130</u>	This bill passed through the Senate with a vote of 37-3. It is waiting to be heard in the House Judicial Non-Civil Committee.	<u>Sen. Bruce Thompson (R-White) seeks to create the "Smokefree Cars for Children Act." By adding new Code section 40-6-18 under Article 1 of Chapter 6 of Title 40, this legislation aims to prohibit individuals from smoking in a motor vehicle while there is a person under the age of 15 years in the vehicle. The person shall not be charged with a violation of this subsection (b) alone, but may be charged with violating this subsection in addition to any other traffic offense. (c) A violation of this Code section shall be a misdemeanor punishable by a fine not to exceed \$100.00.</u>
SB 185	This legislation cleared the Senate by Substitute with a vote of 54-1. The bill is now in House Judiciary Non-Civil Committee.	Sen. Lindsey Tippins (R-Marietta) proposes to provide in Chapter 50 of Title 31 to allow for a program of clinical trials on cannabidiol or cannabidiol-containing products for use in treating Georgians under the age of 18 years of age who have medication-resistant epilepsies. These programs would be overseen by the board of regents through a unit of the University System of Georgia, a nonprofit corporation research institute or both. The legislation also creates the "Controlled Substances Therapeutic Research Act" at O.C.G.A. § 43-34-120 et seq.
<u>SR69</u>	Senate adopted.	<u>Sen. John Albers (R – Roswell) proposed this resolution that recognizes May 8, 2015 as Georgia STEM Day at the state capitol. STEM education is recognized as being fundamental to the success of our future workforce. Nearly 211,000 technology jobs are projected to exist in Georgia by 2018, so fostering student interest in STEM careers is very important.</u>
<u>SR72</u>	Senate adopted.	<u>Sen. Burt Jones (R – Jackson). This resolution's purpose is to encourage the development of minority owned plasma centers. The resolution claims there are no plasma collection centers in the United States owned by an African American. The hope is that this will encourage the US plasma industry to open its markets and allow equal opportunity for minorities to participate.</u>

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<u>SR104</u>	Senate adopted.	<u>Sen. Lindsey Tippins (R–Marietta) authored this Resolution commending Georgia Bio for the advancements it has made to the life sciences industry and for the impact it has on this state's economy.</u>