

# United Methodist Advocacy in Pennsylvania

September 30, 2019

The Pennsylvania General Assembly began its fall legislative sessions in mid-September. Two Republican-initiated bill packages were given momentum in the state House of Representatives—one relating to firearms and the other to decreasing environmental regulations for the purpose of accelerating industry (see details below).

I was contacted by the House Democratic Judiciary Committee regarding possible United Methodist positions on 14 weapons-related bills. Truth be told, I had to tell them that because each bill was so specific, there were no official UM positions that I could properly offer. Consequently, since the UMC encourages democratic process, I told them we would need to depend on their good judgment and I would pray for their efforts.

Following are public policy issues and events of likely interest to United Methodists, occurring in Pennsylvania during the month of September:

- **Gun Bills Advance**
- **Measure to Cut Regulations**
- **“Energize PA” Legislation Package**
- **Three-Mile Island Shuts Down**
- **Sen. Folmer Resigns**
- **Hearing on Legislative Redistricting Reform**
- **Absentee Ballots**
- **Petition to End the Death Penalty Declined**
- **No Bids in Mini-Casino License Auction**
- **Anti-Hunger Partnership Highlighted**
- **Climate Change Strike**
- **Bill to Establish Adult Changing Stations**
- **Update to Opioid Disorder Treatment**
- **Wolf Favors Legalization of Recreational Marijuana**
- **Preventing Undocumented Construction Workers**
- **Raising the Tobacco Purchase Age**

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## Gun Bills Advance

On September 24, the state House Judiciary Committee advanced several gun-related bills for consideration by the full House.

But, none of the bills pertained to the issues that most concern gun control advocates—universal background checks and “red flag” extreme risk protection orders. “We’ve been focusing...on universal background checks as well as extreme risk protection order and we need these bills to come up,” said House Judiciary Committee minority chair Rep. Tim Briggs (D-Montgomery). Addressing the committee’s action, he said, “But, these issues are not gun safety that we did today.”

House Judiciary Committee majority chair Rep. Rob Kauffman (R-Franklin) had a different point of view. Regarding the committee’s action, he said, “This was a pretty comprehensive bill list.” In reference to the issues not addressed, he spoke of himself in the third person, “We will not be considering ‘red flag’ in the House Judiciary Committee so long as Chairman Kauffman is chairman.” He noted that he doesn’t anticipate conducting any further committee votes on gun bills for the remainder of this year.

The legislation considered on September 24 included three bills by Rep. Todd Stephens (R-Montgomery) relating to mandatory minimum sentences for criminal activity involving guns. “If we want to get serious about violent crimes we need tougher sentences for violent offenders,” Stephens said.

In his three-bill package, **House Bill 1850**, would reinstate Pennsylvania’s mandatory minimum sentences for violent offenders. **House Bill 1851** would impose a mandatory minimum sentence of five years in prison for felons who illegally possess firearms, with additional mandatory sentences for repeat offenders. **House Bill 1852** would require separate sentences to be served consecutively for violent criminals for each victim they targeted.

Each of Stephens’ bills were advanced by the Judiciary Committee on mostly party-line votes.

Furthermore, the committee advanced **House Bill 1066**, seeking to deter local governments from imposing their own gun-related ordinances. However, Gov. Tom Wolf said he’ll veto the measure.

**House Bill 165** was also advanced. It would make provision for individuals who believe that they are a threat to themselves or others to request to be placed on a voluntary firearm purchase self-exclusion list.

**House Bill 303** advanced, to allow a lawful gun owner to transport a firearm in a motor vehicle for a lawful purpose, as long as it is unloaded and not directly accessible to an occupant in the vehicle.

**House Bill 726** advanced, specifying a mandatory five-year sentence for conviction of crimes with a firearm, to be imposed consecutively with any other sentence imposed by the court.

**House Bill 1747** advanced, repealing language in the state’s Crimes Code that currently prohibits possession of an otherwise lawful firearm on public streets or on any public property during an emergency declared by a state or municipal government.

**House Bill 1835** advanced, requiring that a person who is involuntarily committed to a mental health institution for inpatient treatment must relinquish any firearm in their possession or control.

