

The 2017 Legislative Session: 37 After 40

The General Assembly's Top Legislative Accomplishments



House Majority Caucus

April 11, 2017

I. Fiscal Year 2018 Budget

1. House Bill 44: The FY 2018 budget is set by a revenue estimate of \$24.9 billion – an increase of \$1.25 billion, or 5.3%, over the FY 2017 original budget. Of the new revenue, \$775 million (62%) is budgeted for education; \$186 million (15%) is dedicated to transportation; \$128.2 million (10%) is appropriated for public safety agencies; \$128 million (10%) is budgeted for health and human services; and the \$38.8 million (3%) in remaining new funds is appropriated to economic development and general government agencies.
 - Education
 - K-12 education receives an infusion of \$514 million, or 41% of all new revenue. This includes \$162 million for a 2% raise for more than 126,000 teachers in Georgia as well as a 2% salary increase for bus drivers and school nutrition personnel.
 - \$445,145 is included for a competitive grant program available to school systems with a large military population to fund counselor positions to provide additional support to military students and increase academic achievement.
 - Health
 - The FY 2018 budget funds 97 new residency slots in primary care medicine, 20 OB/GYN residency slots with four slots each at Emory, Medical College of Georgia, Memorial University Medical Center, Morehouse, and Navicent Health Care Macon, and a new psychiatry residency program at Gateway Behavioral Health.
 - To increase access to quality health care in rural Georgia, the budget includes \$300,000 to expand the loan repayment programs for physician assistants, advanced practice registered nurses, and dentists practicing in rural and underserved areas as well as \$1 million in start-up grants for four Federally Qualified Health Centers (FQHCs) in Cook County, Lincoln County, Seminole County, and Lowndes County.
 - Public Safety
 - HB 44 includes \$55.5 million to annualize the 20% pay raise for state-level law enforcement officers as well as salary adjustment for criminal investigators and canine officers funded in the Amended FY 2017 budget. This impacts law enforcement officers in 16 separate state agencies.
 - HB 44 includes an additional \$2.6 million to support our forensic pathologists and scientists at the GBI. These funds will create a new forensic pathology fellowship program to develop Georgia's future forensic pathology workforce and hire new DNA scientists to reduce the backlog for sexual assault and rape kits.
 - Higher Education
 - The FY 2018 budget includes \$49.2 million for merit-based pay adjustments and employee recruitment and retention initiatives at the University System of Georgia and Technical College System of Georgia.
 - An additional \$38.9 million in lottery funds for the Georgia Student Finance Commission to increase the HOPE Scholarship award amount by 3% and meet the projected demand.
 - Transportation
 - HB 44 includes \$162.5 million in new funds dedicated to transportation as a result of HB 170 (2015 Session) and brings the total state funding for transportation to \$2 billion. Federal Funding of \$1.2B brings the total GDOT budget to \$3.2B in 2018.

- The Department of Transportation budget includes an additional \$125 million in funding for capital construction and maintenance projects for a total of 306 anticipated projects. This amount does not include the emergency federal assistance provided for the reconstruction of the collapsed portion of I-85 in Atlanta.
- Human Resources
 - \$25.8 million for child welfare services case workers and managers to increase their salary by 19% to bring them to market average.
 - \$10.7 million to provide a \$10 rate increase for DFCS foster parent per diems as well as \$14.9 million for relative foster parents.

II. Rural Development

2. HB 73 – Revitalizing Rural Downtowns

House Bill 73 creates tax incentives to promote the revitalization of vacant rural downtowns. The Commissioners of the Departments of Community Affairs and Economic Development are charged with designating “revitalization zones” around the state. The commissioners may designate up to 10 such zones per year with no more than 50 zones existing at any given time. These zones must have populations of fewer than 15,000 residents, prove that they are areas of economic distress, and have vacant downtown areas or areas of blight. Further, these areas must demonstrate that they have a concentration of historic commercial structures, have conducted a feasibility study to identify businesses which can be supported in the area, and have a strategic plan to assist private and public investment.

The bill provides a \$2,000 per full-time equivalent (FTE) employee tax credit to business owners within a revitalization zone who hire two or more new employees. This credit is capped at \$40,000 per year for each business owner. In addition, HB 73 provides a revitalization zone tax credit for investors who acquire and develop property so long as an eligible business is located in the property and either qualifies to receive the job tax credit under this bill or maintains at least two FTE jobs. This credit shall be equal to 25% of the purchase price but not exceeding \$125,000. Finally, a property rehabilitation tax credit is included equal to 30% of the cost of rehabilitation expenditures up to \$150,000. The rehabilitation project must meet minimum historic preservation standards in order to qualify and cannot receive any additional state tax credits for rehabilitated historic property. There are an estimated 460 cities and towns in Georgia with fewer than 15,000 residents which may qualify for these credits. HB 73 includes a sunset of December 31, 2027.

3. HB 314 (Passed as part of SB 133) - Georgia Agribusiness and Rural Jobs Act

House Bill 314 – known as the Georgia Agribusiness and Rural Jobs Act - allows an investor (termed “rural investor” in the bill), who makes a capital investment in a rural fund, a credit against the entity's state tax liability. A rural fund is made up of equity investments or long-term debt securities and is certified by the Department of Community Affairs for the purpose of being reinvested in eligible rural, small businesses. Under the bill, a Rural Business Investment Company (RBIC) or Small Business Investment Company (SBIC) fund manager applies to manage funds and raise capital with DCA. Upon certification, within 65 days, the managers must prove capital commitments to invest.

This legislation creates a \$100 million capital fund to be used solely for investment in qualified rural small businesses – including tech firms, manufacturing and agribusiness. This \$100 million fund will be made up of \$40 million in private capital investment and \$60 million in state tax credit proceeds. One hundred percent (100%) of the capital would be invested by the end of year two (2019) with tax credits of \$15 million per year occurring for years three through six.

