



GEORGIA STATE SENATE
SENATE RESEARCH OFFICE

SESSION
HIGHLIGHTS
2017 Legislative Session

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DEPUTY DIRECTOR

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AGRICULTURE AND CONSUMER AFFAIRS

Senate Bill 78

Adulteration and Misbranding of Foods; Variances and Waivers

Author: Senator L. Anderson of the 24th

Effective Date: July 1, 2017

This legislation authorizes the Commissioner of Agriculture to issue a variance or waiver to any rule promulgated by the Commissioner on the adulteration and misbranding of food. The individual seeking the waiver must demonstrate: 1) that the purpose of the rule can be or has been achieved through other means; and 2) that the strict application of the rule would cause substantial hardship. The Commissioner does not have the authority to grant a variance or waiver if it would be harmful to public safety, health, or welfare.

House Bill 49

Licensure Requirements for Livestock Dealers and Auctions

Author: Representative Pirkle of the 155th

Effective Date: July 1, 2017

This bill updates license and surety requirements for livestock dealers and livestock market operators by allowing the Georgia Department of Agriculture to establish triennial licensing fees. The triennial fee for a livestock market operator license must be proportionate to the surety acquired by the operator, not to exceed \$200. Dealers who buy or sell through a livestock operator or directory from producers must first apply and obtain a dealer license. The triennial fee for a dealer license must not exceed \$25. The Commissioner must publish in print or through electronic means the names and locations of duly licensed dealers and livestock market operators. The bill also maintains current penalties and exemptions for who must register as a dealer. Georgia 4-H Clubs and Georgia Future Farmers of America chapters are not required to procure surety under this bill.

APPROPRIATIONS

House Bill 43

Amended Fiscal Year 2017 Budget

Sponsor: Representative Ralston of the 7th

Effective Date: February 15, 2017

Highlights of the \$24,345,494,024 Fiscal Year 2017 Amended Budget include:

- 20% increase for State law enforcement officers;
- Fully funds Disproportionate Share Hospital (DSH) payments for private deemed and non-deemed hospitals;
- Funds \$5 million for career, technical and agricultural education equipment grants to local school systems;
- Funds \$2.5 million to adopt and utilize reading and math assessment tools upon consultation with districts for vetted, reliable assessments;
- Adds \$10 million to Regional Economic Business Assistance (REBA) grants;
- Adds \$50 million for the Georgia Cyber Innovation and Training Center and its Cyber Range in Augusta;
- Adds \$26.5 million for economic development projects (EDGE and Equity grants); and
- Adds \$10 million for equipment to aid in preventing and combating wildfires.

House Bill 44**Fiscal Year 2018 Budget****Sponsor: Representative Ralston of the 7th****Effective Date: July 1, 2017**

The Fiscal Year 2018 Budget totals \$24.997 billion in State funds and is based on a conservative growth rate of 3.6% over the Fiscal Year 2017 Amended estimates. Highlights of the Budget include:

- 2% teacher pay raises in the teacher pay scale;
- 19% average increase for DFCS caseworkers;
- 2% merit based raises for State employees;
- A 3% onetime benefit for State ERS retirees;
- Raises from \$14.75 to \$15.00 per month, per year of service for retired school bus drivers and food service workers;
- \$2.8 million to fund the purchase of cyber insurance for State agencies;
- \$1 million to the Department of Education to hire a statewide Chief Turnaround Officer and to implement HB 338 relating to turning around failing schools; and
- \$4.1 million to begin a program for early diagnosis of Alzheimer's.

House Bill 202**Increases Governor's Salary; Expense Reimbursements for General Assembly Members****Sponsor: Representative Powell of the 171st****Effective Date: July 1, 2017; and Governor's salary increase becomes effective upon the inauguration of the next Governor in January 2019**

- Increases the Governor's base salary from \$60,000 to \$175,000 upon the inauguration of the next Governor in January 2019;
- Changes expense reimbursement provisions for General Assembly members; and
- Changes several provisions of the State Commission on Compensation.

BANKING AND FINANCIAL INSTITUTIONS

Senate Bill 87**Procedure for Discharging Judgments Post-Bankruptcy Proceedings****Sponsor: Senator Stone of the 23rd****Effective Date: July 1, 2017**

This bill provides that after the closing of a case file for bankruptcy proceedings, a debtor may file with the clerk of court an affidavit of lien release. Once this affidavit is filed, the judgment lien is deemed cancelled for:

- Any property which was identified as exempt from the bankruptcy and for which a lien avoidance order was issued;
- Any property re-vested in the debtor without lien retention under a plan; and
- Any other property acquired by the debtor after the filing of the bankruptcy petition.

This bill also includes as property exempt from bankruptcy proceedings any health savings accounts or medical savings accounts, including the money paid into and out of such accounts, the assets therein, or any income originating from such accounts.

House Bill 192

Directors and Officers Standard of Care; Rebuttable Presumption of Good Faith

Sponsor: Rep. Beskin of the 54th

Effective Date: July 1, 2017

Current law requires directors and officers of a bank, trust, or business corporation to complete their duties in good faith, and that any director or officer of a bank or trust company that so performs their duties will have no liability by reason of their being a director or officer of the bank or trust company. This bill repeals this language, stating instead that a presumption of good faith will exist with regard to the actual process the directors and officers followed to make their decisions. These directors and officers will also be presumed to have exercised *ordinary care*. These presumptions are rebuttable, though the plaintiff must prove that the processes used constituted *gross negligence* by being a gross deviation from the standard of care that an officer in a like position under similar circumstances would exercise.

ECONOMIC DEVELOPMENT AND TOURISM

House Bill 470

The Defense Community Economic Development Fund

Sponsor: Representative Blackmon of the 146th

Effective Date: July 1, 2017

This legislation creates the Defense Community Economic Development Fund to provide grants, subject to appropriations by the General Assembly, to military communities for any project, event, or activity that promotes a military installation, including, but not limited to:

- The promotion of recruitment, expansion, or retention of jobs at such military installation or within the military community in which it is located; or
- Preparation for any federal review.

The Department of Economic Development will decide on a case-by-case review the amount of each grant and must take into consideration whether the community's proposed goal will:

- Further the relationship between the military community and military installation;
- Further the military installation's economic development investment into the military community; or
- Assist in efforts to defend the viability of a military installation from a federal review.

