

## LEGISLATIVE UPDATE

Prepared for OAFP

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### **HJR 202 – Health Care is a Right**

The Senate now has the opportunity to send voters a constitutional amendment that would declare “every resident of Oregon has access to cost-effective, clinically appropriate and affordable health care as a fundamental right.”

The referral also contains a provision requiring the state to balance that right against the public interest in funding public schools and other essential services.

### **HB 4016 – Universal Health Care; EMS Services for Seniors; PEP & PrEP**

This bill, “related to health care,” was gut and stuffed, and stuffed and stuffed. The House Rules Committee added three amendments to the bill that would:

1. Extend the Task Force on Universal Health Care to have it report back to the 2021 Legislative Session and complete its work by November 1, 2021.
2. Allow pharmacists to prescribe HIV drugs, known as PEP and PrEP. This concept was previously in HB 4116 that was opposed by insurers and died in the House Health Committee. Carriers support this modified version, saying it “ensures patients who need these drugs can get it.” There are 210-230 new HIV infections in Oregon each year, and these drugs can help stop the virus from developing into AIDS.
3. Create a new DHS Senior Medical Services Innovation program that will provide grants to local fire departments for pilot projects to address the EMS needs of nursing home residents. It also creates a new Senior EMS Advisory Council and preempts the local nursing home EMS taxes, but allows fines if nursing homes call EMS inappropriately for lift assistance, like they have in Portland and Clackamas. The program sunsets in January 2024.

The amended bill was adopted and sent to Ways and Means.

### **HB 4029 – Public Charge**

The Senate Health Committee passed the bill that prohibits hospitals from requiring patients to apply for Medicaid before receiving financial assistance. It now goes to the floor for debate.

### **HB 4110 – Grace Period for Health Insurance Payments**

The House unanimously approved requiring a 30-day grace period for health insurance premium payments, and 15 days to make an initial payment on a new plan.

In carrying the bill, Rep. Rob Nosse (D-Portland) said, “Consumers too often lose coverage because of a late payment or confusion about how much was due.” He described this as a “modest step” to improve coverage in the individual insurance market.

There was no discussion. The bill now goes to the Senate.

### **SB 1535 – Rx Fair Pricing Task Force**

In an odd turn of events, a disagreement between the two chief Senate sponsors of a bill to expand membership and extend the sunset for the Prescription Drug Fair Pricing Task Force played out in a Senate floor fight.

Sen. Dennis Linthicum (R-Klamath Falls) described it as a disagreement about what information DCBS can collect from prescription drug manufacturers. “They could demand almost anything... It could even include board meeting minutes, strategic plans and more...The minority report eliminates this DCBS overreach.”

But Sen. Elizabeth Steiner Hayward (D-Portland) said the base bill includes “no new requirements for pharmaceutical manufacturers.” She said, “This is not intended to be a fishing expedition. It is only targeting information about price increases when pharmaceutical companies raise prices by more than 10-percent in a year.”

The base bill passed 21-8 and now goes to the House.

### **HB 4107 – Modified “Cash Discrimination” Bill Passes House**

It does not happen often, but the House agreed to substitute a Minority Report, brought by Rep. Ron Noble (R-McMinnville) during floor debate, on the bill to outlaw cash discrimination.

The base bill requires businesses to accept cash but exempts government services.

Rep. Noble said, “This body has been committed to eliminating structural racism. Why would we make an exception for government – an institution that should have the least amount of restrictions for the people?” He continued, “This would prevent government from turning people away simply because they want to pay in cash.”

The minority report still includes exemptions for health insurance premiums, hospitals and medical clinics, as long as they bill patients and accept cash later.

The minority report passed 45-12 on the floor. The biggest concern expressed is the bill’s allowance for private right of action. Many who voted no said it could be better handled through a Bureau of Labor and Industries Civil Rights Division (BOLI) complaint.

The bill now goes to the Senate.