DCA may recapture the claimed credit from the rural fund if: (1) 100 percent of its capital investment is not invested in eligible investments within two years, and at least 10 percent of the investment was not invested in agribusiness; (2) the rural fund fails to maintain 100 percent eligible investments of its capital investment for the next five years after the credit allowance date (eligible investments can be sold or repaid but other funds must be reinvested to cover the difference); (3) the rural fund makes a distribution or payment that makes it not have 100 percent of the necessary investments; or (4) the rural fund makes an investment in a business that either owns interest in the rural fund or loans or invests in the rural fund.

4. HR 389 – the House Rural Development Council

House Resolution 389 creates the House Rural Development Council which is tasked with the study of the economic development and revitalization of rural Georgia. Beginning April 1, 2017, this Council will begin to examine the various challenges facing rural Georgia, including: access to health care, poor infrastructure, lower educational opportunity, and lack of employment opportunities. The Council will be made up of 15 members of the House of Representatives appointed by the Speaker.

III. Fighting the Opioid Epidemic

5. HB 249 – Prescription Drug Monitoring Program (PDMP) Reform

House Bill 249 overhauls Georgia law regarding the Prescription Drug Monitoring Program (PDMP) database in an effort to reduce duplicative prescribing and the overprescribing of controlled substances such as opioid pain medication. This legislation transfers the responsibility for executing and regulating the PDMP from the Georgia Drugs and Narcotics Agency to the Department of Public Health and requires each prescriber with a U.S. Drug Enforcement Agency (DEA) registration number to enroll to become a user of the PDMP. Dispensers will be required to submit to the PDMP database information regarding each prescription of a controlled substance including the number of days' supply of the drug, the date dispensed, and the patient's name, address, date of birth, and gender. DPH is prohibited from allowing access to this information after two years, but it may retain certain HIPAA-compliant information that has been processed to remove all personal identifiers. A dispenser can apply to DPH for a waiver to submit information by paper if they are unable to submit information electronically.

Both prescribers and dispensers of controlled substances may delegate not more than two individuals of their staff per shift to have access and update the prescription monitoring database, so long as such individuals are properly licensed or have had a proper criminal record background check. While nothing in this bill requires a dispenser to obtain information about a patient from the PDMP, dispensers are encouraged to use the data base.

Prescribers are required to review information on the PDMP the first time he or she issues a prescription for an opiate medication or benzodiazepines. This requirement does not apply to other

scheduled drugs. HB 249 also provides for exceptions for the prescribers' requirement to update the database when the prescription for controlled substances: are no more than a three day supply (26 pills) of such substance; the prescriptions are to be administered and used by a patient on the premises of a hospital or healthcare facility; the patient has had outpatient surgery and the supply is no more than 10 days (40 pills); the patient is in an outpatient hospice program; or the patient is receiving treatment for cancer. In addition, this legislation addresses Naloxone – the opioid inhibitor used to reverse the effects of an overdose – by removing its classification as a dangerous drug so that it can be supplied over-the-counter. In addition, prescribers are required to provide information on the addictive risks of opioids to patients receiving such prescriptions.

Further, HB 249 expands immunity from liability for health practitioners, pharmacists, and other individuals who, acting in good faith, either prescribe, dispense, or administer an opioid antagonist.

Finally, HB 249 also mandates the Department of Public Health require the reporting of diagnoses of and health outcomes related to ‘neonatal abstinence syndrome’ – newborn health problems resulting from their exposure to addictive illegal or prescription drugs in their mother’s womb.

6. SB 88 – the Narcotic Treatment Programs Enforcement Act

Senate Bill 88 – the Narcotic Treatment Programs Enforcement Act – seeks to provide for the regulation and oversight of narcotics treatment programs that treat heroin and opiate-like drug dependent individuals in Georgia. This act applies to any system of treatment that administers narcotic drugs under physicians’ orders either for detoxification purposes or maintenance treatment of a drug-dependent individual.

This legislation aims to compel those wishing to open new treatment programs to prove a need within the community they wish to serve. Currently, Georgia has 67 narcotic treatment programs. Compared to Florida, which has 65, and Tennessee, which has 12, Georgia appears to be disproportionately over-served by these programs. This is due to the historically lax requirements for licensure of these programs in Georgia. This legislation builds on SB 402, passed in 2016, which instituted a moratorium on the acceptance of new applications for licensure of a narcotics treatment program and created the State Commission on Narcotics Treatment Programs to determine necessary legislative changes to program licensure laws.

Specifically, this legislation calls on the Department of Community Health (DCH) to establish minimum standards for narcotic treatment programs to govern the training of staff, quality of services, intake and discharge of drug dependent persons, and coordination with other programs and agencies in the state to allow for continuity of care.

Under SB 88, those individuals seeking to establish a narcotics treatment program would be required to apply to DCH – during an either annual or biannual enrollment period – for licensure to operate. Those seeking to apply would be required to attend a mandatory information forum prior to open enrollment. Those applications would be subject to review by an application review process committee representing DCH and the Department of Behavioral Health and Developmental Disabilities (DBHDD) and would be required to include information regarding: treatment and counseling plans, biographical information and qualifications of owners and staff, data regarding currently licensed narcotic treatment programs within the region of the proposed location and within a 75 mile radius, patient levels of currently licensed programs in the region and within a 75 mile radius, program ownership in other locations as well as current licenses held, and evidence of

both community input and notification of law enforcement offices and drug courts regarding the proposed siting of the program location. Each location operated by a licensee will be subject to inspection.

Once awarded, licenses cannot be transferred to successor owners or for new locations outside the region of the original licensed location. Physical relocation of a program within the region will not require re-licensure.