**House Bill 1837** advanced, making it illegal for an individual to possess a firearm if that individual has been convicted of an attempt, solicitation or conspiracy to commit serious and violent crimes, such as murder, kidnapping, rape, arson and robbery.

**House Bill 585** advanced, seeking to clarify existing state law by making both possession and use of a Taser or stun gun legal for the purpose of self-defense.

**House Bill 1805** advanced, allowing possession and use of a taser when the device’s instruction label has worn off or if the instructions do not accompany the taser.

## **Measure to Cut Regulations**

On September 24, state House Republicans brought House Bill 1055 back to the floor. HB1055 was considered for a vote this past April, when it was defeated 100-97—short of the mandatory 102 votes required for passage. However, at the time, Republican legislators filed a reconsideration motion to allow the bill to be called back for another vote.

This time the measure was approved by the House 103-98. It will move on to the Senate.

**HB 1055** would create an Office of the Repealer. The purpose of the office would be to recommend the repeal, modification or revision of state regulations. This function would be necessary because the bill also requires that two regulations be repealed for every new regulation created.

Democrats claimed the office was a waste of money and would result in repeal of important regulations, including protections for the environment and public health and safety.

Bill sponsor, Rep. Kate Klunk (R-York) said, “We have over a century of regulations cluttering our books. We desperately need an office to step in to help us identify the regulations that are no longer working for Pennsylvanians.” She also noted the bill terminates in 2025.

## **“Energize PA” Legislation Package**

On September 18, Rep. Mike Turzai (R-Allegheny) was joined by lawmakers and business advocates to discuss a package of bills to support and enable the natural gas industry in Pennsylvania.

Rep. Turzai asserted that those standing with him are “one team” focused on providing opportunities and jobs for Pennsylvanians. He emphasized the benefits that resulted from the development of the Shell plant in Beaver

County. Turzai claimed that other sites are being explored that will lead to opportunities and uses for the byproducts from the plant. He said that the benefits of the plant should not be limited to only one region of Pennsylvania and that the state should take advantage of the benefits of the natural gas industry.

This package of eight bills was debuted by Republicans, last April. However, the House recessed for the summer without votes on seven of the bills. The September 18 announcement was a reintroduction of the legislation, dubbed “Energize PA.”

Following is a description of each bill and its progress:

**House Bill 1100**, sponsored by Aaron Kaufer (R-Luzerne), would create a new tax credit similar to the one created in 1012-13 that attracted the Shell cracker plant in Beaver County. It is designed to attract industries that use methane, the main constituent of natural gas. HB 1100 passed the House on September 19, 139-46, and been sent to the Senate Finance Committee.

**House Bill 1101**, sponsored by Rep. Natalie Mihalek (R-Washington), would increase the percentage rate cap for net loss deductions, otherwise known as net operating loss (NOL), an entity may carry forward. Current state law allows for 40 percent, while Mihalek’s bill would increase the cap to 45 percent in tax year 2020, and 50 percent in tax year 2021. HB 1101 was committed to the House Finance Committee on April 29.

**House Bill 1102**, sponsored by Rep. Joshua Kail (R-Washington), seeks to create the Keystone Energy Enhancement Act (KEEA), intended to facilitate economic growth and encourage capital investment within Pennsylvania’s natural gas, manufacturing, and petrochemical industries. A seven-member board would be established to administer the Keystone Energy Enhancement Zone (KEEZ) Program, which is modeled after the state’s existing Keystone Opportunity Zones (KOZ) Program. Up to 20 KEEZs would be authorized by the HB1102, allowing natural gas, manufacturing, petrochemical, and other downstream businesses operating within a zone to be eligible for state and local tax exemptions, deductions, abatements, and credits for a 10-year period. HB 1102 was committed to the House Appropriations Committee on September 25.

**House Bill 1103**, sponsored by Rep. Johnathan Fritz (R-Susquehanna), would make grants available to construct the last few miles of natural gas distribution lines to business parks and existing manufacturing and industrial enterprises. HB 1103 is tabled, waiting for second consideration in the House.