### **SB 1507 – Noncompete Agreements**

The House Business & Labor Committee took up the noncompete agreement bill that passed the Senate unanimously. The bill makes four changes in an effort to make noncompetes “easier to navigate:”

1. Noncompetes are void and unenforceable for those who should not be covered by them, e.g. hourly employees or those making less than the median income for a family of four.
2. Clarifies that the median family income for a family of four is \$97,311
3. Reduces the maximum term of noncompetes from 18 to 12 months
4. Requires noncompete agreements be written

These new restrictions only apply to noncompetes entered into after the effective date of this bill, early June 2020.

There was no opposition.

### **HB 4089 – Surgical Tech Apprenticeships**

The bill allowing surgical techs to be credentialed through apprenticeships passed the Senate Health Committee this week. It had no opposition.

### **HB 4013 – Kratom Regulation**

This requires OHA, OLCC and the Department of Agriculture to work with the kratom industry to develop a plan for regulation. It also prohibits the sale or distribution of kratom to anyone under age 21.

The problem, according to Rep. Bill Post (R-Keizer), is that, “A lot of people are selling adulterated kratom.” Kratom comes from a tree grown in SE Asia and is used as an energy boost or to ease pain.

There was no opposition. The Senate Judiciary Committee approved the bill, sending it to the floor for debate.

### **HB 4078 – Prohibits Remote Sale of Vape Products**

The Senate Health Committee heard the bill that would ban the online and telephonic sale of nicotine vape products. “E-cigarettes have surpassed cigarettes, flavored cigars and smokeless tobacco as the product of choice for teenagers,” says Rep. Pam Marsh (D-Ashland).

The vape industry is calling for more robust age verification in lieu of an outright ban. They say that this bill would push kids to buy products from completely unregulated retailers in China or other black-market vendors.

“What is the amount of your product that is ending up in the hands of kids?” asked Sen Shemia Fagan (D-Portland).

Juul lobbyist Amanda Dalton replied, “As the legal age in Oregon is 21, I don’t have an answer for you. We don’t sell to kids. You cannot get in through our portal if you are under 21.”

Fagan fired back, “Clearly children are getting their hands on these products. What amount of market share would you be losing if this ban passes?”

“The problem with this law is that it is only the good actors that will comply,” replied Dalton. “Set up a law that is actually productive at preventing sales to minors. A license to sell in Oregon will be much easier for DOJ to actually enforce.”

California has recently filed a lawsuit against Juul for selling to minors, which details numerous instances where the company sold products over the internet to minors using fake names as ridiculous as “Beer Can.”

Republicans proposed an amendment along the lines of what the vape industry asked for, which failed. The bill passed 4-1. It now goes to the floor.

### **HB 4005 – Safe Gun Storage**

According to the National Center for Health Statistics and Centers for Disease Control and Prevention, in 2017:

- 486 people in the US died of unintentional gun injuries
- 23,854 committed suicide with a gun
- 14,542 were intentionally killed with a gun.

In 2010:

- 15,576 children were treated for gun injuries in US emergency rooms
- 1,970 of them died.

Among US adolescents and young adults, ages 10-24, gun homicides are the 3<sup>rd</sup> leading cause of death; gun suicides are 2<sup>nd</sup>.

The Bureau of Alcohol, Tobacco and Firearms estimates that 500,000 guns are stolen each year from residences, many of which are never reported.

In response, HB 4005 would require gun owners to lock guns using a trigger lock, cable or gun safe. Stolen firearms would have to be reported to police within 72 hours.

If an unlocked gun was used to injure someone, the owner would be liable.

It was Friday evening before the House Rules Committee took up the bill.

Rep. Sherri Springer (R-Stayton) said, "It feels like the bill is causing lawful gun owners to be afraid to own guns."

Rep. Barbara Smith Warner (D-Portland) said, "I really do believe this is a really important public health approach."

The committee approved the bill on a party-line vote. It now goes to the floor for debate.

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