In order to prevent the unhindered proliferation of new narcotic treatment programs throughout the state, SB 88 divides Georgia into 49 regions – closely mirroring our judicial regions – and limits each region to no more than four licensed narcotics treatment programs. This bill provides that DCH may issue a waiver to allow for more than 4 programs in a region upon a showing of need. Programs licensed prior to June 30, 2017 are not subject to this regional limit; however, if a region has four or more licensed programs, the 4-program limit and waiver provisions will apply to new applicants in the region.

Further, under SB 88, licensed programs are prohibited from offering free services, medication, or other rewards for patient referral to such program. Such programs, however, are not prohibited from offering free or discounted services to the indigent as well as drug-addicted pregnant women. This bill makes clear that licensed programs should also implement a priority admissions policy for the treatment of drug- addicted pregnant females.

Prior to any license being issued, DCH will require the owner to submit a criminal records check application to obtain state and federal criminal records. DCH may use the results of the criminal records check in issuing or denying licenses.

7. HB 213 (*Passed as part of SB 104*) – Criminalizing the Trafficking of Fentanyl

House Bill 213 adds fentanyl and fentanyl derivatives to the list of prohibited substances contained within the drug trafficking code. Fentanyl is currently being used as a cutting agent for heroin. It is a powerful synthetic opioid that is 50 to 100 times more potent than heroin and its use has resulted in significant increases in heroin and opioid-related death.

IV. Economic Development

8. HB 155 – the Georgia Musical Investment Act

House Bill 155 – entitled the Georgia Musical Investment Act – provides for an income tax credit of 15 percent of qualified production expenditures for:

- Musical or theatrical performances that rehearse in Georgia for at least seven days and originate and hold their initial performance in Georgia with qualified expenditures exceeding \$500,000.
- A recorded musical performance, which is incorporated into or synchronized with a movie, television, or interactive entertainment production, with qualified expenditures exceeding \$250,000.
- Other recorded musical performances with qualified expenditures exceeding \$100,000.

To encourage investment outside of Atlanta, an additional 5 percent credit is allowed for expenses incurred in Tier 1 and Tier 2 counties. DCA organizes counties into Tiers 1-4 based on

unemployment, per capita income, and poverty for purposes of their Job Tax Credit Program. Tier 1 counties are the 1st to 71st least developed counties and Tier 2 counties are the 72nd to 106th least developed counties.

If the amount of the credit exceeds the production company's income tax liability, the production company may utilize the tax credits against payroll taxes. Any unused credits are allowed to be carried forward for up to five years, and the credits are not refundable, transferrable, or saleable. For 2018, the credit is capped at \$5 million, for 2019 the credit is capped at \$10 million, and for 2020 through 2022 the credit is capped at \$15 million. The tax credit sunsets on January 1, 2023.

9. HR 848 – the House Commission on Transit Governance and Funding

In the wake of the Senate's failure to approve HB 160 – which sought to create the Georgia Commission on Transit Governance and Funding – the House chose to act on its own with the creation of the House Commission on Transit Governance and Funding. With similar goals to HB 160, this House Commission will be tasked with assessing the needs and means of providing mass transportation systems in Georgia metropolitan areas as well as potential methods of funding such systems. Further, the commission will study the development of a unified regional governance structure for mass transportation in metropolitan areas as well as the development of alternative freight routes to ease congestion.

10. SB 85 – Craft Brewers and Distilleries

Senate Bill 85 removes the tour requirement for distilleries and breweries to provide their products to the public. The bill provides a limited exception to the three-tier system for the distribution and sale of distilled spirits and malt beverages for consumption on and off premises. Currently, our state's three-tier system requires breweries and distilleries to sell their products to a wholesale distributor who then sells the products to a retailer where the products are then sold directly to consumers. SB 85 allows distilleries to sell up to 500 barrels of distilled spirits per year with a limitation of 2,250 milliliters per consumer per day for consumption off premises. Moreover, brewers of malt beverages are allowed to sell up to 3,000 barrels per year with a limitation of 288 ounces per consumer per day for consumption off premises.

This change aligns Georgia's alcohol laws more closely with laws in other states and will assist in the creation and development of additional craft breweries, distilleries, and jobs throughout the state.

V. Supporting our Military

11. HB 209 (*Passed as part of HB 196*) – Retroactive Homestead Tax Exemption for Disabled Veterans

House Bill 209 allows disabled veterans (or their surviving spouse or minor children) who receive a final determination of 100% disability from the U.S. Department of Veterans Affairs containing a retroactive period of eligibility to receive a refund of up to three years of ad valorem taxes paid during the retroactive period. This bill seeks to retroactively grant 100% disabled veterans the homestead tax exemption to which they are entitled under law. Currently, it takes some veterans 6 to 8 years to receive a determination and documentation from the VA certifying their status as 100% disabled thereby resulting in them paying ad valorem taxes during this waiting period.

12. HB 224 – Military Students School Choice

House Bill 224 amends the ‘Quality Basic Education Act’ to allow military students the ability to attend any school within their school system beginning in the 2017-2018 school year. This legislation defines a “military student” as any student whose parent is a military service member who lives on or off a military base. Local boards of education shall develop a streamlined process to allow for smooth transitions between schools for military students. A student’s parents will be responsible for the transportation of their child.

13. HB 422 – the Veterans Service Foundation

House Bill 422 authorizes the Veterans Service Board to establish a non-profit corporation – the Veterans Service Foundation, Inc. – for the purpose of actively seeking supplemental funds and in-kind goods, services, and property to promote Georgia's state war veterans' homes and veterans' cemeteries. Funds received by the foundation will be conveyed to the Department of Veterans Service or awarded through a competitive grant process administered by the Veterans Service Board.

14. HB 470 – Defense Community Economic Development Fund

House Bill 470 provides that the Department of Economic Development shall administer a grant program called the “Defense Community Economic Development Fund” that provides assistance to military communities with a defense installation with its jurisdiction. The Department will determine the amount of the grant based on a case-by-case basis. Each applicant for the grant must have goals that seek to promote a military installation’s relationship with its community, furthers the installation’s economic development investment in the community, and successfully protects the installation from the BRAC process. The military community must provide matching funds equal to the awarded grant.