**House Bill 1104**, sponsored by Rep. Toohil (R-Luzerne), seeks to require the Department of Community and Economic Development to establish a registry for abandoned manufacturing sites across Pennsylvania. The registry would include the name and contact information of the current owner, the legal description of the site, and the current condition of the property (to include brownfield status). Rep. Toohil said Pennsylvania has plenty of existing properties that might be attractive to entities looking to relocate to the state and the registry would show that the state has available sites ready for development. HB 1104 passed the House on September 25, 197-2, and moves on to the Senate.

**House Bill 1105**, sponsored by Rep. Eric Nelson (R-Westmoreland), would create a consolidated standards permit for anyone conducting remediation activities under the Land Recycling and Environmental Remediation Standards Act. Those People awarded the consolidated standards permit would not be required to obtain separate authorizing permissions. Nelson said permittees would still have to meet all the requirements of those laws, they just wouldn’t need to submit all the permit applications associated with them. HB 1105 passed the House on June 25, 105-96, and committed to the Senate Environmental Resources and Energy Committee.

**House Bill 1106**, sponsored by Rep. Michael Puskaric (R-Washington), also seeks to change the permitting process. The bill would establish a 30-day deadline for all environmental permits. If the Department of Environmental Protection (DEP) fails to meet the deadline for a permit that has been deemed to be “administratively complete,” the permit would be approved. After extended debate during third consideration in the House, HB 1106 was suspended to await consideration on another day.

**House Bill 1107**, sponsored by Rep. Timothy O’Neal (R-Washington), would remove the permitting process from the responsibilities of the DEP. It would create an independent Pennsylvania Permitting Commission that would consist of five members appointed by the governor and confirmed by the Senate for terms of 10 years. The commission would meet monthly and be authorized to administer the permitting processes currently vested in DEP, with the ability to formulate, adopt, promulgate and repeal such regulations as necessary. HB 1107 was committed to the House Appropriations Committee on September 24.

### **Three-Mile Island Shuts Down**

On September 20, the nuclear reactor of the Three-Mile Island (TMI) power plant was shut down. The plant is located on the Susquehanna River in Middletown, PA, a few miles south of Harrisburg.

After the Pennsylvania legislature failed to take action on a bill to subsidize nuclear power generation, the plant operator, Exelon, announced in May that it planned to shut down the unit.

TMI Unit 1 began commercial operation on September 1, 1974 and was licensed to keep operating until 2034. TMI's Unit 2 has not operated since the 1979 accident that damaged the reactor core.

It is expected that 112 of the 650 employees will be laid off on October 1, with reduction to about 300 by the end of the year.

The plant will transition into an interim storage site for TMI's spent radioactive fuel. Construction of the storage facility is intended to be completed by 2022.

The plan is to then move the spent fuel to a permanent off-site storage location during the 2030s. However, the TMI site will need to remain secure until the 2070s, when it is expected that radioactive decay will result in enough contamination reduction to allow the facility to be dismantled.

### **Sen. Folmer Resigns**

On September 18, PA state Republican leaders announced the resignation of Sen. Mike Folmer (R-Lebanon). His resignation occurred after he was charged the previous day with possession of child pornography by the office of the Pennsylvania Attorney General. Folmer, 63, was a four-term state Senator. He was also the chair of the Senate State Government Committee.

The resignation creates a vacancy in the 48<sup>th</sup> Senatorial District. Lt. Gov. John Fetterman is required by state law to announce a special election to fill such vacancies within 10 days of the resignation's effective date, with that election to be held no sooner than 60 days from the resignation date. On September 25, Fetterman set the election date for Tuesday, January 14, 2020

### **Hearing on Legislative Redistricting Reform**

On September 18, the PA House State Government Committee conducted a hearing on the subject of the legislative redistricting process, in front of a standing-room-only audience. The question of redistricting and how to potentially change the process has been a high-profile issue in Pennsylvania for the last two or three years.

The committee's Majority Chair, Rep. Garth Everett (R-Lycoming) characterized the hearing as an "educational opportunity" and "the first of probably a number of hearings." Both Everett and the committee's Minority Chair, Rep. Kevin Boyle (D-Philadelphia), observed that only four of the committee's 25 members were members of the House when the General Assembly produced the last legislative district maps in 2011.