Each military community must match all awarded funds granted under this program.

EDUCATION AND YOUTH

Senate Bill 211

Student Assessments; and Dual Credit Students Valedictorian Determination

Sponsor: Senator Tippins of the 37th

Effective Date: Upon Governor's Signature

Current law requires research based formative assessments to be conducted for grades one and two. This legislation requires these assessments to be selected by the State Board of Education after consultation with local school systems. This assessment must provide for real-time data analysis, allow flexible grouping of students based on skill level, and measure student progress toward grade level expectations throughout the school year. This legislation also requires the Board to conduct a comparability study to determine the concordance of nationally recognized academic assessments such as the SAT, ACT, and ACCUPLACER with

alignment to State content standards in grades nine through 12. Lastly, this legislation prohibits local school systems from excluding students in dual credit courses from valedictorian or salutatorian determinations.

House Bill 338

System of Supports and Assistance for Lowest-Performing Schools

Sponsor: Representative Tanner of the 9th

Effective Date: July 1, 2017

This legislation creates the position of Chief Turnaround Officer who manages supports and assistance for the lowest-performing schools. The lowest performing schools are those that have performed in the lowest five percent of schools in this state identified in accordance with the statewide accountability system. Turnaround coaches are appointed to conduct individual assessments of students and provide various interventions for the student. An on-site evaluation of the school will be conducted and an intensive school improvement plan will be developed. After three years, if the school is not improving or complying with the improvement plan, the Officer must require various interventions. This legislation creates an Education Turnaround Advisory Council to provide advice and recommendations. It also provides for the suspension of local board of education members in schools failing for more than five years. This legislation creates two joint study committees: The Joint Study Committee on the Establishment of a State Accreditation Process; and The Joint Study Committee on the Establishment of a Leadership Academy.

House Bill 430

Governor's Education Reform Commission Recommendations

Sponsor: Representative Brockway of the 102nd

Effective Date: July 1, 2017

This legislation implements various recommendations from the Governor's Education Reform Commission. The State Board of Education and the State Charter Schools Commission must create a code of principles of charter school authorizing to maintain high standards for approving charter petitions. The State Board must provide annual reviews of local boards of education by an independent party to determine whether they are adhering to the principles established in this bill. This legislation also creates a grant program for charter schools in order to provide facility funding more comparable to traditional public schools. Local charter schools are entitled to a hearing before the local board of education before it is denied the use of an unused facility. Unused facilities are real property of a local board of education, including educational facilities, which have not been used by the local board of education for the previous two years and which are not included in the local school system's five-year educational facilities plan.

ETHICS

House Bill 268

Miscellaneous Changes to Georgia's Election Laws

Sponsor: Representative Fleming of the 121st

Effective Date: July 1, 2017

This bill provides for many various changes to Georgia's election laws. Significant changes include:

- Changes the deadline for election superintendents to complete their required training;
- Eliminates the need for a candidate to file a nomination petition (requiring instead only a notice of candidacy and an affidavit);
- Changes the dates for filing a notice of candidacy for certain offices;
- Requires a candidate to give authorization for a third party to file their intention of candidacy;
- Removes references to "municipal election registrars";

- Removes, for purposes of voter registration, Bureau of Indian Affairs card numbers as valid forms of I.D. for proving citizenship (though the card itself is still valid);
- Requires those registering to vote to provide their driver's license number, identification number, or last four digits of their social security number (unless they affirm under penalty of law that they do not have any of these things);
- Changes the procedure used when voter registration is moved across county lines as a result of a change of residence;
- Provides that no polling place can be established outside the boundaries of a precinct 90 days before a primary or election, and that a report must be submitted to the State Election Board when one such polling place is created;
- Empowers the elections superintendent to correct mistakes or omissions on a ballot;
- Clarifies the restrictions placed on areas near polling places; and
- Provides for general clean-up language of Georgia's election laws.

FINANCE

Senate Bill 14

"Rural Hospital Organization Assistance Act of 2017"

Sponsor: Senator Burke of the 11th

Effective Date: Upon Governor's Signature

This bill allows hospitals in rural counties (with a population less than 50,000) to apply to the Department of Community Health for State grants. These grants will help with infrastructure development, strategic planning, nontraditional healthcare delivery systems, and operating costs for emergency room services. Any hospital authority or rural hospital organization may receive up to \$4 million in grants in each calendar year.

Senate Bill 70

Extend Hospital Fee to Obtain Federal Funding

Sponsor: Senator Miller of the 49th

Effective Date: February 13, 2017

Under the current Hospital Medicaid Financing Program, the Board of Community Health is authorized to establish a fee for the privilege of operating a hospital, which is called a provider payment. These funds are deposited into segregated accounts within the Indigent Care Trust Fund. The Board may only charge the amount needed to obtain federal funding for Medicaid financing, and these funds may only be used for the same purpose. The statutes authorizing this fee are set to be repealed on June 30, 2017.

This bill extends the sunset provision for this program to June 30, 2020.

Senate Bill 133

Eliminate Corporate Net Worth Tax for Small Corporations; "Georgia Agribusiness and Rural Jobs Act"

Sponsor: Senator Walker of the 20th

Effective Dates: January 1, 2018 (Corporate Net Worth); July 1, 2017 (Rural Funds)

This bill modifies the corporate net worth tax so that corporations worth less than \$100,000 will no longer pay this tax nor be required to file returns for it.

In addition, this bill provides for a tax credit for investors in rural funds. These rural funds will invest in eligible rural businesses, such as businesses providing goods and services used by farmers, ranchers or producers; agribusinesses; businesses engaged in manufacturing, health care, technology, transportation, or related services; or other businesses in which investment will be beneficial to rural areas (as determined by the Department of Community Affairs). The tax credit available to investors is equal to 15 percent of their capital

investments in the rural fund, taken on the second through fifth yearly anniversary of the date of their investment.

Senate Bill 180

Increase Cap and Credit Amount for the Rural Hospital Donation Tax Credit

Sponsor: Senator Burke of the 11th

Effective Date: Upon Governor's Signature

This bill amends the rural hospital donation tax credit so as to double the cap on tax credits which each individual or business could receive (the aggregate cap remains relatively unchanged at \$60 million). Additionally, donors will receive a tax credit for 90 percent of their donation amount, as opposed to 70 percent. This bill also requires hospitals to report on all payments they make to third parties to solicit, administer, and manage these donations, and specifies that such payments cannot exceed three percent of the amount of donations they receive.

