

# United Methodist Advocacy in Pennsylvania

## October 31, 2018

The month of October is essentially the last month for legislation in the Pennsylvania General Assembly. Both the Senate and House of Representatives have one session day scheduled in mid-November. This is most likely to be a “housecleaning” session with little legislative action. Though each chamber can be called back into session if necessary, it is unlikely.

During this fall, Governor Tom Wolf was presented with 88 bills. He signed into law all but four. Of the four vetoed, the most prominent was a measure to create work requirements for certain Medicaid recipients. The governor had previously stated his opposition to the idea.

The legislation that received the most attention was one that never finished the legislative process, Senate Bill 261, changing the statute of limitation for victims of child sex abuse. The bill has been in play for nearly the whole 2017-2018 Legislative Session, receiving added emphasis with the release of a Pennsylvania Grand Jury report on clergy sex abuse of minors, this spring. But, unless the General Assembly returns for a last consideration of the matter, it will die on November 30, with the closing of the two-year session.

In other news, this month I attended the Pennsylvania Council of Churches’s Executive Committee and Board of Directors meetings, where I serve as vice president. I also met with the steering committee for a state-wide United Methodist faith and politics conference to take place the weekend of May 18, 2019—details to follow in future reports.

Lastly, I want to mention the October 27 shooting at Tree of Life Synagogue in Pittsburgh, the city in which I live. A rabbi for one of the targeted Jewish congregations is Rabbi Doris, a friend of mine. She missed being inside during the shooting by a matter of minutes. I was relieved to receive an email that she was safe. I grieve for the victims.

- Domestic Violence
  - Restrictions on Drones
  - Availability of Drugs for Substance Abuse Treatment
  - Organ Donation Legislation
  - Medical Marijuana Research Growers
  - Safe Harbor Enacted!
  - Restrictions on Public Assistance
  - Domestic Violence Provision for Housing Authority Relocation
  - Anti-Hazing Law
  - Sports Betting
  - Extended Wrongful Conviction Relief
  - Change to Mental Health Treatment Rules
  - Lawsuit against PA Dept. of Corrections Legal Mail Policy
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### Domestic Violence

On October 12, Gov. Tom Wolf signed House Bill 2060, tightening requirements for the relinquishment of firearms when an individual has been convicted of domestic violence or has undergone due process following the filing of a final Protection from Abuse (PFA) order. With enactment, the legislation is now called Act 79. This was probably one of the highest-profile pieces of legislation this fall in the Pennsylvania General Assembly.

The sponsor of the bill was Rep. Marguerite Quinn (R-Bucks). The measure was approved by the House of Representatives, 131 to 62, on Sept. 26. It was approved by the Senate, 43 to 5, on Oct. 3.

Individuals in this situation will be required to relinquish firearms to law enforcement, a court officer or a licensed firearms dealer within 24 hours. Currently, the requirement is to relinquish firearms to a sheriff or third party—including family or a friend—within 60 days. A judge would have discretion regarding gun surrender in cases where a PFA is ordered as a result of a voluntary consent agreement.

## **Restriction on Drones**

On October 12, Gov. Tom Wolf signed legislation that seeks to prevent spying by drones. The legislation is Act 78. It was sponsored by Rep. Jeff Pyle (R-Armstrong). Pyle says the intention is to protect public privacy by increasing the criminal penalties for using drones to spy on or conduct surveillance of someone in a private place.

“Signing this bill protects the personal privacy of Pennsylvanians,” said Wolf. “With the rise in popularity of drones with video cameras, this is a commonsense step to prevent the use of drones to invade someone’s privacy. Drones should not be a tool to spy on someone in their yard or through their window.”

## **Availability of Drugs for Substance Abuse Treatment**

On October 12, it was announced that Pennsylvania’s major commercial health insurers have agreed to no longer require advance approval to prescribe medication-assisted treatment (MAT) for substance use disorders.

The idea is that the drugs for treatment for opioid addiction and other substance abuse disorders should not be harder to obtain than the drugs that result in the abuse.

“Medication-assisted treatment is an effective, evidence-based treatment to help those with the disease of addiction to opioids and this step by private insurers allows more people with opioid use disorder to be able to access this form of treatment,” said state Health Secretary Dr. Rachel Levine.

Commercial insurers Aetna, Capital BlueCross, Geisinger, Highmark, Independence Blue Cross, UPMC, and United Healthcare will cover MAT without prior authorization by providing coverage of at least one Buprenorphine/naloxone combination product; coverage of Methadone as MAT; coverage of injectable and oral Naltrexone; and coverage of at least one form of nasal naloxone without quantity limits. Additionally, the guidelines also provide that MAT will be covered at the lowest patient cost tier on the plan’s pharmacy benefit, as applicable.