VI. Education

15. HB 37 – Preventing Sanctuary Campuses

House Bill 37 provides that the state will withhold state funding and state-administered federal funding for scholarships, loans, and grants from private post-secondary institutions who adopt and enforce any “sanctuary policy.” Sanctuary campuses refer to those colleges and universities that have indicated their intention to prohibit or restrict employees from assisting state and federal law enforcement officials with the reporting of immigration status information. Institutions – such as Agnes Scott College – have indicated they will support students granted temporary residency under former President Obama’s Deferred Action for Childhood Arrivals (DACA) should the program be terminated under the Trump Administration. It is estimated that the DACA program has granted deportation deferrals to 23,177 persons in Georgia.

16. HB 139 – K-12 Education Financial Transparency

House Bill 139 requires local school systems to make certain school and school system financial information – other than that made specifically confidential by law – available for public access to promote greater transparency in the public school system. Such information includes a school’s expenditures on materials/equipment, salary and benefits, and the costs of new construction and maintenance as well as a schools system’s annual budget, ratio of expenditures to revenue, and the total property tax revenue the system is authorized to collect. Each school and district would send budget information to the Department of Education using uniform reporting standards.

HB 139 also authorizes the Department of Education to create a unique identifier for students whose parent or guardian is an active-duty military service member or reserve member of the National Guard. The federal government already uses a unique identifier to monitor the educational needs of these military students, and this legislation mirrors the federal identifier. A unique identifier can ensure the student's teachers, counselors, and other relevant school employees are able to take note that this student may require additional services since this student has likely spent most, if not all, of their educational career in multiple locations.

17. HB 338 – Turnaround Schools Initiative

House Bill 338 creates an alternative system of governance and supports for the lowest-performing schools that fall under the State Board of Education's intervention power in the form of a 'turnaround school.' It should be noted that it is the choice of local boards of education to participate in this turnaround schools alternative. Under HB 338, turnaround eligible schools include those that have performed in the lowest 5% of schools according to the statewide accountability system.

This turnaround system will be governed by a Chief Turnaround Officer (CTO) appointed by the SBOE. The CTO will be a Department of Education employee meeting certain qualifications, including: extensive experience in turning around low-performing schools, experience in a principal position or higher administrative position in a public school system for at least five years, and other qualifications stipulated by the State Board of Education (SBOE).

In addition to managing this turnaround system, the CTO will be responsible for annually establishing a list of third-party specialists – including auditors and consultants – to assist school and school systems with evaluations of the causes of low performance as well as with the implementation of improvement plans and support services. Further, The CTO is charged with coordinating and collaborating with the State School Superintendent (SSS) and Department of Education to ensure all state resources are being leveraged in support of low-performing schools.

Further, the CTO, in consultation with SSS, will recommend turnaround coaches – individuals with experience in turning around failing schools – to assist schools with similar needs and characteristics to ones they have helped in the past. These coaches will be responsible for working with local boards of education in the creation of local collaborations to address personal and community conditions including poverty, lack of economic development, safety, transportation, and wellness and identifying the resources local communities need to focus on strengthening. These coaches will be charged with screening all students during the first 60 instructional days in an effort to identify the causes of low-performance as well as the services needed to assist low-performing students.

Regarding the identification of turnaround eligible schools, the CTO will identify the lowest-performing schools annually which are in the greatest need of assistance based on the chronically failing schools list published annually by the Office of Student Achievement and any of factors the CTO deems appropriate. The number of schools identified by the CTO will be at the discretion of the CTO, based on capacity and available resources.

Upon identification, the CTO will extend an offer to the affected school systems to enter into an intervention contract. Should the school choose to enter the contract, it removes them from the

SBOE's current intervention process. Should they refuse the contract, the school will remain in the current intervention process. Should a school not be selected due to insufficient resources, the Department of Education is authorized to begin focused supports and diagnostic reviews of the school and school system.

Upon entering into an intervention contract with the State Board of Education, the local board of education is required, within 30 days, to select one of the third-party specialists approved by the CTO to conduct a comprehensive on-site diagnostic review in conjunction with the turnaround coach and regional educational service agency (RESA) to determine the causes of low-performance. Should the board choose its own third-party specialist over a state approved specialist, the state no longer is responsible for paying for their services. This review shall include assessments of school leadership, financial management, etc. Based on such review, the turnaround coach will recommend action. Based on these recommendations and parental and community input, the individual school would then be tasked with developing an intensive school improvement plan. This plan is subject to approval by the CTO.

After three years of implementation, if the school has yet to improve, the CTO is provided with a number of additional intervention powers if deemed necessary: removal of school personnel, implementation of a charter school, restructuring the school governance, operation of the school by a successful school system, etc. It should be noted, prior to any intervention by the CTO, the local board of education may, within 30 days after receiving notification of the intended interventions, request an opportunity for a hearing before the SBOE to show why a direct intervention should not be required or an alternative intervention would be more appropriate. Any determination by SBOE shall be final.

HB 338 also creates an Education Turnaround Advisory Council to advise the SBOE regarding the qualifications and manner of identification and the selection process for the CTO. The Council may also submit names of potential candidates for the position of CTO and turnaround coaches as well as provide recommendations for school turnaround resources. The Council is made up executive directors of GA School Boards Association, School Superintendents Association, Professional Association of Georgia Educators, Association of Educators, Association of Educational Leaders, Parent Teacher Association, Educators First, and four local education leaders with two appointed by both the Speaker and Lieutenant Governor.

Finally, HB 338 includes a reporting requirement for the CTO. Biannually, the CTO will update the Chairpersons of the House and Senate Education Committees on the status of each school under an intervention contract.