House Bill 73

Revitalization of Blighted Rural Downtown Areas

Sponsor: Representative Houston of the 170th

Effective Date: Upon Governor's Signature

This bill authorizes the designation of revitalization zones for a period of five years within the jurisdiction of local governments with less than 15,000 residents. These local governments must be suffering from economic distress, have a concentration of historic commercial structures at least 50 years old within the zone, complete a feasibility study or market analysis showing what businesses can be supported in the area, and complete a master plan to assist private and public investment in the area. Once the zone is completed, existing or new businesses in the zone can receive a \$2,000 tax credit for each new full-time job created (once two such jobs are created). These businesses can also receive a tax credit for 25 percent of the price of property purchased in the zone, and a tax credit for 30 percent of all rehabilitation expenditures on property in the zone.

House Bill 155

Tax Credit for Expenses Incurred by Musical or Theatrical Companies

Sponsor: Representative Carter of the 175th

Effective Date: January 1, 2018

This bill grants a 15 percent income tax credit to certain musical or theatrical companies whose production expenditures equal or exceed the spending thresholds listed below. An additional 5 percent tax credit may be applied if the qualified production expenditures are incurred in a tier one or tier two county, as designated by the Department of Community Affairs. The spending threshold is:

- For a musical or theatrical performance, \$500,000 during a taxable year;
- For a recorded musical performance incorporated into or synchronized with a movie, television, or interactive entertainment production, \$250,000 during a taxable year; and
- For any other recorded musical performance, \$100,000 during a taxable year.

In order to qualify, the company applying must operate either a musical or theatrical performance that takes place over the course of a twelve-month period or longer, and either originates, develops, or has its initial public performance before a live audience within the state; or such performance that prepares and rehearses a minimum of seven days within the state, with its United States debut within Georgia. This excludes a single musical performance or cultural festival that is not intended for touring.

The tax credit aggregate annual caps are \$5,000,000 in 2018; \$10,000,000 in 2019; and \$15,000,000 for tax years 2020 through 2022, with a sunset on January 1, 2023. The maximum allowable tax credit claimed by a single production company and its affiliates may not exceed 20 percent of the available aggregate amount of

tax credits available in a single year. These credits may be used against withholding taxes and can be carried forward for five years.

House Bill 199

Tax Credit for Video Game Companies and Film Post-Production Companies

Sponsor: Representative Rhodes of the 120th

Effective Date: July 1, 2017

This bill modifies the tax credit given to interactive entertainment production companies in this state, by reducing in half (from \$500,000 to \$250,000) the payroll these companies must maintain to qualify, and by eliminating the sunset provision for this tax credit. It also allows pre-released interactive games to benefit from this tax credit, but for only a period of three years.

This bill also creates a new tax credit for post-production companies for both the film and interactive entertainment industries. If these companies have a total aggregate payroll of \$250,000, and are approved by the Department of Revenue, they can receive a tax credit based on their expenditures in the State. If the company has between \$100,000 and \$500,000 in payroll, then they can receive a tax credit equal to 20 percent of their expenditures on qualifying projects (though no more than \$1 million in such tax credits can be awarded per year). If they have more than \$500,000 in qualified post-production expenditures, then they can also receive an additional 10 percent if their project was produced exclusively in Georgia, and an additional 5 percent if the expenditures were incurred in a tier one or tier two county.¹ This tax credit for larger post-production companies (with more than \$500,000 in qualified post-production expenditures) is capped at \$10 million per year, though unused portions of the cap are carried forward to future years. These tax credits can be transferred to other parties, in the same manner as with the tax credit for the film industry. They can also be carried forward for five years, or used against withholding taxes.

House Bill 237

Income Tax Credit for Donations to the Public Education Innovation Fund Foundation

Sponsor: Representative Coleman of the 97th

Effective Date: Upon Governor's Signature

This bill creates a new tax credit for any donations to the Public Education Innovation Fund Foundation. This tax credit is equal to the amount donated to the Foundation, capped at \$1,000 for single individuals or heads of household; \$2,500 for married joint filers; \$10,000 for members of an LLC, "S" Corporation, or partnership; and at 75 percent of a corporate donor's tax liability. Only \$5 million in such tax credits will be awarded each year.

These donations will be used by the Foundation to award grants to public schools for the implementation of academic and organizational innovations to improve student achievement. The lowest performing five percent of schools will receive priority for these grants.

House Bill 340

Title Ad Valorem Tax for Leased Vehicles

Sponsor: Representative Blackmon of the 146th

Effective Date: January 1, 2018

Under the title ad valorem tax (or TAVT), purchasers of vehicles must pay a tax equal to a certain percentage of the value of the vehicle – currently seven percent. This bill provides that the TAVT for leased vehicles will be calculated not based on the value of the vehicle, but instead based on the value of the payments provided for in the leasing agreement.

¹ Counties are ranked into four tiers based on their unemployment rate, per capita income and percentage of residents whose incomes are below the poverty level. This tier system is already used for other programs, such as the state's job tax credit program.

HEALTH AND HUMAN SERVICES

Senate Bill 16

Regulation of Low THC Oil

Sponsor: Senator Ben Watson of the 1st

Effective Date: July 1, 2017

This bill amends Georgia's medical cannabis law, created by the passage of House Bill 1/Haleigh's Hope Act in 2015. In doing so, the bill expands the list of conditions that allow a patient to register with the low THC oil Registry by adding the following:

- Tourette's syndrome, when such syndrome is diagnosed as severe;
- Autism spectrum disorder, when such disorder is diagnosed for a patient who is at least 18 years of age, or severe autism, when diagnosed for a patient who is less than 18 years of age;
- Epidermolysis bullosa;
- Alzheimer's disease, when such disease is diagnosed as severe or end stage;
- Acquired immune deficiency syndrome, when such syndrome is diagnosed as severe or end stage; or
- Peripheral neuropathy, when such symptoms are diagnosed as severe or end stage.