During the two hour hearing, testimony was received from representatives from the National Conference of State Legislatures (NCSL), the California Citizens Redistricting Commission (CRC), Fair Districts PA, Concerned Citizens for Democracy, Gov. Tom Wolf's Pennsylvania Redistricting Reform Commission, and the Washington, DC-based Capital Research Center.

The CRC system is different from Pennsylvania's and is a blueprint for many advocates who want Pennsylvania to have an "independent commission." The first Chair of the CRC, Peter Yao said, "I believe the results of our commission are good. The commission's map was more equitable than any that could have been drawn by politicians. Every map line was drawn in an open public forum, replacing the secret backroom process. The Center for Public Integrity singled out California's redistricting and its unprecedented transparency, giving us a perfect score."

Carol Kuniholm, chair and co-founder of Fair Districts PA, argued Pennsylvania's legislative redistricting process is a prime example of partisan gerrymandering. She observed, "Partisan gerrymanders frustrate majority rule by entrenching political parties in ways they do not earn on their merits," she said. "As a result of partisan gerrymanders, politicians feel constrained to toe their legislative leaders' agenda at the expense of their own constituents or even good governance." Kuniholm faulted the state's congressional map and state legislative districts map as being some of the worst in the nation.

Two bills seeking to create an independent districting commission are House Bills 22 and 23. They are currently waiting in the House State Government Committee.

**House Bill 23**, sponsored by state Rep. Steve Samuelson (D-Northampton) would amend existing state election law to create an 11-member “Independent Redistricting Commission” tasked with drawing congressional district maps, replacing the current process by which district lines are drawn by legislative leaders.

**House Bill 22**, sponsored by state Rep. Tom Murt (R-Montgomery) would amend the Pennsylvania Constitution to replace the Legislative Reapportionment Commission with HB23’s 11-member “Independent Redistricting Commission” for drawing the legislative district maps for both the state House of Representatives and the state Senate.

Actual attempts at passing redistricting reform legislation have not made headway in the state’s Legislature. At the hearing, when asked why the General Assembly has failed to change the redistricting process, David Thornburgh, who chaired the Governor’s Pennsylvania Redistricting Reform Commission, responded to the committee by saying, “The rules of the game by which your offices are determined, and these districts are determined, are one of the fundamental building blocks of power in the Commonwealth, in the General Assembly, and in the dance between the courts and the executive and the General Assembly.”

## **Absentee Ballots**

On September 16, the House and Senate State Government Committees joined to conduct a roundtable hearing on election issues. The purpose of the hearing was to determine whether consensus can be found on bills to modernize Pennsylvania's 1937 Election Code. Expanding the use of absentee ballots was a highlighted issue during the meeting.

The hearing occurred on the same day that Pennsylvanians could start applying online for an absentee ballot. Gov. Tom Wolf recently announced this new policy, giving registered voters in Pennsylvania an alternative to having to mail or hand-deliver an absentee ballot to their county election office. It was also the first day registered voters could apply for an absentee ballot for the Nov. 5 election.

A panel of testifiers, including county officials and a spokesman for a voting rights coalition, called for reforms to the absentee ballot process, including dropping the requirement that a voter give a reason to obtain an absentee ballot.

The committee addressed the issue of changing deadlines for absentee ballots. Current state law requires absentee ballots to be submitted by the Friday before an election.

Also discussed was **Senate Bill 418**, that would allow counties more flexibility in how many official ballots to print for different elections. The current rule is that counties print ballots to cover 110 percent of the number of registered voters.

At the hearing's close, (then) Senate State Government Committee Majority Chairman Mike Folmer, indicated that having a “no excuse” absentee ballot and giving counties more latitude on printing ballots needed further attention.

## **Petition to End the Death Penalty Declined**

On September 11, the state Supreme Court listened to arguments in a petition to declare the death penalty to be unconstitutional in Pennsylvania. Philadelphia District Attorney Larry Krasner argued in favor of the petition. The office of State Attorney General Josh Shapiro argued against the petition. The hearing took place before an overflow crowd at Philadelphia City Hall.

The petition was brought on behalf of two Pennsylvania death row inmates, Jermont Cox and Kevin Marinelli. They challenge the constitutionality of the death penalty, based on sections of the Joint State Government Task Force on Capital Punishment report, released in June 2018.