This legislation also includes the creation of a Joint Study Committee on the Establishment of a State Accreditation Process and a Joint Study Committee on the Establishment of a Leadership Academy. The purpose of the Joint Study Committee on the Establishment of a State Accreditation Process is to study the advantages and disadvantages of establishing a state accreditation process for public schools and school systems in the state. The purpose of the Joint Study Committee on the Establishment of a Leadership Academy is to study the possibility of establishing a leadership academy housed within the Professional Standards Commission so that principals and other school leaders can update and expand their leadership knowledge and skills.

18. HB 237 – Grants for Low Performing Schools

House Bill 237 serves as a companion bill to House Bill 338 – the education reform bill that seeks to assist chronically failing schools. HB 237 provides a mechanism for individuals, corporations, and communities to assist low-performing schools financially. Specifically, this bill authorizes the Public Education Innovation Fund Foundation to award competitive grants to public schools to fund academic and organizational improvements – with priority given to schools that have performed in the lowest 5% of schools. This foundation will exist under the Governor’s Office of Student Achievement.

Regarding donations, individual taxpayers are allowed a credit of up to \$1,000 per year for single individuals, up to \$2,500 per year for a married couple filing a joint return, and up to \$10,000 per year for an individual who is a member of a limited liability company, a shareholder of a 'S' corporation, or a partner in a partnership. A corporation is allowed a credit not to exceed the amount donated or 75 percent of the corporation's income tax liability, whichever is less. The aggregate amount of credits, which are allowed on a first come, first served basis, is capped at \$5 million per year. This program sunsets on December 31, 2020.

Finally, the foundation is required to report to the Department of Revenue certain information regarding the value of donations and tax credits approved, the total number and value of grants awarded, and a list of donors and the value of their donations.

VII. “Back the Badge”

19. HB 43 (AFY 2017 Budget)

Pursuant to the Amended Fiscal Year 2017 Budget, all state law enforcement officers will see a 20% pay raise effective January 1, 2017. HB 43 included \$25.1 million for this raise, which seeks to reinvest in state officers after years of stagnant salaries and heavy turnover throughout the recession. This raise was annualized in HB 44 – the Fiscal Year 2018 budget.

20. HB 146 – Cancer Coverage for Firefighters

House Bill 146 requires that fire departments purchase and maintain sufficient insurance coverage on each firefighter to pay claims for a diagnosis of cancer. As defined by the bill, eligible cancers include bladder, blood, brain, breast, cervical, esophageal, intestinal, kidney, lymphatic, lung, prostate, rectal, respiratory tract, skin, testicular, and thyroid; leukemia; multiple myeloma or non-Hodgkin's lymphoma.

Such coverage is applicable to firefighters who have served 12 consecutive months on duty and, as a result of the cancer, are disabled and unable to continue to perform their duties. The insurance benefits must include:

- A lump sum benefit of \$25,000 in cases where the cancer is characterized by one or more malignant tumors and the abnormal growth and spread of malignant cells. Other characteristic include: metastasis, medically-necessary surgery, or cancer that is deemed terminal for the firefighter.
- A lump sum benefit of \$6,250 in cases where the cancer is characterized by “carcinoma in situ” such that surgery, radiotherapy, or chemotherapy is required, the tumors being treated by

endoscopic procedures alone, there being malignant melanomas, or a tumor in the prostate treated with radial prostatectomy.

- A monthly benefit equal to 60% of their monthly salary or \$5,000, whichever is less, to begin six months after diagnosis and continuing for 36 months. If the firefighter is a volunteer, the monthly benefit is reduced to \$1,500 per month for 36 months.

Further, HB 146 provides that a firefighter may be required to have his or her condition reevaluated and, if it is found they are no longer disabled and are able to perform their duties, their monthly benefit payments will cease. In addition, a member who departs or retires after at least one year service as a firefighter shall be entitled to continue his or her coverage through a continuation or conversion to individual coverage. At that point, the departing member is responsible for paying all premiums. This bill clarifies that all payments made to a firefighter are not considered exempt from their federal adjusted income.

Finally, HB 146 authorizes counties and cities to use tax revenue to purchase insurance for firefighters covered under this bill.

21. SB 160 – the Back the Badge Act

Senate Bill 160 – entitled ‘Back the Badge Act of 2017’ – enhances punishment for those individuals who seek to harm Georgia public safety officers in an effort to protect our public safety officers and deter those who may seek to harm them. Pursuant to SB 160, public safety officer includes peace officers, correctional officers, emergency health workers, firefighters, highway emergency response operators, and certain officers of the court.

Part 2 of the bill incorporates the provisions of HB 116, which was passed by the House earlier this session. This section seeks to address instances where juveniles commit the offenses of aggravated assault with a firearm or aggravated battery against a police officer or corrections officers. Specifically, this bill adds these offenses to the current list of eight juvenile offenses over which the superior court has original jurisdiction – this list includes murder, rape, and armed robbery with a firearm. Should a District Attorney decided to try a juvenile as an adult for shooting a police officer, the Superior Court judge would have the power to override the decision and send the case back to juvenile court.

Part 3 of SB 160 incorporates language similar to HB 258, which passed the House earlier this session. This section provides that, for an individual at least 17 years of age, the punishment for assault on a public safety officer where there is a discharge of a firearm is a felony punishable by incarceration for 10 to 20 years with a mandatory minimum of 10 years that cannot be suspended, probated, differed or otherwise reduced. When such assault does not involve the discharge of a firearm, the punishment is a felony with a term of incarceration from five to 20 years with a mandatory minimum of three years that cannot be suspended, probated, differed or otherwise reduced. Finally, when a person commits the offense of aggravated battery on a public safety officer while that officer is engaged in his or her official duties, the punishment is a felony with a term of imprisonment from 10 to 20 years with a mandatory minimum of 3 years to be imposed that cannot be suspended, probated, differed or otherwise reduced. In all of these cases, in addition to prison time awarded, convicted persons will be responsible for paying a fine of at least \$2,000.