The bill also allows physicians to authorize the use of low THC oil as treatment in certain instances of hospice care. Other changes to current law include adding the requirement that low THC oil be in a pharmaceutical container labeled by the manufacturer indicating the percentage of THC therein, and allowing persons with registration cards issued by other states to lawfully possess low THC oil for limited periods of time without having to register in Georgia.

Senate Bill 102

Creates a Statewide System of Emergency Cardiac Care Centers

Author: Senator Miller of the 49th

Effective Date: July 1, 2017

This bill establishes the Office of Cardiac Care (office) within the Department of Public Health (DPH). This office will designate hospitals that meet the criteria to become emergency cardiac care centers. These centers will receive a designation of Level I, II, or III, based on the following criteria.

Level I – must have all of the following:

- Cardiac catheterization and angioplasty facilities available at all times;
- On-site cardiothoracic surgery capability available at all times;
- Protocols established for therapeutic hypothermia for out-of-hospital cardiac arrest patients;
- Ability to implant percutaneous left ventricular assist devices for support of hemodynamically unstable patients experiencing out-of-hospital cardiac arrest or heart attacks;
- Neurologic protocols to measure functional status at discharge; and
- Ability to implant automatic implantable cardioverter defibrillators.

Level II – must have all of the following:

- Cardiac catheterization and angioplasty facilities available at all times;
- Protocols established for therapeutic hypothermia for out-of-hospital cardiac arrest patients;
- Neurologic protocols to measure functional status at discharge; and
- Transfer plan to a Level I facility for those who need left ventricular assist devices or cardiothoracic surgery.

Level III – must have all of the following:

- Protocols established for therapeutic hypothermia for out-of-hospital cardiac arrest patients; and
- Transfer plan to a Level I or Level II facility.

DPH has the authority to establish additional levels as necessary. The office must establish a data reporting system on out-of-hospital cardiac arrest patients and all heart attack patients; establish protocols on triage, assessment, treatment, and transport of cardiac patients for emergency medical services providers; and provide a list of emergency cardiac care centers to each licensed emergency medical services provider in the state, maintain a copy at the office, and publish this list on their website by June 1, 2018.

Senate Bill 153

Authority for Optometrists to Perform Certain Injections

Sponsor: Senator Matt Brass of the 28th

Effective Date: July 1, 2017

Current law prohibits optometrists from administering pharmaceutical agents by injection. This bill allows optometrists to administer medication by injection related to the diagnosis and treatment of conditions of the eye and adnexa oculi. This authorization does not apply to sub-tenon, retrobulbar, peribulbar, facial nerve block, subconjunctival anesthetic, dermal filler, intravenous injections, intramuscular injections, intraorbital nerve block, intraocular, or botulinum toxin injections.

This authorization only applies to an optometrist who: 1) holds a current license issued by the State Board of Optometry (Board) and successfully completes an injectables training program sponsored by a school or college of optometry credentialed by the U.S. Department of Education and the Council on Postsecondary Accreditation, consisting of a minimum of 30 hours approved by the Board; or 2) is enrolled in such an injectables training program under the direct supervision of a licensed and board certified ophthalmologist.

House Bill 154

Dental Hygienists: General Supervision and Scope of Practice

Sponsor: Representative Cooper of the 43rd

Effective Date: January 1, 2018

Current law requires dental hygienists to perform certain dental hygiene duties under the direct supervision of a dentist, which requires such dentist to be physically present in the building. This bill provides for “general supervision” to allow dentists to authorize dental hygienists to perform certain delegable duties in a private office setting, which include: application of sealants; fluoride treatment; oral hygiene instruction and education; and exposure and processing of X-rays when specified under a standing order of the authorizing dentist. This bill also extends the scope of practice of dental hygienists in school settings as well as hospitals, nursing homes, long-term care facilities, rural health clinics, federally qualified health centers, health facilities operated on the federal, state, county, or local governments, hospices, and family violence shelters, by allowing the hygienists to apply topical fluoride and perform the application of sealants and oral prophylaxis under general supervision.

House Bill 249

“Jeffrey Dallas Gay, Jr. Act”

Sponsor: Representative Tanner of the 9th

Effective Dates: July 1, 2017; July 1, 2018 (Prescriber Mandate)

- Permits certain persons to obtain Naloxone, a prescription-only opioid antagonist, pursuant to a statewide standing order imposed by the state health officer;
- Exempts Naloxone from the list of dangerous drugs when used for drug overdose prevention and when supplied by a dispenser in the form of certain nasal adaptor and muscle rescue kits or the prepackaged nasal spray and muscle rescue kits;

- Revises requirements for prescribers and dispensers regarding the utilization of the statewide electronic database known as the Prescription Drug Monitoring Program (PDMP), administered by the Georgia Drugs and Narcotics Agency (GDNA);
- Transfers the PDMP from GDNA to the Department of Public Health (DPH);
- Requires DPH to submit an annual report to the General Assembly on the information resulting from mandatory reporting of neonatal abstinence syndrome;
- Provides for the annual inspection and reporting of drug abuse treatment and education programs;
- Provides for notice to a county coroner or medical examiner in cases where an individual dies as a result of an apparent drug overdose; and
- Provides a short title to a section of current law that requires each local board of education that operates a school with grades nine through 12 to provide instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator as part of existing health and physical education courses.

Prescriber Mandate

This bill requires prescribers to seek and review information from the PDMP when prescribing opioids, opiates, opiate derivatives, or benzodiazepines to a patient for the first time and at least once every 90 days thereafter, unless:

- The prescription is for no more than a three-day supply and no more than 26 pills;
- The patient is in a hospital or health care facility, including but not limited to a nursing home, an intermediate care home, a personal care home, or a hospice program, which provides patient care and prescriptions to be administered and used by a patient on the premises;
- The patient has had outpatient surgery at a hospital or ambulatory surgery center and the prescription is for no more than a ten-day supply of such substance and no more than 40 pills;
- The patient is terminally ill or under the supervised care of a hospice program; or
- The patient is receiving treatment for cancer.

The effective date for this mandate is July 1, 2018, provided that the PDMP is certified by DPH as operational. A prescriber found in violation of this Code Section will be held administratively accountable to the Georgia Composite Medical Board.

