

LEG REG REVIEW Budget Edition 2022, 7th Issue April 18, 2022

LEG REG REVIEW is a periodic newsletter produced by Vince Phillips who retired from active lobbying after 31 years of advocacy in Harrisburg. It contains news on the legislative and regulatory scene in Pennsylvania that may be of interest to the Insurance and Business Communities. Subscriptions are \$100 and information may be obtained by contacting PHILLIPS ASSOCIATES at 717/728-1217 or e-mail to xenobun@aol.com.

SPECIAL ELECTION RESULTS

On April 5, 2022, special elections for State Representative were held in Luzerne and Allegheny Counties to fill three vacancies:

- Democrat Martell Covington won with 94.2% of the vote in Allegheny County.
- Democrat Aerion Abney was unopposed in the special election in Allegheny County.
- Republican Robert Schnee took 65.5% of the vote in Luzerne County. The result may not be final because of an issue surrounding uncounted absentee ballots. NOTE: 65.5% is the Department of State vote result. Ballotpedia gave Robert Schnee 61.6% of the vote.
- Covington was previously a legislative aide to Senator Minority Leader Jay Costa (D-Allegheny). Abney was previously a community voting rights activist. Schnee was a Luzerne County Councilman.
- The vacant Phila. Senate seat will be filled in a May 15 special election.

FINANCING/INSURANCE CANNABIS BILL PROGRESSES THRU SENATE

In a 46-3 vote on April 13, the PA Senate cleared **Senate Bill 1167** (DiSanto-R-Dauphin/Perry) and sent it to the House. The bill's aim is to remove impediments to "*legitimate cannabis-related businesses*" receiving access to capital and insurance coverage. In the legislation, those businesses cannot be denied a loan or insurance coverage solely because it is cannabis-related. In addition, governmental agencies may not penalize or take adverse action based on servicing a "*legitimate cannabis-related business*". The three no votes came from Republican Senators Michele Brooks (Erie/Crawford/Mercer/Warren), Scott Hutchinson (Venango), and Doug Mastriano (Franklin).

TELEMEDICINE BILL PASSES THE HOUSE

By an April 12 unanimous vote, the House forwarded **House Bill 2419** (Pickett-R-Bradford) to the Senate. The legislation authorizes psychiatrists and advanced practice professionals to use telemedicine in their practices in an amendment to the PA Outpatient Psychiatric Oversight Act. NOTE: Unlike other Telemedicine proposals before the General Assembly, HB 2419 does not contain a mandate that insurers cover this course of treatment.

MANDATED BENEFIT BILL PASSES SENATE COMMITTEE

On April 12, the Senate Health & Human Services Committee reported out **Senate Bill 1188** (Brooks-R-Erie/Crawford/Mercer/Warren) by a nine to two vote. Titled the Lyme Disease and Related Tick-Borne Illness Diagnosis and Treatment Act, Section 7 (a) of SB 1188 states:

A health insurance policy or government program under this section shall provide to covered individuals or recipients the following coverage:

- *All diagnostic testing ordered by the patient's health care professional.*
- *Tick testing.*
- *Prescribed treatments for Lyme disease or related tick-borne illnesses if the clinical diagnosis and treatment plan are documented in the patient's medical record. Treatment plans may include short-term or long-term durations, including both oral and intravenous, as prescribed by the patient's attending health care professional.*

Health insurers have traditionally opposed legislation like SB 1188 because of the broad-brush directive to cover prescriptions that are experimental or for a longer period than medical evidence and best practices suggest. The two committee no votes were cast by Senators Arthur Haywood (D-Phila.) and Amanda Cappelletti (D-Delaware/Montgomery).

WC EXPANSION BILL REPORTED OUT BY HOUSE COMMITTEE

Senate Bill 503 (Regan-R-Cumberland) adds expanded Workers Compensation benefits to several occupations categories dealing with law enforcement. Examples are Authority Police, PA Department employees not previously covered such as investigations staff, etc. It amends the Enforcement Officer Disability Benefits Law known as the Heart and Lung Act to provide richer WC benefits than others receive. It was reported out by the House Labor & Industry Committee by a 25-0 vote.

BOND REQUIREMENT LEGISLATION PASSES THE PA SENATE

On April 12, the PA Senate passed **Senate Bill 284** (Yaw-R-Lycoming) to establish bonding requirements when solar energy installations are decommissioned. Proof of financial assurance must be provided to the County Recorder of Deeds based on the following:

- 10% of estimated decommissioning cost 30 days before construction of the solar energy facility begins.
- Updated 10% financial assurance plan to the County Recorder of Deeds by the 5th anniversary of when construction began.
- On or before the tenth anniversary of initial construction, proof of financial assurance climbs to 40% of the estimated decommissioning cost.
- On or before the 15th anniversary, the level is increased to 60%. That increases to 80% on or before the 20th anniversary and 100 % on or before the 25th anniversary of initial construction. These percentages will be reduced to specified levels depending on the salvage value.

The Senate vote was 35-14 with negative votes cast by Democrats. Seven Democratic Senators sided with the Republican majority in passing the bill.

ELECTIONS

- May 2 is the last day to register to vote for the 2022 Primary Election on May 17. Last day to request an absentee ballot is May 10.
- GOP Candidate for Governor Senate President Pro Tempore Jake Corman (R-Centre) is still running for that position after signaling his intention to withdraw. The reversal reportedly occurred after former President Trump excoriated another candidate for that office.
- A PA election law quirk is that a legislator who is running for the nomination for another office can also file for re-nomination for his or her current position. Traditionally, it has been fallback insurance in case the higher office nomination does not pan out. Following is a list for the 2022 Primary:

<u>Legislator</u>	<u>Party/County</u>	<u>Other Office Being Sought</u>
Rep. Malcolm Kenyatta	Democrat/Phila.	U.S. Senate
Rep. Summer Lee	Democrat/Allegheny	U.S. Congress
Rep. Russ Diamond	Republican/Lebanon	Lt. Governor
Rep. Austin Davis	Democrat/Allegheny	Lt. Governor
Rep. Tracy Pennycuick	Republican/Bucks	State Senator

- Several Representatives seeking the nomination for State Senator did not file for re-election as a State Representative. They are Rosemary Brown (R-Monroe), Greg Rothman (R-Cumberland), and Frank Farry (R-Bucks).
- Rep. Brian Sims (D-Phila.) did not file for re-election. He is running for the Democratic nomination for Lt. Governor. Senator Jake Corman (R-Centre) did not file for re-election. He is seeking the GOP nomination for Governor.
- One of the more interesting contests is that the PA Supreme Court's redistricting map brought two Republican incumbents in conflict. Rep. Johnathon Hershey (Juniata/Mifflin/Franklin) and Rep. Perry Stambaugh (Perry/Cumberland) have been thrown together in the reconfigured district.

An additional incumbent, Rep. Thom Welby (D-Lackawanna), is not seeking re-election. He was elected in a special election to succeed Democrat Marty Flynn who was elevated to the PA Senate.