

# FLORIDA'S BioPulse

Your Weekly Digest From BioFlorida

BIOFLORIDA MEMBER DISTRIBUTION ONLY

## STATE LEGISLATIVE SESSION REPORT

Week 5 - February 5-9, 2018

Following is a summary of the priority issues impacting BioFlorida. This update accompanies the detailed [BioFlorida Legislative Tracking Report](#) that includes over 100 bills impacting the life sciences industry.

Legislators began filing their priority bills in late summer, and the deadline for filing member bills was the first day of the legislative session, January 9, 2018. The following summarizes the priority issues impacting BioFlorida to date. Throughout the next 60 days we will continue to keep you updated on these important issues.

### **Budget Process Update**

*The real work begins*

This week marks the halfway point of the legislative session and the budget process is on track for completion. Starting at the subcommittee level, each chamber has been crafting their individual budgets over the last few weeks, and Thursday they passed their budgets off of the floor. The next step is for the two chambers to conference (starting again at the subcommittee level) to negotiate into one FY 18-19 budget.

### **Biomedical Research**

*Level funding proposed*

BioFlorida supports the state's investment in biomedical research that can lead to breakthrough treatments and expand the industry and Florida's economy. Both the House and Senate have level-funded biomedical research initiatives and we anticipate that will stay the same through the conference process.

### **Tax Incentives**

*Tax packages still have not taken shape*

State economists are meeting today to formally adopt the general revenue estimates for the next year; this will help build the final budget numbers as the chambers move into conference. There will be a fiscal allocation for the tax package and the legislature will further consider which components to include. The House has continued to workshop individual concepts for the package, including expanding the research and development tax credit from the current \$9 million to \$16.5 million. Due to the flat budget year, we anticipate a lean tax package which might include a small

roll back on the commercial lease tax (last year's tax package reduced it from 6 percent to 5.8 percent).

### **Policy Issues Institute for Commercialization of Public Research**

#### *Initial movement in the Senate*

BioFlorida supports the FICPR which funds start-ups and helps investors and entrepreneurs identify new investment opportunities based on technologies developed. This year, there are two proposals to move the FICPR further in a direction of privatization, and thereby eliminating the recurring necessity for public funding. This week, the Senate bill was heard in the first committee of reference, Commerce and Tourism, and has two additional committee references. The House bill has not yet been heard.

Link to SB 1314: <https://www.flsenate.gov/Session/Bill/2018/01314>

Link to HB 1181: <https://www.flsenate.gov/Session/Bill/2018/01181>

### **Opioid Prescribing**

#### *Senate bill postponed for the second time*

SB 8 by Senator Lizbeth Benacquisto (R-Fort Myers) and HB 21 by Rep. Jim Boyd (R-Bradenton) are aimed at reducing opioid deaths and addiction in Florida. The legislation restricts Schedule II controlled opioids to a 3-day supply but would allow physicians to prescribe up to a 7-day supply in certain situations. Under the legislation, health care practitioners would also be required to consult the Prescription Drug Monitoring Program (PDMP) before writing prescriptions for controlled substances. Under current law, doctors can access the database but are not required to use it. Lastly, the bills require physicians to complete a board-approved 2-hour mandatory education course on prescribing controlled substances as part of biennial renewal of their licenses. On January 22nd, HB 21 is passed the House Appropriations Committee by a vote of 19 to 0. The House bill has one final hearing remaining in the Health and Human Services Committee. The Senate bill also contains language that restricts Medicaid managed care plans and health insurers from requiring prior authorization or step therapy or imposing any other conditions as a prerequisite to receiving medication assisted treatment (MAT) services. On February 7th, SB 8 was once again temporarily postponed by the Rules Committee.

U.S. Attorney General Jeff Sessions was in Tampa on February 7th to address drug trafficking and the opioid epidemic, the Justice Department said Monday. Sessions will address the issues during a midday appearance at the U.S. Attorney's Office in Tampa. The visit comes as Florida lawmakers and Gov. Rick Scott also consider steps to try to reduce opioid addiction and overdoses that have plagued the state in recent years. The state Senate Rules Committee on Wednesday is scheduled to take up a bill (SB 8), filed by Rules Chairwoman Lizbeth Benacquisto, R-Fort Myers, that would make a series of changes aimed at curbing the epidemic.

Link to SB 8: <http://www.flsenate.gov/Session/Bill/2018/8>

Link to HB 21: <http://www.flsenate.gov/Session/Bill/2018/21>

## **Telehealth**

*Senate bill clears another committee*

As amended SB 280 by Senator Aaron Bean (R-Fernandina Beach) establishes practice standards for telehealth health care services, addresses the prescribing of controlled substances and ordering of medical marijuana through telehealth, and prescribes recordkeeping and patient consent. Telehealth is the delivery of health care services using telecommunication technologies, which allows licensed practitioners in one location to diagnose and treat patients at a different location. On January 30th, the Senate bill passed the Health Policy Committee by a vote of 8 to 0 and is now in the Appropriations Subcommittee on Health and Human Services. The companion measure, HB 793 by Rep. Ralph Massullo (R-Lecanto), has not been heard by committees.

Link to SB 280: <http://www.flsenate.gov/Session/Bill/2018/280>

Link to HB 793: <http://www.flsenate.gov/Session/Bill/2018/793>

## **Step Therapy**

Both bills move forward in the legislative process

SB 98 by Senator Greg Stuebe (R-Sarasota) and HB 199 by Rep. Shawn Harrison (R-Tampa) require a health insurer to make current prior authorization requirements, restrictions, and forms accessible. The legislation specifies the requirements for a health insurer that implements a new prior authorization requirement or that amends an existing requirement or restriction and requires a plan to publish on the plan's website and provide to an insured a written procedure for requesting a protocol exception. The bills also provide timeframes for when an insurance company must deny or authorize the prior authorization request and define an "urgent care situation" to clarify that, not just a treating physician, but a PA or ARNP, could also determine whether a health situation is urgent. HB 199 was amended to only prohibit step therapy protocols that have been completed previously. The Senate bill was amended to require insurers to grant exceptions to any "step therapy" requirements if the medical treatment being recommended is an opioid and the request for an exception is for a non-opioid prescription drug or for treatment with a likelihood of similar or better results. On January 30th, HB 199 passed the Insurance and Banking Subcommittee by a vote of 13 to 0 and has one committee hearing left. On January 31st, SB 98 was heard on the Senate floor and passed that chamber by a vote of 37 to 0.

Link to SB 98: <http://www.flsenate.gov/Session/Bill/2018/98>

Link to HB 199: <http://www.flsenate.gov/Session/Bill/2018/199>

In addition to these issues and budget items, BioFlorida is monitoring approximately 100 pieces of legislation on behalf of its members. More information will be forthcoming on budget-related issues as the budgeting process begins in the few weeks. The 2018 BioFlorida Government Affairs Priorities can be [found here](#), and a complete Legislative Tracking Report [here](#).

If there is anyone who is interested in joining the BioFlorida Government Relations Committee please email [admin@bioflorida.com](mailto:admin@bioflorida.com). The Government Relations

Committee helps address the legislative priorities and goals of BioFlorida and also formulates advocacy positions in support or opposition of proposed legislation.

We hope this brief legislative update is helpful. If you have any questions about specific bills or the budget process, please email Alli Liby-Schoonover at [Allison.LibySchoonover@metzlaw.com](mailto:Allison.LibySchoonover@metzlaw.com).