HIGHER EDUCATION

House Bill 37

Sanctuary Policy

Sponsor: Representative Ehrhart of the 36th

Effective Date: July 1, 2017

This legislation prohibits any private postsecondary institution in Georgia from adopting, implementing, or enforcing any sanctuary policy. Any private institution found guilty of enforcing a sanctuary policy is subject to the withholding of State funding or State administered federal funding, as well as funding for scholarships, loans, and grants. A sanctuary policy is defined as any regulation, rule, policy, or practice adopted or administered which prohibits or restricts officials or employees of a private postsecondary institution from communicating or cooperating with federal officials or law enforcement officers with regard to reporting status information while such official or employee is acting within the scope of his or her official duties.

INSURANCE & LABOR

Senate Bill 103

Pharmacy Benefits Managers (PBMs)

Sponsor: Senator Mullis of the 53rd

Effective Date: July 1, 2017

This legislation precludes PBMs from:

- Requiring an insured to use a mail-order pharmacy;
- Prohibiting a pharmacist from providing to an insured information on the amount of the insured's cost share for a prescription and the clinical efficacy of a more affordable drug. Pharmacies and pharmacists may not be penalized by a PBM for disclosing such information or for selling a more affordable alternative;
- Prohibiting a pharmacist from offering and providing delivery services;
- Charging an insured a copay greater than the total submitted charges by the network pharmacy for which the pharmacy is paid;
- Charging or holding a pharmacy or pharmacist responsible for any unresolved fees;
- Recouping funds from a pharmacist without first complying with the Pharmacy Audit Bill of Rights set forth in Code Section 26-4-118; and
- Penalizing or retaliating against a pharmacy or pharmacist for exercising their rights under this legislation or the Pharmacy Audit Bill of Rights.

This legislation does not apply to:

- Care Management Organizations;
- The Department of Community Health;
- The State Health Benefit Plan; or
- Any HMO with an exclusive medical group contract that operates its own pharmacies.²

Senate Bill 201

Sick Leave

Sponsor: Senator Miller of the 49th

Effective Date: July 1, 2017

This legislation requires employers that provide sick leave to allow employees to use up to five days of earned paid sick leave for the care of an immediate family member in each calendar year.³ Employees using sick leave under the provisions of this bill must comply with the terms of the employer's sick leave policy. This legislation does not require an employer to offer sick leave of any kind.

This legislation applies to any employer that employs 25 or more individuals, including the State of Georgia and its political subdivisions and instrumentalities. Employers offering employees stock ownership plans to their employees are exempt from this legislation. Further, this legislation only applies to individuals working 30 or more hours per week. Finally, nothing in this legislation creates a new cause of action against an employer.

This bill sunsets on July 1, 2020.

² The language in this bill is identical to the language found in HB 276 as it was adopted by the House on February 28, 2017.

³ An "Immediate family member" is defined as an employee's child, spouse, grandchild, grandparent, or parent or any dependents as shown in the employee's most recent tax return.

Senate Bill 206

Hearing Aid Coverage for Children Act

Sponsor: Senator Martin of the 9th

Effective Date: January 1, 2018

- Requires insurance coverage for one hearing aid per hearing impaired ear for children 18 and younger and the policy must cover the replacement for one hearing aid per ear every 48 months;
- Caps coverage at \$3,000 per hearing aid per ear (\$6,000 total);
- Exempts insurers that can actuarially demonstrate that the coverage resulted in a cost increase of at least one percent the previous year and would lead to an average premium increase of more than 1 percent for all policies commencing on inception or the next renewal date; and
- Exempts health plans offered through the health insurance exchange and policies offered by employers with 10 or fewer employees.

JUDICIARY

House Bill 126

The Judicial Qualifications Commission Improvement Act of 2017

Sponsor: Representative Willard of the 51st

Effective Date: July 1, 2017

This legislation reconstitutes the Judicial Qualifications Commission (Commission). As such, it divides the Commission into two distinct panels; a seven-member Investigative Panel and a three-member Hearing Panel.

The Investigative Panel consists of the following seven members, serving four-year terms:

- One attorney appointed by the Governor;
- Two judges appointed by the Supreme Court;
- Two members (one attorney and one citizen) appointed by the President of the Senate; and
- Two members (one attorney and one citizen) appointed by the Speaker of the House.

The Hearing Panel consists of the following three members, serving four-year terms:

- One citizen appointed by the Governor;
- One judge appointed by the Supreme Court; and
- One attorney appointed by the Supreme Court.

Further, the State Bar of Georgia may recommend to the respective appointing authorities a list of names of individuals for consideration to serve as attorney commission members. Lastly, this legislation provides an exception for any full-time associate probate court judge to engage in the practice of law outside his or her role as a probate court judge when he or she is serving as a judge advocate general or in any other military role in a reserve component to the U.S. Army, Navy, Marine Corps., Coast Guard, Air Force, National Guard, Georgia National Guard, Georgia Air National Guard, Georgia Naval Militia, or the State Defense Force.⁴

House Bill 280

Campus Carry

Sponsor: Representative Ballinger of the 23rd

Effective Date: July 1, 2017

Current law prohibits a person from carrying, possessing, or having in one's control any weapon or explosive compound while within a school safety zone, at a school function, or on a bus or other means of transportation

⁴ The exception to the practice rule provision mirrors HB 185 which passed the House on February 15, 2017.

furnished by a school.⁵ This legislation provides an exception to these laws by authorizing the carrying and possession of handguns by a weapons carry license holder when he or she is in any building or on real property that is owned by or leased to any public institution of postsecondary education.⁶ However, this bill provides that weapons carry license holders are prohibited from carrying and possessing handguns:

- Within buildings or property used for athletic sporting events or student housing, including fraternity and sorority houses;
- Within preschool or childcare space located within such buildings or real property;
- Within any room or space being used for classes related to a college and career academy or other specialized school;
- Within any room or space being used for classes in which high school students are enrolled through a dual enrollment program; and
- Within faculty, staff, or administrative offices or rooms where disciplinary proceedings are conducted.

Further, this exception only applies to those licensed to carry handguns pursuant to Georgia's license-to-carry laws and to those carrying concealed handguns.

Any weapons carry license holder who carries a handgun in any of the prohibited buildings, properties, rooms, or spaces listed above will be punished with a misdemeanor charge. However, a first time conviction of such offense is punishable by a fine of \$25.00 and such person is prohibited from serving any term of confinement.