The agreement will apply to individual, small-group and large-group fully insured plans. Employer-funded plans are not included in this agreement.

## **Organ Donation Legislation**

On October 9, Gov. Tom Wolf signed Senate Bill 180, Organ Donations, becoming Act 90. This is the first update to the state’s organ donor laws in nearly 20 years.

The bill provides more access to organ donations, including tissue donation, as well as public education about the donation process and the importance of organ donation. It also imposes rules to prevent organ donation from interfering with criminal investigations. It allows those with power of attorney to give permission for organs to be donated and sets out a procedure for determining the intention of dying persons, if not made clear, whether they want to donate their organs and tissues.

A voluntary organ donation fund on driver's license and vehicle registration applications will increase from \$1 to \$3, for the Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund

More than 48 percent of PA driver’s license and ID card holders—an estimated 4.77 million—are registered organ donors.

About 7,500 Pennsylvanians currently await organ transplants.

## **Medical Marijuana Research Growers**

Near the end of September, eight Pennsylvania medical schools were certified as Academic Clinical Research Centers (ACRCs) as part of the state’s soon-to-be medical marijuana research program.

On October 4, the state Department of Health released applications for entities to become Clinical Registrants (CRs). Clinical Registrants are entities that have received departmental approval to operate as both a grower/processor and dispensary, for the purpose of entering into a research contract with a certified ACRC.

The original group of licensed grower/processors and dispensaries were concerned that CRs were being granted “super licenses,” negatively impacting their own interests. The grower/processors filed a lawsuit.

But, for the state, part of the concept of legalizing medical marijuana was that there would need to be a concurrent medical marijuana research program. In reaction to the lawsuit, changes were made to the law this past June and new rules were formulated, allowing the licensing of CRs to move forward.

### **Safe Harbor Enacted!**

On October 24, Senate Bill 554, Safe Harbor, was signed by Gov. Tom Wolf, becoming Act 130. The bill passed unanimously in both chambers.

The bill was approved by the state Senate in April, but was held up in political maneuvering in the House, until passed on October 17. Before that, the process of drafting the legislation took about a year. Early on, the three Pennsylvania United Methodist bishops supported this legislation and United Methodist Advocacy in PA lobbied for its passage.

Having referred to this legislation in more detail in past reports, let it suffice to say that Act 130 will direct child sex-trafficking victims out of the criminal justice system and into appropriate care through the Department of Human Services. Until now, in Pennsylvania, children who were sexually exploited by traffickers were re-victimized in the juvenile justice system when they were arrested and prosecuted for prostitution and other “masking crimes” that were part of their sexual exploitation.

### **Restrictions on Public Assistance**

On October 24, Gov. Tom Wolf signed Senate Bill 6, becoming Act 125. This bill makes a number of restrictive changes to food and cash assistance eligibility for benefits.

This act will have detrimental effects for victims of domestic violence, sexual assault and sex trafficking. It bans women with certain drug convictions from receiving Temporary Assistance for Needy Families (TANF) for 10 years. The ban will affect pregnant women and families with young children. About 90 percent of the adults who receive TANF are women.

For example, it will charge \$100 for a second replacement benefits card. Such a cost will be a hardship for those struggling to put food on the table—stealing or hiding of a benefits card is a control method used by abusers.

This was one of those enactments intended to punish malfeasant citizens. But, it will actually end up harming many who need the most social help. I just don’t get this need to smack down the weak, fallen and needy.

### **Domestic Violence Provision for Housing Authority Relocations**

On October 24, Gov. Tom Wolf signed Senate Bill 919, becoming Act 148, providing relocation options for victims of domestic violence.

The bill’s primary sponsor, Sen. Art Haywood (D-Montgomery), said, “Addressing domestic violence and helping survivors rebuild their lives is a critical piece of my legislation. We must use all the tools available to shield domestic violence survivors from life-threatening situations.”

The measure allows an authority to move a tenant who requests emergency relocation due to domestic or sexual violence. This legislation provides state protections. “My legislation would guarantee options for victims of domestic or sexual abuse in public housing to seek other accommodations that are safe, secure and away from danger,” Haywood said.

The bill passed the state Senate unanimously in March and the state House of Representatives on October 17.

