



THE CORYDON GROUP

1/22/2016

SESSION - Week 3

IOA Weekly Update

Click here for current bill track:

<http://tinyurl.com/IOAbilltrack>

The above link is a live link with bills that we will be monitoring for IOA. You can click on this link at any time to see a real-time update on where these bills are at in the legislative process.

As you know, the Senate PSE bills were heard in Senate Corrections Committee this week. SB 80, the Pharmacists & Ephedrine bill, passed out of committee but was stripped of the NPLeX language. Therefore, that bill only contains the language regarding pharmacists' right to deny the sale after a mandatory consultation with the consumer. SB 161, with the NPLeX language, also passed out of committee.

Monday morning in House Public Health committee, Chairwoman Rep. Cindy Kirchhofer will be hearing all of the House PSE bills, including the companion bill to SB 161 – HB 1157 authored by Rep. Frizzell, and the prescription only bills. There will likely be a lot of testimony on both sides of the issue.

House Public Health Committee will also be hearing the telemedicine bill, authored by Rep. Cindy Kirchhofer. The bill, as filed, would remove the face-to-face requirement for prescribing via telemedicine. While removing the face-to-face requirement seems to be agreed upon by most all providers, stakeholders have discussed the need for "guardrails" in the bill. Some that have been discussed include requiring the provider to be licensed in Indiana, domiciled in Indiana, having privileges at an Indiana hospital, or some other sort of "nexus" with the state, depending on how that is written. We will know more after Monday's hearing.

Also on Monday, med mal (SB 152) is scheduled to be heard in Senate Judiciary committee upon adjournment of the Senate, which goes in at 1:30PM. Earlier this week the bill was scheduled to be heard but was pulled from the agenda due to the fact that the three major parties are no longer in agreement on the overall bill. Right now the aspects of the bill that are at play are as follows:

- Increasing the caps from \$250k to \$450k and \$1.25M to \$1.65M, as the bill currently reads
- Increasing attorney's fees from 31% to 32%; the bill currently is at 31%
- Increases based on CPI every four years; a cap of 3% has been discussed but this is not an agreed upon aspect of the bill
- And a direct access number at \$35k; the bill currently has this number at \$75k

We will have more information next week on the status of the changes in the bill and where all parties are aligned.

Rep. Schaibley's cost transparency bill was heard Wednesday morning of this week and testimony was given but the committee did not vote on the bill.

The committee report deadline for both the House and Senate is Thursday, January 28th.

I have also included a separate bill track list that includes all abortion bills that have been filed. Please feel free to disregard this list but I wanted to include it as many will be heard next week. <http://tinyurl.com/abortionTL>

See you next week!

Numerous high profile bills moved their way through the legislative process this week; namely, competing transportation bills in the House and Senate and legislation aimed at quelling the state's rising methamphetamine problem. Also of note is the passage of SB 200 on third reading in the House and the passage of HB 1003 on third reading in the Senate.

House Republicans pushed HB 1001, which addresses road funding through increased taxes on gasoline and cigarettes, through the House Committee on Roads and Transportation. The House Democratic plan, which was offered as an amendment to HB 1001 in committee by Rep. Dan Forestal (D – Indianapolis), would have been more in line with the governor's and the Senate's road funding plan, drawing from state reserves. The amendment was defeated in committee on a partisan vote.

In the Senate, SB 333 – the Senate Republicans' road funding plan - passed out of the committee on Homeland Security and Transportation and was recommitted to Senate Appropriations where it may face a stiffer test in the committee chaired by Sen Luke Kenley (R – Noblesville). The movement of both HB 1001 and SB 333 further suggests that a clash between House Republicans and Senate

Republicans with Governor Pence will surface.

Pivotal in the debate on road funding is a discussion on the appropriate level for state reserves. Former Governor Mitch Daniels capped funding reserves at 12.5 percent with any surplus being refunded to taxpayers. However, lawmakers have excluded school funding from the reserves, effectively raising reserves to 13.5 percent. Governor Pence, on the other hand, campaigned for a 15 percent reserve, arguing that 10 percent was not enough to carry the state through a downturn on the scale of the Great Recession. However, both the governor's and House Republicans' plans reduce the reserve levels to approximately 11.5 percent.

Contrary to popular belief early in the week, legislation requiring a prescription for ephedrine and pseudoephedrine, which House Speaker Brian Bosma (R – Indianapolis) argued for in his Organization Day speech, will be heard in House Public Health Committee on Monday. Meanwhile, advancing in the Senate were SB 161 and SB 80. SB 80 mandates that pharmacists consult with customers asking for medications containing the ingredients used for the production of meth and allow the pharmacist to issue meth-detering alternatives or refuse

the sale. SB 161 prevents drug offenders from purchasing pseudoephedrine and strengthens a system used to track sales of drugs containing ephedrine and pseudoephedrine.