House Bill 341

Sexual Servitude

Sponsor: Representative Reeves of the 34th

Effective Date: July 1, 2017

This legislation expands the offense of trafficking another for sexual servitude and alters sentencing provisions. A person convicted of subjecting an individual to or maintaining an individual for sexual servitude or who recruits, entices, harbors, transports, provides, or obtains by any means an individual for the purpose of sexual servitude is guilty of a felony punishable by 10 to 20 years in prison. However, if committed against a person who is under 18 years old and such individual was coerced or deceived into such violation, or if such violation was committed against someone with a developmental disability, such person will be guilty of a felony punishable by imprisonment of 25 to 50 years. If a person is convicted of soliciting an individual to perform sexually explicit conduct on behalf of such person when such individual is the subject of sexual servitude, such person is guilty of a felony. However, if such person commits such crime against someone who is 16 or 17 years old, such person will be punished by imprisonment from 5 to 20 years. When such offense is committed against an individual who is younger than 16 years old or against someone with developmental disabilities, upon conviction, such person will be punished by imprisonment of 10 to 20 years.

Further, this bill provides that convictions of keeping a place of prostitution, pimping, or pandering, are punishable by a misdemeanor of a high and aggravated nature. However, at the judge's discretion, all but 24 hours of any term of imprisonment imposed may be suspended, stayed, or probated. Moreover, any person convicted of a sexual offense is sentenced to a split sentence which includes a minimum term of imprisonment. Any such sentence must include, in addition to the mandatory term of imprisonment, an additional probated sentence of at least one year. However, when a court imposes consecutive sentences for sexual offenses, the court's requirement to impose a probated sentence only applies to the final consecutive sentence imposed.

⁵ 'Weapon' includes, but is not limited to, any pistol, revolver, or knife. See O.C.G.A. § 16-11-127.1(a)(4) for a complete list.

⁶ These include any public technical school, vocational school, college, university, or other public institutions of postsecondary education.

Senate Bill 250

Prohibition on Loitering by Out-of-State Sexual Offenders

Sponsor: Senator Mullis of the 53rd

Effective Date: July 1, 2017

Current law provides that it is a crime for a Georgia registered sexual offender to loiter at any child care facility, school, or area where minors congregate. This legislation adds to the prohibition and provides that it is unlawful for any person who is or should be registered on another state's sexual offender registry to loiter at any child care facility, school, or area where minors congregate.

NATURAL RESOURCES

House Bill 208

Hunting and Fishing Licenses

Sponsor: Representative Rhodes of the 120th

Effective Date: July 1, 2017

This omnibus legislation makes several changes to the laws regarding hunting and fishing licenses, as well as to licenses for seafood dealers and vessel registrations. Significant changes include:

- Increasing the costs of hunting, fishing, trawler licenses, as well as boat numbering fees;
- Creating several new classes of hunting and fishing license for seniors and juveniles; and
- Requiring licenses for seafood dealers.

PUBLIC SAFETY

Senate Bill 109

Interstate Compacts for Nurses and Emergency Services Personnel

Sponsor: Senator Williams of the 27th

Effective Date: July 1, 2017

This legislation adopts the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact (REPLICA) to facilitate interstate movement of EMS personnel and authorize the State Office of EMS and Trauma to afford immediate legal recognition to EMS personnel licensed in a member state. This legislation also adopts the Nurse Licensure Compact, which allows registered professional nurses or licensed practical nurses to have one multistate license authorizing their practice in a home state and any state that is a party to the compact.

Senate Bill 160

Back the Badge Act of 2017

Sponsor: Senator Harper of the 7th

Effective Date: July 1, 2017

- Extends the offenses of aggravated assault and aggravated battery upon a peace officer to include other public safety officers;
- Imposes mandatory minimum prison sentences for criminals convicted of certain aggravated assaults and aggravated battery against a public safety officer;
- Allows juveniles charged with aggravated assault with a firearm and aggravated battery against a public safety officer to be tried as adults;
- Redefines the offense of misdemeanor obstruction of a law enforcement officer (LEO) to include several other public safety officials;

- Increases the maximum punishment for criminals convicted of felony obstruction of a LEO; and
- Creates a new felony offense for those convicted of throwing bodily fluids on to public safety officials.

House Bill 452

Domestic Terrorism & Information on Violent Criminal Aliens

Sponsor: Representative Petrea of the 166th

Effective Date: July 1, 2017

- Requires the Georgia Bureau of Investigation to post and share information regarding aliens convicted of violent offenses who are released from federal custody within the state.
- Redefines the term “domestic terrorism;”
- Creates a punishment schedule for acts of domestic terror;
- Establishes venue for offenders who commit these acts against targets in Georgia;
- Provides special subpoena power for prosecutors investigating acts of domestic terrorism;
- Gives the Attorney General and local prosecutors concurrent jurisdiction over cases involving acts of domestic terrorism;
- Enumerates a list of specific agents, chemicals, and toxins which qualify as bacteriological or biological weapons;
- Allows prosecutors and law enforcement to use wire taps in cases involving domestic terror; and
- Requires Peace Officer Standards and Training Council (POST) training on domestic Terrorism and requires state agencies to submit information regarding potential acts of domestic terrorism to the Georgia Information Sharing Analysis Center (GISAC).

REGULATED INDUSTRIES & UTILITIES

Senate Bill 85

Brewery and Distillery Direct Alcohol Sales

Sponsor: Senator Jeffares of the 17th

Effective Date: September 1, 2017

Under current law, brewers and distillers are not permitted to sell alcoholic beverages directly to customers. Instead, brewers and distillers are permitted to provide tours of their premises and to serve “samples” and “souvenirs” of alcohol to their guests.

This legislation allows both brewers and distillers to sell alcoholic beverages directly to the public for both on and off premises consumption. Alcoholic beverages may be sold at any time or day that alcohol sales are permitted by the county or municipality in which the brewery or distillery is located.

Brewers may sell up to 3,000 barrels (93,000 gallons) of malt beverages per year for consumption both on and off premises so long as the beverages are produced on site. The amount of malt beverages sold for consumption on premises is not capped. The amount to be sold for consumption off premises is limited to a maximum of 288 ounces per consumer, per day.