The Supreme Court granted the hearing under “King’s Bench Jurisdiction.” This is a rarely used application where an issue of public well-being is not pending in the court, but the court interprets the issue to be an interest of justice warranting normal procedure be superseded.

Opposing the death penalty, Assistant Federal Defender Timothy Kane told the court that the reliability of the system as a whole is cruel and systemic problems affect every death penalty case. Most of the time, the sentence or verdict was reversed on appeal. More than half of the 441 death sentences handed down since the death penalty was reinstated in the late 1970s have been deemed flawed and overturned.

District Attorney Krasner argued that the death penalty is applied disproportionately to poor and black defendants. He said that 82 percent of the current death row inmates from Philadelphia are black. Statewide, just under half of the current death row inmates in Pennsylvania are black, compared to 11% of state residents.

The state Office of the Attorney General, along with attorneys representing the Pennsylvania General Assembly's Senate Republican Caucus, argued that strict parameters are applied in death penalty cases and many legal challenges must be exhausted. They contend that the General Assembly should be left to determine the issue.

Justice Debra Todd asked why the issue was urgent, given the moratorium on executions that Democratic Gov. Tom Wolf imposed after taking office in 2015. A lawyer for the Attorney General said it was not. However, Kane said the Supreme Court needs to intervene, given the failure of lawmakers to act on recommendations by the 2018 capital punishment report.

On September 27, the court ruled to decline the petition, but said it will still consider the fairness of individual cases.

The death penalty remains legal in 29 U.S. states, though four of those states, including Pennsylvania, have a moratorium on executions. The average appeal in Pennsylvania takes 17 years. Three people have been executed in Pennsylvania since capital punishment was reinstated in 1978, the last of them in 1999.

### **No Bids in Mini-Casino License Auction**

On September 4, no bids were received by the Pennsylvania Gaming Board for five remaining mini-casino licenses. Five licenses have already been granted.

The lack of bidders means an end to auctions for the five remaining mini-casino licenses under terms of the state Fiscal Code adopted in June. The fiscal code stipulated that no more auctions would be held if no one bid at the first one—September 4.

The first round of auctions ended in April 2018 when the board received no bids for a sixth mini-casino license. The gaming board awarded the first five licenses to Hollywood Casino and Stadium Casino to start building mini-casinos in Berks and Westmoreland counties respectively. Action is still pending on mini-casino licenses for Hollywood Casino in York County, Mount Airy Casino Resort in Beaver County and Parx Casino in Cumberland County.

Lawmakers authorized a second round of auctions this year, to determine if there was interest in the remaining licenses. But, the required minimum bid of \$7.5 million was probably a deterrent to further bids, considering the locations available are outside major metropolitan areas.

The Legislature could make the remaining licenses available in a future fiscal code bill.

### **Anti-Hunger Partnership Highlighted**

On September 3, Wolf Administration officials gathered in the state Capitol to promote the start of Hunger Action Month and to emphasize the work of an inter-agency partnership addressing hunger issues in Pennsylvania.

The Governor's Food Security Partnership, created in 2015, is intended to address the challenges facing the 1.5 million Pennsylvanians who experience hunger, including 437,000 children who don't have access to reliable and nutritious meals, officials said.

Several cabinet secretaries and deputy secretaries discussed the issues facing children, low-income families and senior citizens who lack reliable access to food. Department of Human Services Secretary Teresa Miller declared, "More than one million people around Pennsylvania do not know where they will get their next meal."

Pennsylvania has an array of programs designed to tackle hunger-related problems ranging from the WIC nutrition program for pregnant women, infants and young children; the National School Lunch Program, state

tax credits to businesses that donate food to charitable food organizations and providing assistance to help farmers stay in business and find new markets.

Deputy State Agriculture Secretary Cheryl Cook said the state is accepting applications for new grant programs to expand markets for agricultural ventures in urban areas and to help small meat processors meet federal safety rules and expand their markets.

Health Secretary Dr. Rachel Levine said poor nutrition can lead to childhood obesity and then high blood pressure and diabetes. That's why the WIC program is so important in enabling people to buy healthy fruits and vegetables, she explained.

