



KMA Legislative Priorities Pass Despite COVID-shortened 2020 Session

The 2020 legislative session will be best remembered for the disruption caused by the COVID-19 pandemic. In many ways, lawmakers' time in Frankfort was a 'tale of two sessions.' The General Assembly was operating 'business as usual' with normal daily committee meetings and floor votes. However, beginning Tuesday, March 17, everything changed due to the COVID-19 pandemic. While legislators decided to continue with the 'people's business,' lawmakers reduced the number of days they would meet. They also limited access to the Capitol Annex and legislative proceedings to legislators, essential staff, LRC-credentialed media, and specifically approved individuals.

Ultimately, the shortened, 53-day legislative session adjourned well into the evening on Wednesday, April 15. A grand total of 932 bills were introduced during the 2020 Regular Session – 647 filed in the House of Representatives and 285 filed in the Senate. However, the House and Senate only enacted 121 measures, or approximately 13 percent of the bills introduced.

As a part of their work, lawmakers passed a state budget, which impacts Medicaid and other health-related programs and services. The legislature normally adopts a two-year spending plan, but because of the economic uncertainty going forward, legislators approved an austere \$11.3 billion plan that covers one year only. The legislature will be back into regular session in January 2021 to address the remaining year of the budget cycle. However, if necessary, the governor can call lawmakers back into a special session sooner to deal with everchanging budget issues.

On the health care front, KMA developed a robust agenda for the 2020 session that included items such as prior authorization for medication-assisted treatment, co-pay accumulator programs, deceptive advertising, and insulin co-pay caps. A complete list of KMA's 2020 legislative priorities can be found [here](#). Despite the shortened session, KMA was able to either secure passage or significantly advance many of its legislative priorities. The Association also was successful in defending against measures that run counter to public safety and access to quality care.

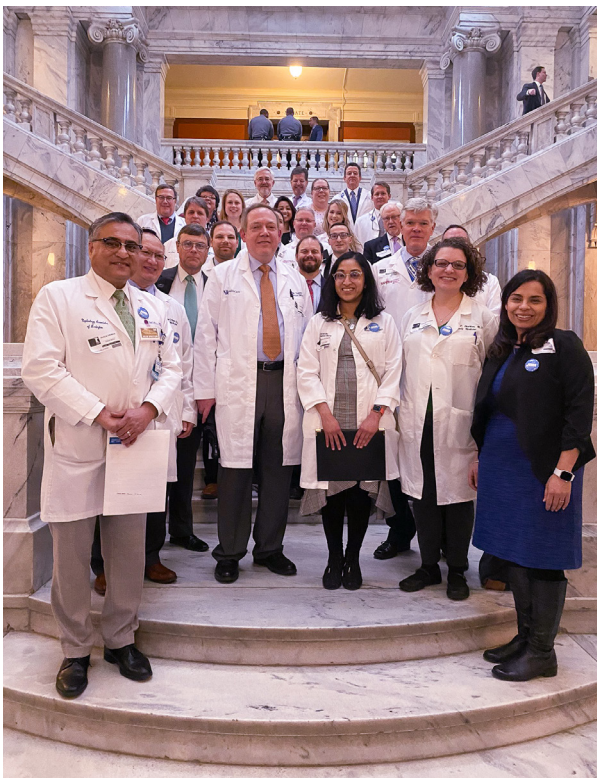
KMA Priorities that Passed

Senate Bill 56 will ensure Kentucky complies with the recently enacted federal minimum legal sale age for all tobacco products and eliminate purchase, use, and possession penalties for youth up to age 21.

House Bill 351, the state revenue bill, will tax e-cigarette products at \$1.50 per pod on closed systems (e.g. Juul reusable devices or Puff Bar disposable devices) and 15 percent of the wholesale price on open systems, which allow users to refill the device with bottled liquid. Kentucky will join 24 states and the District of Columbia in taxing e-cigarettes when the tax goes into effect August 1.

Successfully Defeated This Session

House Bill 286 would have expanded the prescriptive authority of Advanced Practice Registered Nurses. KMA members were instrumental in contacting their legislators to express concerns about the bill. The legislation cleared the House Licensing and Occupations Committee late in the session but did not receive a floor vote.





House Bill 136, legislation pertaining to the legalization of cannabis for therapeutic purposes, was also successfully defeated. However, the measure received a vote in the House of Representatives and passed by a vote of 65 to 30. While the Senate chose not to address the issue, KMA expects this item to be revisited in 2021. KMA will continue advocating for further research prior to the enactment of any cannabis legislation.

Other Issues of Interest

House Bill 153, a bill sponsored by Rep. Kim Moser, was enacted by the General Assembly. HB153 establishes a statewide Mental Health First Aid Training Program that offers the public, including educators, health care practitioners, law enforcement, and faith leaders, evidence-based mental health training to use when they encounter someone with a mental health or substance use disorder or someone experiencing a mental health or substance use crisis. Trainees would also learn how to refer individuals requiring assistance toward appropriate professional help.

House Bill 46, passed unanimously by the House and Senate, will allow full-time state employees a paid leave of absence of 240 hours for donating a human organ and 40 hours for donating bone marrow.

House Bill 99, a measure overwhelmingly passed by both chambers, allows for a \$35 million loan to facilitate the purchase of Louisville's Jewish Hospital and other Louisville-area KentuckyOne assets by the University of Louisville.

House Bill 135, which pertains to the prescriptive authority of physician assistants, passed both chambers of the General Assembly. While KMA continues to have concerns regarding the expansion of prescriptive authority for controlled substances among non-physician groups, the Association's advocacy efforts were able to produce a much-improved bill that includes many additional requirements, restrictions, and oversight by supervising physicians and the Kentucky Board of Medical Licensure.

Senate Bill 150, initially a surprise billing measure introduced by Senator Ralph Alvarado, was stripped of the original language and revised to become an emergency COVID-19 relief bill that provides Kentuckians, including the state's health care providers, financial and regulatory assistance surrounding the novel coronavirus pandemic. A summary of Senate Bill 150 is available [here](#).

House Concurrent Resolution 5 supports the notion that marijuana should be thoroughly studied prior to its widespread dissemination and use. Specifically, the resolution urges federal policymakers to "expedite research on the safety and effectiveness of the use of marijuana for certain health purposes." This resolution, which is consistent with KMA's policy on cannabis, was passed by the General Assembly and signed by the governor.

Physicians' Day at the Capitol

More than 100 physicians and medical students descended upon Frankfort on Feb. 6 for KMA's annual Physicians' Day at the Capitol. Attendees engaged in important advocacy discussions and spent time cultivating relationships with legislators. A highlight of the day's events was the reading of Senate Resolution 11, filed by Sen. Ralph Alvarado, M.D., which honored the contributions and advocacy of late KMA President-Elect Robert Couch, M.D., who passed away in November. A gallery of photos from Physicians' Day at the Capitol is available [here](#).

KMA would like to thank its membership for contributing to the Association's advocacy efforts. You spoke loudly during the legislative session through phone calls, emails, text messages, and in-person meetings. And when you spoke, lawmakers listened.

Now the KMA Advocacy Team turns its focus to the interim months. Under normal circumstances, committee meetings would be held throughout summer and fall, highlighting issues that may receive attention during the next year's session. Due to COVID-19, however, legislative leaders must determine whether those meetings can be held, and if so, how to do so in a safe manner. As they contemplate their decision, KMA stands ready to represent you and your patients' interests, even if from an appropriate social distance, to ensure the practice of medicine continues to move forward in Kentucky.