Furthermore, Part 3 also creates a felony obstruction crime for those individuals who knowingly and willfully resist or obstruct a law enforcement officer, prison guard, correctional officer, and

others in the discharge of their duties by throwing, tossing, projecting, or expelling human or animal urine, feces, vomitus, or seminal fluid on such officers. The punishment is a felony with a term of imprisonment of not less than one nor more than five years.

VIII. Protecting Georgians

22. HB 280 – Campus Carry

House Bill 280 provides for the carrying of a concealed handgun while in or on any building or real property owned by or leased to any technical school, vocational school, college, university, or other institution of postsecondary education by any weapons carry license holder. Any violations of the provisions of this legislation shall be guilty of a misdemeanor. For a first offense, a weapons carry license holder will be subject to a \$25 fine.

HB 280 includes the following exceptions:

- Buildings or property used for athletic events or student housing – including sorority and fraternity houses.
- Preschool or childcare space located within such buildings.
- Any room or space used for classes related to a college and career academy.
- Any room or space being used for classes in which high school students are enrolled through dual enrollment – including classes related to Move On When Ready.
- Faculty, staff, and administrative offices or rooms where disciplinary proceedings are conducted.

23. HB 341 – Sex Trafficking Prevention Measures

House Bill 341 is a measure to expand the sexual servitude portion of Georgia’s Human Trafficking laws to include the “demand” portion of the human trafficking equation. HB 341 adds those who patronize or solicit a person who is the victim of sexual servitude to the offense of sex trafficking. Moreover, if a person is convicted of patronizing or soliciting a victim of sexual servitude and had knowledge that the victim was being coerced or deceived or had a developmental disability, the offender will be required to register as a sex offender. This puts Georgia law in line with Federal Law and many other states on the subject of sexual servitude by adding “solicits” and “patronizes” to the statute. Special thanks are in order for Attorney General Chris Carr whose office brought forth the concept for this legislation after years of work.

24. HB 452 – Protecting Georgians from Terrorism

House Bill 452 requires the Georgia Bureau of Investigation to post information on its website about criminal aliens being released into the state from federal custody. The information is received from Law Enforcement Notification System (LENS) within the United States Department of Homeland Security, and within 12 hours of receiving information, the bureau shall post the information and electronically send a copy to the Georgia Sheriffs' Association.

In addition, HB 452 creates the offense of domestic terrorism. Domestic terrorism is any felony offense or attempt to commit a felony intended to cause serious bodily harm or ill to any individual/group or disable or destroy critical infrastructure, when such action is intended to intimidate the civilian population or coerce the policy of the government.

The punishment for domestic terrorism where a death occurs is death or imprisonment for life. The punishment for domestic terrorism where a kidnapping occurs is imprisonment for no less than 15 nor more than 35 years or imprisonment for life. The punishment for domestic terrorism where serious bodily harm occurs is imprisonment for no less than 15 nor more than 35 years. The punishment for domestic terrorism where critical infrastructure is disabled or destroyed is imprisonment for no less than 5 nor more than 35 years. HB 452 does provide that the court may suspend, probate, defer, or withhold part of a sentence when the prosecuting attorney and defendant have agreed to such sentence. Further, this bill makes clear that this section shall not be construed to infringe upon constitutionally protected free speech or assembly.

Finally, HB 452 updates the definition of bacteriological weapon and biological weapon and directs the Georgia Peace Officer Standards and Training Council and the Georgia Public Safety Training Center to establish guidelines and procedures for the purpose of identifying and combating domestic terrorism.

25. HB 405 – Statewide Emergency Preparedness

House Bill 405 requires that the Georgia Emergency Management Agency and Homeland Security establish a state wide system for the transportation and distribution of essential goods required during a declared state of emergency by the Governor. The system will provide for the certification of organizations and businesses that facilitate or are likely to facilitate the transportation and distribution of such essentials. Employees and agents of these certified organizations will be provided with a recognizable ID to assist local official in identifying these authorized personnel. Additional provisions included allow designated employees or agents of certified organizations or businesses to enter or remain within a curfew area beyond the restriction of the curfew for their limited purpose of facilitating transport or distribution. Finally, certification may be revoked or suspended by GEMA if it is found that there has been a violation or an abuse of this certification.

26. Governors Criminal Justice Reform Package (SB 174, 175, 176)

Thanks to Governor Deal's criminal justice reforms measures, Georgia has averted over \$260 million in costs to the state while also seeing both violent and property crime rates fall by 15% and 21%, respectively, since 2005.

SB 174: This bill provides that the Council of Accountability Court Judges create and manage a certification and peer review process to ensure that veteran court divisions are adhering to the standards and practices of the Council and that veteran court divisions must adhere to the same policies, procedures, and standards of other accountability courts. Further, the bill allows the Board of Community Supervision to provide educational programs for probationers to provide them with employment skills likely to encourage gainful employment later. Further, the board must create a Program and Treatment Completion Certificate that may be given to those probationers who successfully complete the program.

SB 174 provides the ability for a qualified probationer to have his or her probation terminated by DCS if after three years on probation, the probationer has: paid all restitution owed, not had his or her probation revoked, and not been arrested for anything other than a non-serious traffic offense.

SB 175: This bill is designed to reduce juvenile delinquency and protect public safety in situations where the juvenile is deemed incompetent to proceed. The bill empowers juvenile court judges the ability to issue an order restraining or otherwise controlling the conduct of the parent, guardian, or

legal custodian in any proceeding involving a child in need of services or a delinquent child. These orders are termed ‘Parental Accountability Orders’ (PAO) and seek to encourage parental involvement to ameliorate situations involving a delinquent child. The PAO can require a parent to: ensure a child attends school, monitor the child’s homework and after school studies, participate in counseling/treatment with the child, prohibit certain individuals from having contact with the child, etc.

