

Legislative Update Days 33-36

Healthcare

The Senate Chamber passed a substitute version of [HB 186](#) by Representative Ron Stephens (R-Savannah) which seeks to reform the states certificate of need (CON) laws. The bill was carried by Senator Chuck Hufstetler (R-Rome), who noted the Substitute reflects “a compromise between Cancer Treatment Centers of America and the Georgia Hospital Association”. It's important to note that this substitute version does not permit freestanding emergency departments, or for Legacy Sports to be granted an exemption from the CON process. The bill revised several of the states' hospital authority laws such as:

- Continuing to require hospitals seeking to obtain new or expanded services in the areas of psychiatric, cardiology and multi-specialty ambulatory surgery centers to go through the CON process;
- Raising capital and equipment expenditure thresholds (moving those to \$10 million and \$3 million respectively);
- Addressing Cancer Treatment Centers of America's specialty cancer hospital designation and their current bed caps, while allowing this facility to convert to an acute care hospital;
- Including transparency provisions for non-profit hospitals, requiring them to post their Form 990s;
- Requiring the Department of Community Health to standardize methodology for indigent and charity care;
- Adding language to create the Office of Health Strategy and Coordination (this was language from 2018 which was passed and later vetoed by the Governor);
- Addressing appeals and objections to CON applications, limiting such to a 35-mile radius for facilities with the same service or if in a batching cycle with overlapping service areas.

The House chamber passed Governor Kemp's [SB 106](#) known as “Patients First Act.” The bill was carried by Senator Blake Tillery (R-Vidalia) and seeks to amend Title 33 to allow the Governor to apply to the federal government for a Section 1332 waiver from the Patient Protection and Affordable Care Act. It would also amend Title 45 to allow the Department of Community Health to apply for a Section 1115 Medicaid waiver that “may include an increase in the income threshold up to a maximum of 100 percent of the federal poverty level.” Governor Kemp is expected to sign this legislation.

The Senate gave the final passage to [HB 514](#), by Representative Kevin Tanner (R-Dawsonville) that creates the Georgia Mental Health Reform and Innovation Commission. The commission will conduct a comprehensive review of the behavioral health system in Georgia and make

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recommendations to the legislature on tackling mental health issues in our state. The Senate approved the bill by a 54-0 vote, and the bill will return to the House for an agree or disagree because it was passed as a Senate Committee Substitute.

After a lengthy debate, the Senate passed [HB 481](#), Rep. Ed Setzler's (R-Acworth) "Living Infants Fairness and Equality (LIFE) Act". The bill would make it illegal to have an abortion once a heartbeat is detected. The bill returns for to the House for reconciliation.

The House took up [SB 121](#) by Senator Larry Walker (R-Perry), which increases the length of time that prescription information is retained in Georgia's Prescription Drug Monitoring Program from two years to five years. The House passed the bill by a 158-6 vote, constituting final passage of the bill. It will be sent to the Governor's desk for signature.

Taxes

The Senate considered [HB 287](#), authored by Representative Matt Dubnik (R-Gainesville), which makes a change in Title 48 to an income tax deduction so as to allow it to become a tax credit for physician, physician's assistants and APRN preceptors who are training healthcare professionals. This legislation passed by a vote of 41-9 and now moves to the Governor's desk.

The Senate Finance Committee gave a favorable do pass to [HB 276](#) by Representative Brett Harrell (R-Snellville) would require online platforms such as AirBnb, Uber, Amazon to collect sales taxes on Georgia transactions. These are sales taxes that are currently owed but generally are not being collected by the online platforms. The bill currently is sitting in Senate Rules.

[SR 348](#) by Senator Bruce Thompson (R-White) creates a study committee to investigate the possibility of removing local government's ability to impose a property tax. The study committee consists of five senators and must conclude by December 1st, 2019. This bill was passed by the Senate Standing Rules Committee and has been sent to Senate Rules for consideration.

[HB 447](#) by Representative Dominic LaRiccia (R-Douglas) received a favorable "Do Pass" by the Senate Finance committee. The bill continues the exemption on jet fuel and aviation gasoline from all state and most local sales and use tax until June 30, 2024. The bill redefines jet fuel and aviation gasoline as aviation fuel. It also creates a state excise tax on aviation fuel of 10 cents per gallon and allows each county, municipality or consolidated government to levy and impose a tax on aviation fuel by ordinance or resolution at the rate of 1 cent per gallon. Revenue from the levy of taxes on aviation fuel shall be used for a state aviation program or airport related purposes.

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Military

The Senate unanimously passed [HB 64](#) by Representative Brian Prince (D-Augusta). The bill seeks to address instances where children of military families are subject to abuse allegations. For each child who is the subject to abuse allegations, the child welfare agency is to determine whether the parent or guardian of such child is on active duty in the armed forces of the United States. If so, the agency is to notify the applicable military installation's family advocacy program of the allegation of child abuse that relates to the parent or guardian of that child. The bill will be sent to Governor Kemp's desk for his consideration.

Insurance

The Senate gave a favorable "Do Pass" to [HB 227](#), by Representative Spencer Frye (D-Athens), which seeks to address insurance policies to prevent discrimination against victims of family violence, as well as victims of sexual assault. The bill has been sent to Governor Kemp for his consideration.

[HB 128](#), authored by Representative Deborah Silcox (R-Sandy Springs), received a favorable "Do Pass" by the Senate Chamber. The bill eliminates the requirement for insurers to notify the Georgia Composite Medical Board of agreements to settle claims of medical malpractice when the settlement results in a low payment under a high/low agreement. The bill moves on to Governor Kemp's desk for his consideration.

[SB 184](#) by Senator Greg Kirk (R-Americus), allows participants in the SHBP to use Federally Qualified Health Centers, and provides that the FQHCs will be reimbursed at Medicare rates. The House approved the bill by a 169-1 vote, and it will be sent to the Governor's desk.

Local Government

The House approved [SB 66](#) by Senator Steve Gooch (R-Dahlonega) known as the "Streamlining Wireless Facilities and Antennas Act". The bill amends Title 36 to streamline the deployment of wireless broadband in the public right of way. The bill now proceeds to the Governor's desk for his consideration.

[SB 95](#) by Senator Randy Robertson (R-Cataula) received a favorable "Do Pass" by the House Energy Utilities and Telecommunications committee. The bill extends the current time period of ten years that local governments are allowed to enter into contracts for utility services to a period of twenty years, exclusively for solar utility or wind utility projects.

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The Senate chamber passed [HR 164](#) by Representative Jay Powell (R-Camila). The proposed constitutional amendment authorizes the General Assembly to establish, by statute, true and dedicated trust funds, whereby fees collected for a specific purpose must actually go to that purpose, rather than be redirected to the state's General fund. The resolution only includes the option to dedicate the fees from the Hazardous Waste Trust Fund (HWTF) and the Solid Waste Trust Fund (SWTF).

Business

The House approved [SB 110](#) by Sen. Jesse Stone (R-Waynesboro), by a vote 155-10. This legislation establishes the Statewide Business Court pursuant to the Constitution. The bill will return to the Senate for reconciliation.