Deputy Secretary of Community and Economic Development Rick Villelo said that when downtown supermarkets close, it can mean a crisis for senior citizens and others trying to shop for groceries. He noted the department is trying to encourage the return of supermarkets when producing redevelopment plans.

## Climate Change Strike

A world-wide climate change strike took place on Friday, September 20. The “strikes” or mass demonstrations were the kickoff for a week-long initiative to draw attention to the danger of climate change and the need for action and remediation. Perhaps the highlight of the initiative was the speech by 16-year-old climate activist Greta Thunberg to the United Nations in New York City.

However, the September 20 event, itself, provided a powerful witness in which everyday folks could make a statement by their presence. Young people were especially encouraged to participate. Rallies in support of the climate change strike were organized in towns and cities across Pennsylvania.

In Pittsburgh, for example, Mayor Bill Peduto encouraged high school students to participate, saying he would sign their school permission slips—of course only parents and guardians can do so. Hundreds of students participated.

At the Pittsburgh event, both young and old speakers recognized the danger in climate change and called on lawmakers to end the use of fossil fuels. Organizer Leandra Mira declared, “Scientists are telling us that fossil fuel emissions need to end. That means fossil fuel extraction needs to stop... change is already coming.”

Climate activist Dr. Patti McMarco observed, “Fifty years ago we stood in the streets right here and where you are and we fought for clean air so you see blue sky today. When people come together and demand justice we can save the world.”

State Rep. Sara Inamorato (D-Allegheny) said, “We are in a climate crisis and our elected officials are not doing enough. I know that another world is possible. I’ve had enough of elected officials saying that this is just the way it is.” During her campaign Inamorato supported a moratorium on fracking and a severance tax on oil and gas. She vowed to support the efforts of the young people in the crowd.

Participants concluded the rally with a march through Pittsburgh’s downtown.

## Bill to Establish Adult Changing Stations

On September 23, lawmakers and disability advocates joined in the state Capitol to support **House Bill 117**, to require adult changing stations at state-owned buildings and certain places of public accommodation.

Rep. Dan Miller (D-Allegheny), the bill’s sponsor, recognized the 29th anniversary of the Americans with Disabilities Act (ADA), describing the federal law as a “game changer” for those in the disability community. “But, the Americans with Disabilities Act didn’t solve everything,” he noted. Rep. Miller said if the need for adult changing tables is not addressed, “we are essentially telling a large portion of this country that they will have to have limited exposure, limited experiences, limited opportunities to enjoy life.”

Christina Abernethy, community engagement specialist for Achieving True Self, described her experience of traveling with a son with special needs who cannot safely utilize standard restrooms independently. Abernethy described her family’s difficulties with traveling, stating that for individuals with special needs who need restroom assistance, finding adult changing facilities is troublesome.

She pointed out that without adult changing facilities, individuals with special needs must change in cars or public restroom floors. She stated that current changing facilities are only for babies and small toddlers. HB 117

“is designed to create inclusive and accessible restrooms in places of large capacity,” said Abernethy. She added that the bill would not affect small businesses, and that the legislation helps promote privacy and human dignity.

Sen. Pam Iovino (D-Allegheny) stated that hearing anecdotes similar to Abernethy’s story brought her attention to the issue of adult changing facilities. She observed that the elderly, disabled veterans and the medically ill would be impacted by this legislation.

Sherri Landis, executive director, The Arc of Pennsylvania, said that among the needs of the disability community, accessible restroom facilities and adult changing facilities are “always overlooked.” She said that adult changing facilities reduce the risk of injury to caretakers and allows assistance to take place in a hygienic area and provides for privacy.

## **Update to Opioid Disorder Treatment**

On September 18, PA Secretary of Health Dr. Raqchel Levine, Secretary of Drug and Alcohol Programs Jennifer Smith and other health care providers conducted a press conference to promote Get Help Now Week. The main topic of the gathering was to announce the latest prescribing guideline for treating opioid use disorder (OUD).

Sec. Levine began by observing that it was Naloxone Day and that the overdose reversal medication was being made available for free at several health centers across the state.

Levine asserted that pain is a common issue for many people, but when trying to eradicate pain the overuse of opioid pain medications resulted in many people developing dependency for the drugs. She said that non-medication treatment, including physical therapy, acupuncture, osteopathic or chiropractic treatment, and mindfulness-based therapies can be as effective as medications in treating chronic pain. She stressed that it is key for a physician to develop a treatment plan that fits the unique needs of a patient.