Part II of SB 175 provides that juveniles who are deemed incompetent to stand trial but pose a public safety risk may be detained temporarily. This is a fix that has flowed from incidents in the metro area involving repetitively delinquent children who were continually released under existing law (requiring release within 5 days of incompetency determination) even though the juveniles posed a significant public safety risk.

SB 176: This bill addresses instances where an individual fails to appear in court for a traffic citation by providing a process by which the court issues a second attempt via postcard or letter to notify the individual before issuing a bench warrant. Under this bill, a person would have 30 days from the issuance of the second notice to dispose of the charge or waive arraignment and plead not guilty. While a bench warrant would still be issued under this process, it would not go into effect until the expiration of the 30 day period. Such process is already practiced by the Atlanta Municipal Court and seeks to offer a lower cost alternative to arrest and temporary incarceration for those individuals who simply forget to appear before the court.

Further, SB 176 removes the lifetime prohibition on habitual violators’ probationary licenses if the individual has ever had a controlled substances violation for underage possession of alcohol. This allows these individuals to receive a restricted license after their suspension.

IX. Children & Families

27. HB 9 (Passed as part of SB 104) – Criminalizing ‘Upskirting’

House Bill 9 was introduced in response to the Court of Appeals ruling in the case, Gary v. State that was decided on July 15, 2016. In its decision, the court overturned the conviction of Mr. Gary for one count of criminal invasion of privacy for “upskirting” – or the recording of videos up women’s skirts. The court found that, while Gary’s actions were reprehensible, there is no law currently on the books that criminalizes this conduct. Georgia’s invasion of privacy laws apply to activities which occur in any “private place out of viewing,” and Gary successfully argued that the statute did not apply to a public place – in this case, a grocery store. Therefore, HB 9 criminalizes the use of a device for the purpose of videotaping under or through a person’s clothing to view intimate parts of their body in circumstances where the person has a reasonable expectation of privacy regardless of whether it occurs in a public place. Further, HB 9 criminalizes the dissemination of images or recordings obtained through such surreptitious videotaping and photography. Conduct in violation of HB 9 is punished as a felony.

28. SB 201 – Sick Leave for Working Families

Senate Bill 201 provides that an employer with at least 25 employees that provides sick leave shall allow an employee to use that leave for the care of an immediate family member. This bill does not

require an employer to offer sick leave if they do not already, and employees must earn sick leave prior to using it to care for an immediate family member.

This legislation represents a measured approach to providing working-class Georgians with the flexibility to allow them to care for a sick family member. The State House, and General Assembly as a whole, has worked diligently to make Georgia a business-friendly state. As we continue to create the conditions for opportunity and growth, SB 201 allows us to provide a helping-hand to those single moms and middle class parents and grandparents who, while proud of their job title, must also answer to the more important title of “mom, dad, son, or daughter.”

29. SB 206 – Hearing Aid Coverage for Children

Senate Bill 206 – the Hearing Aid Coverage for Children Act – requires that health benefit plans in Georgia provide coverage for hearing aids for children under the age of 18. Coverage is limited to \$3,000 per hearing aid and must include the replacement of one hearing aid per hearing impaired ear every 48 months. It should be noted these limits do not prohibit a health benefit plan from providing more generous coverage to an insured individual.

Further, SB 206 makes clear that a health benefit policy cannot deny coverage to an individual because he or she was previously diagnosed with hearing loss. An insurer is exempt from providing the coverage benefits for hearing aids outlined by SB 206 if: an actuary affiliated with the insurer determines that 1) the costs associated with coverage of children’s hearing aids exceeded 1% of the premiums charged over the previous year and 2) such costs would lead to an increase in average premiums of more than 1% for all insurance policies. In addition, insurance policies offered on the federal health exchange are not required to abide by the provisions of this bill that exceed the Affordable Care Act’s essential health benefits. *Businesses with 10 or less employees are exempt from this measure.*

X. Health Care

30.. HB 154 – Expanding Preventative Dental Care

House Bill 154 aims to increase access to preventative dental care for underserved populations across Georgia by addressing the direct and general supervision of dental hygienists and the services they are able to provide. **Direct Supervision** refers to the situation in which a dentist diagnoses and authorizes the treatment of a patient and is required to remain in the office or treatment facility while the procedure is being performed by the dental hygienist. **General supervision** refers to the situation where a dentist authorizes the dental hygienist to perform delegable duties but is not required to remain to be present for the procedure to be performed.

Specifically, HB 154 addresses the instances in which dental hygienists may perform certain duties under general supervision. First, this bill authorizes hygienists to perform hygiene duties at approved dental facilities of the Department of Public Health, county boards of health, and the Department of Corrections. Further, hygienists are authorized to perform dental screenings at

schools, senior centers, hospitals, federally qualified health centers, volunteer community health settings, and other locations under general supervision. In addition, dental hygienists may apply topical fluoride and apply sealants under general supervision in school settings, hospitals, nursing homes, long-term care facilities, rural health clinics, and government operated health facilities.

Second, HB 154 addresses private office settings to permit dentists to authorize up to four dental hygienists to perform a prescribed list of duties – including the application of sealants, fluoride treatment, oral hygiene instruction, and the processing of radiographs – under general supervision. This provision addresses the current situation where, should a dentist need to be out of his or her office for whatever reason, legally, they must shut down their practice until they return. It should be noted, dentists are not required to authorize their hygienists to perform their duties under general supervision.

All hygienists performing these duties under general supervision are required to have at least two years' experience, be in compliance with continuing education requirements, and maintain professional liability insurance.

31. HB 276 – Protecting Consumers from Pharmacy Benefit Managers

House Bill 276 restricts certain actions by Pharmacy Benefit Managers (PBMs). PBMs are third party administrators contracted by health plans, employers, unions, and government entities to manage prescription drug programs on behalf of health plan beneficiaries. The organizations – such as Express scripts, CVS Caremark, and OptumRx – are responsible for negotiating rebates with drug makers. The industry, however, has come under scrutiny recently for instances where their contracts with pharmacies have resulted in higher drug costs for patients.