Representatives from the energy industry testified before the Senate Utilities Committee on the issue of EPA guidelines. The representatives have begun advising the state, which is one of 26 suing to block the Obama Administration's Clean Power Plan, to prepare to comply. The directive requires states to reduce their carbon emissions between 30 and 38 percent by 2030. Court precedent requires that states show a substantial and immediate economic harm to block a rule from taking effect – a standard utilities will have a difficult time meeting. Without a stay from courts, plans would be due to the EPA by September while the case would take years to work its way through the courts.



RECAP: INDIANA HOUSE OF REPRESENTATIVES

Dates to Remember

January 28th: House and Senate Committee Report Deadline

February 3rd: 3rd Reading Deadline for House and Senate

February 25th: Senate Committee Report deadline on House Bills

February 29th: House Committee Report Deadline on Senate Bills

March 2nd: 3rd reading Deadline for Senate

March 3rd: 3rd Reading Deadline for House

On the heels of legislation to address the drop in ISTEP scores, Chairman of the House Education Committee Robert Behning (R – Indianapolis) introduced HB 1395, which calls for a third party rescore on a sample of the 2015 ISTEP scores. Superintendent of Public Instruction Glenda Ritz and the Department of Education (DOE) haven't fully endorsed the proposal, yet, saying that the DOE took proper measures to ensure reliable scores. Rep. Behning argues that tests need to be rechecked since Indiana's A-F accountability system will rely heavily on growth trends and, as a result, a reliable baseline needs to be established to measure student growth. Originally, Rep. Behning had pushed for a full rescore but later reduced the number after the cost was estimated to be between \$8 and \$10 million. The bill currently does not provide a mechanism to fund the rescore.

On Wednesday, HB 1399 was heard in the House Public Policy Committee. The bill, authored by Chairman Tom Dermody (R – Laporte), would remove the Prohibition-era ban on Sunday sales of alcohol. Similar legislation failed to garner enough support to pass out of the House last session. However, HB 1399 differs significantly from last year's legislation by not including a requirement that grocery stores

sell distilled spirits from behind a counter. The bill will likely be voted on in committee next week.

As previously mentioned, the Republican road funding proposal, HB 1001, passed out of the House Roads and Transportation Committee and was recommitted to the House Ways and Means Committee. It will likely face a much tougher challenge in the Senate due to differences of opinion on how to fund improvements to Indiana's roads.

Both pieces of legislation to address accountability and ISTEP scores have been passed by both houses. SB 200, which allows school districts to disregard accountability drops resulting from lower ISTEP scores was passed by the House on Thursday. The companion legislation, HB 1003, which passed the House un-amended at the urging of Republican members, was quickly amended in the Senate Education Committee. It then passed third reading in the Senate and was referred back to the House where the amended bill was passed. Both bills will likely be signed by the governor by the end of the month.



The Chairman of the Senate Tax and Fiscal Policy Committee, Brandt Hershman (R – Buck Creek), introduced SB 309 to his committee on Tuesday. SB 309, among other things, implements a tax on service fees collected on online accommodation bookings. Supporters of the measure, including traditional hotels and local tourism officials, say it would make taxes fairer as travelers change how they purchase hotel rooms. Opponents say the bill is essentially a new tax that ultimately would be passed on to consumers. The bill, which would bring in an estimated \$3.7 to \$5.5 million, received testimony on Tuesday and will likely receive action of some kind next week.

On Tuesday, the Senate defeated two amendments to SB 174 - criminal law matters. The first would have protected individuals with a medical marijuana card from a different state to be protected from charges of possession in Indiana while the second

would have allowed for greater research on the medical uses of marijuana. The author of the amendments, Sen. Karen Tallian (D – Portage), has attempted to pass legislation in the past to decriminalize marijuana. Despite Sen. Tallian's argument that the legislature had created a "Catch 22" where marijuana was banned for medical use but also banned for being investigated for medical properties, the amendments were defeated by a voice vote.

Upcoming in the Senate next week is the long-awaited debate of legislation to establish a protected class for sexual orientation and gender identity. An initial hearing on two bills, SB 100 and SB 344, introduced by Senate Republicans has been scheduled for Wednesday in the Senate Rules and Legislative Procedure Committee. SB 100 aims to provide protections based on sexual orientation and gender identity with exceptions for

small wedding service providers and religious-affiliated organizations such as hospitals and universities. The second, SB 344, was drafted after growing concerns over transgender issues and would grant protected class status only to sexual orientation. It would also include somewhat broader exemptions for religious objectors.

The hearing will be conducted following the release of a poll commissioned by Indianapolis' tourism agency, Visit Indy, which found that some negative feelings linger among those who might travel to the city in regards to its acceptance and openness – a result which many argue stems from the RFRA debate of last session.

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