Distillers may sell up to 500 barrels (26,500 gallons) of spirits for both on and of premises consumption. The amount sold for off-premises consumption is capped at 2.25 liters per customer, per day. However, distillers may not sell spirits at a price lower than the price that they authorize licensed package retailers to sell the spirits.

This bill also allows holders of brewpub licenses to sell wine and beer by the package for off-premises consumption in counties or municipalities where such sales are permitted.

Senate Bill 88

Narcotic Treatment Programs Enforcement Act

Sponsor: Senator Mullis of the 53rd

Effective Date: Upon Governor's Signature

- Requires operators of narcotic treatment programs to obtain and maintain a license to be issued by DHC;
- Divides the state into 49 separate regions and limits the maximum number of clinics permitted to be operated in these regions to four;
- Prohibits clinics from paying bounties to patients for referrals;
- Prohibits clinics from providing discounted medication or financial incentives to patients unless certain requirements are met;
- Requires patients to register in a statewide database in order to prevent patronage of multiple clinics;
- Creates a process by which a clinic may have its license to operate denied, suspended, or revoked upon violation of State regulations; and
- Requires administrators and applicants for licenses to submit to a criminal background check.

House Bill 413

Eminent Domain for Oil Pipelines

Sponsor: Representative Parsons of the 44th

Effective Date: Upon the Governor's Signature for purposes of proposing rules and regulations; July 1, 2017 for all other purposes

This bill creates a two-step application process for any company wishing to use the power of eminent domain to build an oil pipeline in the state. This process requires a company to first obtain a certificate of public convenience and necessity from the Commissioner of GDOT and then obtain a permit to build the pipeline from the Environmental Protection Division (EPD). The bill also codifies a company's right to take private land in order to build pipelines under eminent domain and lays out procedures that a company must abide by in order to exercise this right.

RETIREMENT

House Bill 83

Georgia Firefighters' Pension Fund Investments

Sponsor: Representative Maxwell of the 17th

Effective Date: July 1, 2017

Real Estate Investments

This bill allows the Georgia Firefighters' Pension Fund (Fund) to invest up to 10 percent of the total asset value of the Fund towards real estate. If the Fund's assets decrease in value, the Fund will be entitled to retain all real estate investments owned prior to the reduction in asset value. Currently, only the Georgia Municipal Employees Benefit is authorized to make such an investment.

Alternative Investments

Currently, Georgia law prohibits any eligible large retirement system⁷ from investing more than five percent of the system's assets in alternative investments. This bill allows the Georgia Firefighters' Pension Fund to make alternative investments that may not aggregate exceed 10 percent of the Fund's total assets.

⁷ O.C.G.A. § 47-20-84 defines a 'large retirement system' as including, but not limited to: any retirement system which has an accumulated unfunded actuarial liability not greater than 25 percent of its total assets; The Georgia Municipal Employees Benefit System; and public retirement system which has more than \$200 million. According to O.C.G.A. § 47-20-87(a)(2), this term may not include the Teachers Retirement System.

House Bill 312

ERS Board of Trustees Authorized to Include Qualified Roth Contribution Program

Sponsor: Representative Maxwell of the 17th

Effective Date: January 1, 2018

This bill allows the ERS Board of Trustees (Board) to include, for eligible employees of any deferred compensation plan, the option of a qualified Roth contribution program. This program must be in accordance with Section 402A of the United States Internal Revenue Code. This legislation also allows for the governing body of cities, counties, or other political subdivisions to provide qualified Roth contribution programs, in accordance with federal regulations, to eligible employees.

SCIENCE & TECHNOLOGY

Senate Bill 117

GTA Establishment of Technology Standards and Policies for State Agencies

Sponsor: Senator Martin of the 9th

Effective Date: July 1, 2017

Currently, Georgia law defines the general powers designated to the Georgia Technology Authority (GTA). This bill amends those powers to add for the establishment of technology policies and standards for all agencies,⁸ including, but not limited to, the role and responsibilities of chief information officers and chief information security officers. GTA must also provide a waiver to such agencies regarding the use of any policies, standards, specifications, or contracts developed by GTA when it is determined to be inapplicable or found to promote the best interests of the State. This legislation exempts the Georgia Department of Defense and any department headed by an elected Constitutional Officer of the State, as well as clarifies the General Assembly's current exemption from GTA's authority.

House Bill 1

Space Flight Activities Tort Exemptions

Sponsor: Representative Spencer of the 180th

Effective Date: July 1, 2017

Under current law, operators of space flight activities may be held liable to space flight participants for ordinary negligence, if the participant is harmed as a result of the operators not acting in a manner which an ordinarily prudent and cautious person would have acted in their situation. This bill provides operators of space flight activities immunity from any lawsuits if space flight participants become injured during the space flight as long as the participant signed a warning and agreement (the wording for which is written in the bill).

In addition to signing this warning and agreement, the space flight participant must also give any other informed consent required by federal law. The warning and agreement signed by the participant is to be considered effective and enforceable in regards to the heirs, executors, administrators, successors, and assigners of the participant concerning the space flight entity's civil liability or criminal responsibility in the case of injury to the participant. This bill will not limit liability for instances when the space flight entity acts with gross negligence or acts to intentionally cause harm. This bill will also not have any effect on any breach of contract claims, nor preclude claims by the federal government, Georgia, or any state agency to enforce a valid statute or regulation.

⁸ The definition of 'agency' includes every state department, agency, board, bureau, commission, and authority but shall not include any agency within the judicial or legislative branch of state government, the Georgia Department of Defense, departments headed by elected constitutional officers of the State, or the University System of Georgia.

SLOGO

House Bill 146

Cancer and Disability Coverage for Firefighters

Sponsor: Representative Gravley of the 67th

Effective Date: January 1, 2018

Under current law, fire departments must insure each firefighter for injuries sustained en route to, during, and returning from fire calls or other emergencies and disasters and scheduled training sessions. Beginning on January 1, 2018, this legislation requires every fire department to insure each firefighter for cancer diagnosed after having served 12 consecutive months with the department.

For advanced stages of cancers, a lump sum benefit of \$25,000 is payable to the firefighter when there are one or more malignant tumors that:

- Requires surgery, radiotherapy, or chemotherapy;
- Has metastasized; or
- Is terminal cancer, the firefighter is expected to die within 2 years of the diagnosis, and will not benefit from, or has exhausted, curative therapy.