HB 276 institutes a number of protections to benefit pharmacies and patients. First, PBMs cannot mandate the use of mail-order pharmacies nor can they restrict pharmacies from offering home delivery services that may assist immobile patients. Further, PBM's are prohibited from penalizing a pharmacist for disclosing to a patient a cheaper generic option to a prescribed medication. In addition, HB 276 seeks to prevent “copay clawbacks,” whereby a patient pays a copay far higher than the cost of their generic drug, and the PBM receives the difference in cost as profit once the pharmacist is reimbursed. Finally, PBMS are prohibited from charging a fee for claims processing.

32. HB 360 (*Passed as part of SB 193*) – Expedited Partner Therapy

Senate Bill 193 –which made minor changes to Georgia's Positive Alternatives for Pregnancy and Parenting Grant Program – also included the language of HB 360, which passed the House early during the session. This language allows for a licensed practitioner who has diagnosed a patient with chlamydia or gonorrhea to prescribe antibiotic drugs to the sexual partner of the patient without physically examining such partner. Further, patient counseling is not required for the sexual partners of patients diagnosed with chlamydia or gonorrhea.

According to the CDC's 2015 state health profiles, Georgia ranks in the Top 10 states for reported rates of Chlamydial and Gonorrheal infections. This legislation represents a common-sense approach to preventing the further spread of sexually transmitted diseases.

33. HB 427 – the Physicians and Health Practitioners for Rural Areas Assistance Act

House Bill 427 expands the service cancelable loan program for physicians in underserved areas to dentists, physician assistants, and advanced practice registered nurses. The purpose is to increase the number of physicians and other health care practitioners in underserved rural areas of Georgia by making loans to health care practitioners who have completed their medical or health care education and allowing such loans to be repaid by agreeing to practice medicine in such rural areas.

Further, this legislation makes clear that grants provided to hospitals, local governments, civic organizations, and other health care entities by the Georgia Board for Physician Workforce should be used to enhance recruitment of physicians, dentists, physician assistants, and advanced practice registered nurses to underserved areas. Such grants can be used for loan repayment, salary supplements, and additional support staff for practitioners' offices.

34. SB 14 – the Rural Hospital Organization Assistance Act of 2017

Senate Bill 14 – the Rural Hospital Organization Assistance Act of 2017 – adds rural hospital organizations to the list of entities eligible to apply to receive grants from the state to support enhanced hospital infrastructure development, strategic planning, nontraditional health care delivery systems and the provision of a 24-hour emergency room. The Department of Community Health (DCH) would be responsible for administering the grants to rural hospital organizations that are critical access hospitals, serve rural counties (defined as having a population of 50,000 or less), participate in and accept Medicaid and Medicare patients, and have at least 10% of its annual net revenue categorized as indigent care, charity care, or bad debt.

35. SB 16 – Medical Cannabis Update

Senate Bill 16 represents compromise legislation that makes certain changes to the medical cannabis bill (HB 65) passed by the House earlier this session. First, SB 16 narrows the expansion of conditions from HB 65 to only six additional conditions for which THC oil can be administered: Tourette's when diagnosed as severe, autism – when diagnosed in a patient who is at least 18 years of age unless it is severe then the patient can be less than 18 years of age, epidermolysis bullosa, Alzheimer's when diagnosed as severe or end-stage, AIDS when diagnosed as severe or end-stage, and peripheral neuropathy when diagnosed as severe or end stage. Further, SB 16 reinstates the end-stage qualification that was removed from five current conditions in HB 65 including cancer, ALS, MS, Parkinson's and Sickle Cell Disease.

In addition, SB 16 changes the current quarterly reporting requirement for physicians regarding dosages, clinical responses, side effects, etc to cannabis oil and replaces it with a semiannual requirement that also includes the reporting of the THC level present in test results. Finally, regarding reciprocity for medical cannabis registration cards from other states, SB 16 maintains reciprocity but imposes a 45 day limit on such recognition.

36. SB 70 – Hospital Provider Fee

Senate Bill 70 extends the sunset for the hospital provider fee to June 30, 2020. The provider fee generates \$311 million in state funds and is used to obtain \$600 million in federal matching dollars for our state's Medicaid program. Together, these funds are returned to hospitals according to the level of Medicaid care they provide in order to level the financial playing field as Medicaid reimbursement rates are less than the cost of care. The DCH Board, under existing law, has the authority to set and lower the payment percentages as well as discontinue the payments if funds are no longer available through the federal matching program. Further, the General Assembly

maintains authority to override decisions by the DCH board. Currently, 49 states and the District of Columbia have a provider fee.

37. SB 180 – Rural Hospital Tax Credit Reform

Senate Bill 180 makes certain changes to the Rural Hospital Tax Credit program – passed as SB 258 by the General Assembly during the 2016 session. Specifically, SB 180 increases the value of the tax credit for both individuals and corporations. For single individuals, the credit is increased from 70% to 90% of the actual amount expended or \$5,000 (increased from \$2,500), whichever is less. For married couples filing jointly, the credit is increased from 70% to 90% of the amount expended or \$10,000 (increased from \$5,000). In the case of corporations, they can receive a tax credit worth up to 90% of their donation (increased from 70%) or up to 75% of their income tax liability, whichever is less.

In addition, the bill standardizes the amount of tax credits each year at \$60 million from 2017 to 2019. Finally, the bill increases accountability by requiring that hospitals who contract with a consultant to attract donors disclose the costs associated with those services to the Department of Revenue. This latter provision was added in response to fear that consultants – such as Georgia HEART Hospital Program which has contracted with nearly three-quarters of the eligible rural hospitals – may siphon away much needed funding from hospitals in the form of fees and payments for running fundraising operations.