## **Anti-Hazing Law**

On October 19, Gov. Tom Wolf signed Senate Bill 1090, becoming Act 80, the Timothy J. Piazza Anti-hazing Law. This act strengthens penalties for hazing and requires schools to have safeguards in place to protect students. Timothy Piazza was a 19-year old student at Penn State who died in February 2017 during a college fraternity hazing.

The governor was joined by Jim and Evelyn Piazza, Timothy's parents, bill sponsor Senate Majority Leader Jake Corman (R-Centre), Penn State President Eric J. Barron and Pennsylvania's State System of Higher Education Chancellor Dan Greenstein.

Timothy's father thanked the Pennsylvania Senate and House for the unanimous passage of the legislation. He commented, "We believe it will serve as a national model for anti-hazing legislation in the United States."

Sen. Corman (R-Centre) said, "The Timothy J. Piazza Law emphasizes prevention, enforcement and transparency in order to end hazing in Pennsylvania." The new law provides several measures to prevent hazing, including:

- Strengthening penalties for hazing with a new tiered system that, for the first time, includes a felony for aggravated hazing that results in serious injury or death;
- Holding organizations accountable for promoting hazing, which could include the confiscation of fraternity and sorority houses;
- Requiring schools to have anti-hazing rules, enforcement policies and preventative measures and to make information about hazing violations available to the public to help inform students and parents;
- Creating a safe-harbor provision, giving students immunity from prosecution for calling police or seeking assistance for someone in need of help.

## **Sports Betting**

On October 3, the Pennsylvania Gaming Control Board approved petitions for sports wagering certificates filed by two casino operators—Penn National Gaming for Hollywood Casino in Dauphin County and Parx Casino, for both of its casinos in Bensalem and the South Philadelphia Turf Club (an off-track betting location).

Penn National and Parx officials outlined plans to offer sports betting in a matter of months. The board's approval means both operators have been found suitable to conduct sports betting. But the casinos will still need to meet specified conditions and go through a start up process before they can start sports betting.

This process includes licensing casino partners that will help run the sports betting operation and testing betting equipment, said Gaming Control Board spokesman Doug Harbach.

Three other casinos—Harrah's Philadelphia Casino and Racetrack in Chester, SugarHouse Casino in Philadelphia and Rivers Casino in Pittsburgh have filed sports wagering petitions. The casinos will pay a \$10 million fee for a sports wagering certificate.

The board also approved two petitions by Sands Bethworks in Bethlehem and Valley Forge Casino for internet gambling plans.

## **Extended Wrongful Conviction Relief**

On October 24, Gov. Tom Wolf signed Senate Bill 915, Addressing Wrongful Convictions, becoming Act 146. The bill was sponsored by Sen. Stewart Greenleaf (R-Montgomery). The bill passed in both chambers this month, unanimously.

Sen. Greenleaf received an award from the Pennsylvania Innocence Project last spring for his sponsorship of this bill, extending the period from 60 days to one year, for defendants filing for post-conviction relief, when new evidence is discovered.

"Even if one person has been wrongly convicted, it is a massive failure of our justice system and the ideals that are most important to us as Americans," said Sen. Greenleaf.

## **Change to Mental Health Treatment Rules**

On October 24, Gov. Tom Wolf signed House Bill 1233, Mental Health Treatment, becoming Act 106. The primary sponsor of the bill was Rep. Thomas Murt (R-Montgomery). The act will change outpatient commitment standards for people with serious mental illness. It will expand the criteria under the state's Mental Health Procedures Act and provide for needed treatment for those who would not have previously qualified.

The bill passed both chambers unanimously. It was championed by many family members of mentally ill individuals. Gov. Wolf wrote, "The addition of community-based treatment as part of the involuntary treatment spectrum is a significant step forward in helping vulnerable individuals access the services that they need."

Some mental health advocacy groups were concerned because the legislation provides no funding.

## **Lawsuit Against PA Dept. of Corrections Legal Mail Policy**

On October 29, several groups announced in a teleconference they they have filed two federal civil rights lawsuits against the Pennsylvania Department of Corrections regarding its new policy of copying and retaining confidential mail between attorneys and their prisoner clients. The suits were filed in the U.S. District Court of the Middle District of Pennsylvania in Harrisburg.

The suits argue that the policy violates the First Amendment rights of the organizations' attorneys and the DOC prisoners to confidential legal communications

Organizations filing the lawsuit include: the ACLU of Pennsylvania, the Pennsylvania Institutional Law Project, the Abolitionist Law Center, the Amistad Law Project, and the law firm Schnader Harrison Segal & Lewis, LLP.

Dai Morgan