Levine said that opioid prescribing guidelines are updated every two or three years. She said the guidelines are part of an overall effort that she called “opioid stewardship.”

Sec. Smith noted that health care professionals play a vital role in combating the opioid crisis and that, “We must give physicians the tools to adequately treat individuals living with opioid use disorder to ensure they can lead happy, healthy lives.” She noted that this message was particularly appropriate considering that September is National Recovery Month.

Dr. Jon Shapiro, Pennsylvania Medical Society, detailed the updated guidelines. He reiterated Dr. Levine’s description that the guidelines address the “multi-model approach to pain” to include non-opioid use of pharmacology, massage, physical therapy, etc.

## **Wolf Favors Legalization of Recreational Marijuana**

On September 25, at the state Capitol, Gov. Tom Wolf called for the legalization of recreational marijuana. The governor was flanked by Lt. Gov. John Fetterman, who conducted a listening tour earlier this year, covering all Pennsylvania counties, regarding the subject of recreational marijuana use.

Wolf asked the Legislature to create legislation to decriminalize non-violent and small cannabis offenses—though he did not request a bill to legalize marijuana. He also asked for a process for expungement of past convictions of non-violent marijuana crimes.

Wolf said, “We now know the majority of Pennsylvanians are in favor of legalization, and that includes me. I look forward to seeing what we can accomplish together, especially the criminal justice reforms I am proposing today, which will have an immediately positive influence on thousands of families across Pennsylvania.”

Fetterman reported that 65 to 70 percent of those who attended the listening tour events “approve of adult-use cannabis legalization” and expressed “near-unanimous support for decriminalization and mass expungement of non-violent and small cannabis-related offenses.”

However, Republican leaders in the General Assembly disagree and oppose such action.

“Our caucus has no plans or interest in legalizing recreational marijuana,” said House Republican leaders reacting to the governor’s statement. They cited several reasons, including: Promoting use of a federal Schedule I narcotic during the present opioid epidemic is counterproductive; it is premature to allow recreational use of



marijuana before research from the medical marijuana program has been completed; the listening tour did not give adequate attention to first responders with experience in dealing with public safety concerns; legalization will create a “workplace policy nightmare for employers who abide by federal employment policies, not to mention the thousands of Pennsylvanians who are employees of the federal government, related agencies or government contractors.”

### **Preventing Undocumented Construction Workers**

On September 26, the state Senate sent House Bill 1170 to the governor. **HB 1170** would prevent the construction industry from knowingly hiring undocumented workers by requiring employers in the construction industry to use the E-Verify program to ensure that their employees are authorized to work in the United States.

The measure passed the Senate, 46-3. It passed the House in June, 170-28.

In cases where it's suspected an employee isn't authorized to be employed, complaints can be filed with the state Department of Labor and Industry, which would have the authority to investigate and determine the employee's eligibility. If it's determined an employee is ineligible, the employer would have time to correct/terminate the unauthorized worker and verify that they have done so with the department. If the employer fails to verify the correction, the department would then refer the case to the state Attorney General to bring action against the employer in the county in which the unauthorized employee is or was employed.

An offending employer would be put on a three-year probationary period for each business location where an unauthorized employee worked. Additionally, such an employer would have to submit quarterly reports about each new employee hired.

### **Raising the Tobacco Purchase Age**

On September 26, the state Senate passed **Senate Bill 473**, to raise the age from 18 to 21 to purchase cigarettes, tobacco products and E-cigarettes. The bill now goes to the House.

During debate, Sen. John DiSanto (R-Dauphin) expressed concern that SB 473 takes away some of the rights of an 18-year-old adult, even though those same 18-year-olds are trusted to make their own decisions regarding voting, entering into contracts, getting married and joining the military.

The bill's sponsor, Sen. Mario Scavello (R-Monroe) replied that the goal is to reduce the degree to which 16- and 17-year-olds are pressured by older friends to start smoking and that the age change gives them, as well as 19- and 20-year-olds, more time to make up their mind on smoking without peer pressure.

**Dai Morgan**