For lesser stages of cancers, a lump sum benefit of \$6,250 is payable to the firefighter when:

- There is *carcinoma in situ*⁹ such that surgery, radiotherapy, or chemotherapy is required;
- There are malignant tumors which are treated by endoscopic procedures alone;
- There are malignant melanomas; or
- There is a tumor of the prostate, provided that it is treated with radial prostatectomy.

These benefits are capped at \$50,000 for the lifetime of the firefighter.

This bill also establishes a separate disability benefit payable when a firefighter, due to injury or illness, is unable to work.

SPECIAL JUDICIARY

House Bill 250

Records Checks for Individuals Supervising Children

Sponsor: Representative Ballinger of the 23rd

Effective Date: July 1, 2017

This legislation provides that in lieu of required background screenings or fingerprint checks for individuals providing short-term care for children in the custody of the Department of Human Services (DHS), DHS may instead accept a letter issued within the previous twelve months by the Department of Early Care and Learning stating that such caregiver has received a satisfactory determination and can be present in a child care facility while children are present.

⁹ *Carcinoma In situ* refers to a group of abnormal cells that remain in the place where they first formed and have not spread. These abnormal cells may become cancer and spread into nearby normal tissue. It is sometimes referred to as stage 0 disease.

House Bill 391

Safe Place for Newborns Act of 2002

Sponsor: Representative Clark of the 98th

Effective Date: July 1, 2017

This legislation expands permitted locations for newborns to be lawfully left to include fire stations and police stations, provided that the newborn is no more than 30 days old. Further, a mother may decline to provide proof of her identity and address when leaving the child in the physical custody of such facilities.

STATE INSTITUTIONS & PROPERTY

Senate Bill 104

Carjacking; Human Trafficking Hotline; False Proof of Insurance Document; Upskirting; and Drug Schedules

Sponsor: Senator James of the 35th

Effective Date: Upon Governor's Signature (Fentanyl Provisions); July 1, 2017 (All Other Provisions)

This legislation combines language from HB 67; HB 213; HB 214; and SB 45, while retaining SB 204's original provisions. The bills significant provisions include the following:

- Designates the existing crime of hijacking a motor vehicle as being in the first degree;
- Creates the new crime of hijacking a motor vehicle in the second degree;
- Requires governmental entities to post human trafficking hotline model notices in government buildings;
- Increases the punishment for those who knowingly manufacture, sell, or distribute a counterfeit or false proof of insurance document;
- Prohibits the use of an electronic device to film underneath or through an individual's clothing; and
- Includes the sale, manufacture, delivery, or possession of fentanyl and related substances within the prohibition on trafficking certain drugs.

TRANSPORTATION

Senate Bill 219

Automated Driving System Operated Vehicles

Sponsor: Senator Gooch of the 51st

Effective Date: July 1, 2017

This legislation allows for the operation of a fully autonomous motor vehicle with an automated driving system (ADS). It exempts the driver's license requirement for a fully autonomous vehicle with the ADS engaged. When a fully autonomous vehicle is involved in an accident, the vehicle owner or person responsible for the vehicle must contact local law enforcement to report the crash unless the fully autonomous vehicle has the ability to alert law enforcement. Fully autonomous vehicle means a motor vehicle equipped with an ADS that has the capability to perform all aspects of a dynamic driving task without a human driver within a limited or unlimited operational design domain and will not at any time request that a driver assume any portion of the dynamic driving task when the ADS is operating within its operational design.

VETERANS, MILITARY & HOMELAND SECURITY

Senate Bill 108

Women Veterans' Office

Sponsor: Senator Walker of the 20th

Effective Date: July 1, 2017

This legislation directs the Commissioner of Veterans Service to establish a Women Veterans' Office within the Department of Veterans Service. The office is charged with conducting outreach to women veterans for the purposes of:

- Improving awareness of eligibility for federal and state veterans' benefits and services;
- Conducting assessments of the specific needs of women veterans with respect to benefits and services; and
- Reviewing programs, research projects, and other initiatives designed to address or meet the specific needs of women veterans in Georgia.

The Women Veterans' Office will also work with the various Veterans Court Divisions throughout the state to assist with recruiting and training women veterans to serve as mentors for veterans participating in these court divisions.

House Bill 245

Temporary Teacher Certification Due to Military Spouse's Reassignment to Georgia

Sponsor: Representative Williams of the 168th

Effective Date: July 1, 2017

This legislation requires the Professional Standards Commission to adopt and implement, by July 1, 2018, a process by which military spouses may qualify for temporary educator certification when relocating to Georgia due to their spouse's military transfer to Georgia.¹⁰

House Bill 322

Georgia State War Veterans' Home

Sponsor: Representative Hitchens of the 161st

Effective Date: July 1, 2017

Under current law, disabled war veterans who served during wartime or during the period between January 31, 1955 and May 7, 1975 are qualified to reside and be cared for in the Georgia State War Veterans' Home. The legislation extends this benefit to war veterans who served during the period between January 31, 1955 and August 1, 1990.

¹⁰ Certification refers to a credential issued by the Professional Standards Commission certifying the qualifications and classification of an individual and to authorize such individual for employment in Georgia's public schools.

STUDY COMMITTEES CREATED

- SR 130 - Joint Transparency and Open Access in Government Study Committee
- SR 152 - Joint Study Committee on Stream Buffers in Georgia
- SR 188 - Senate Study Committee on Barriers to Georgians' Access to Adequate Healthcare
- SR 222 - Senate Special Tax Exemption Study Committee
- SR 224 - Joint Study Committee on Storm-Water Management Fees
- SR 352 - Senate Study Committee on Homelessness
- SR 392 - Senate Rural Georgia Study Committee
- SR 410 - Senate Information Technology Corridors in Georgia Study Committee; create
- SR 412 - Senate Stroke Trauma Center Study Committee
- SR 414 - Senate Study Committee on the Utilization and Modernization of the State Capitol and Other Buildings
- SR 454 - Senate Cyber Security Education Study Committee
- HB 338 - Joint Study Committee on the Establishment of a State Accreditation Process
- HB 338 - Joint Study Committee on the Establishment of a Leadership Academy