

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

Monday, June 17, 2019

Senate Bill 93 (Bartolotta) would amend Title 18 (Crimes and Offenses) and Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to create the offense of drug delivery resulting in serious bodily injury. A person would commit a felony of the second degree if they intentionally administer, dispense, deliver, give, prescribe, sell or distribute any controlled substance or counterfeit controlled substance in violation of the Controlled Substance, Drug, Device and Cosmetic Act, and another person suffers serious bodily injury as a result of using the substance. Under Title 42, the Pennsylvania Commission on Sentencing would be charged with providing a sentence enhancement for drug delivery resulting in serious bodily injury. When determining the gravity of the offense, the Commission would have to consider whether the person received direct or indirect remuneration or consideration for delivery of the substance. **Passed: 50-0.**

Senate Bill 536 (Browne) would amend the Public School Code to establish the Public Higher Education Funding Commission. The commission would be charged with reviewing and making recommendations related to higher education funding, affordability and effectiveness, administration and operation. The commission, which would have 19 members as outlined in the bill, would have to hold its first meeting within 45 days of the effective date of the bill. The commission would be required to develop a higher education funding formula and identify factors that may be used to determine the distribution of funding among the public institutions of higher education. Among its powers and duties, the commission would be directed to:

- Review and make findings and recommendations related to higher education funding in the Commonwealth;
- Consult with and utilize experts to assist the commission in carrying out its duties;
- Receive input from interested parties, including, but not limited to, public institutions of higher education;
- Hold public hearings in different regions of the Commonwealth;
- Review and consider higher education funding formulas and factors utilized throughout the United States;
- Consider the impact of the higher education funding factors on the distribution of higher education funding among the public institutions of higher education;
- Review the administration and operation of state and regional higher education programs and services to determine if cost savings for the Commonwealth and its students may be achieved and make recommendations to implement savings and efficiencies;

- Prior to recommending a higher education funding formula, consider the potential consequences of a higher education funding formula that does not allocate to each public institution of higher education at least the same level or proportion of state funding as the institution received in the prior fiscal year;
- Prior to recommendation of a higher education funding formula consider nationally accepted accounting and budgeting standards;
- Draft proposed legislation based on the commission's findings; and
- Issue a report of the commission's findings and recommendations to the Governor and members of the General Assembly not later than one year after the effective date of the act.

The higher education funding formula could not go into effect until approved by an act of the General Assembly. Every five years, the commission would be reconstituted to meet and hold public hearings to review the operation of the higher education funding provisions and make a further report. The bill defines a "public institution of higher education" as any of the following: 1) a community college; 2) a rural regional college; 3) a university within the state system of higher education; 4) a state-related institution; 5) The Thaddeus Stevens College of Technology; and 6) The Pennsylvania College of Technology. **Passed: 50-0.**

Senate Bill 675 (Brooks) would create the Buprenorphine Medically Assisted Treatment Act to provide for the certification of buprenorphine office-based prescribers and to limit the use of buprenorphine. The Department of Drug and Alcohol Programs would be charged with establishing a program for certification of buprenorphine office-based prescribers as qualified by training and experience to prescribe buprenorphine. Prescribers would have to pay a certification fee to the Department of not more than \$500 the first year and an amount sufficient to reimburse the Department for administrative costs in subsequent years. Buprenorphine office-based prescribers could not prescribe buprenorphine to a patient unless all of the following occurs:

- The patient provides evidence demonstrating active participation in an addiction treatment program licensed by the Department;
- The evidence of participation in the addiction treatment program is documented in the patient's medical record; and
- The buprenorphine office-based prescriber is certified by the Department as a provider.

The Department would have to report violations of the act to the appropriate licensure board. A person who violates the act and is licensed by a licensure board would be subject to discipline by the licensure board, including license suspension or revocation or an appropriate fine or other penalty. **Passed: 41-9.**

Senate Bill 733 (Browne) would provide for the Pennsylvania Gaming Economic Development and Tourism Fund Capital Budget for 2019. The bill would authorize \$20,000,000 from the revenues of the Gaming Economic Development and Tourism Fund to be allocated to a regional economic development corporation in Lehigh or Northampton counties. These funds would be used as debt service on the construction of a science and education center. The regional economic development corporation could not expend more than one-tenth of one percent on administrative costs associated with the project. The Secretary of the Budget would have to provide a report to the chair and minority chairs of the House and Senate Appropriations Committees within 10 days of the expiration of each quarter of each fiscal year relating to the authorized projects and an estimate of the amount of funds remaining available to be committed for additional projects. **Passed: 50-0.**

Senate Resolution 172 (Boscola) commends the Pennsylvania Academy of Audiology for its efforts to educate Pennsylvanians about the importance of having regular hearing screenings and recognizes the month of May 2019 as “Better Hearing Month” in Pennsylvania. **Adopted by Voice Vote.**

House Bill 384 (Kail) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to increase the penalty for operating a motor vehicle without a valid driver’s license for the type or class of vehicle being driven. Section 1504 (classes of licenses) of the Vehicle Code would be amended to add a penalty provision for driving without a valid license for the type or class of vehicle. The penalty would be a fine of \$25 up to \$200. A person charged with this summary offense would not be convicted if they can produce, within 15 days, a valid driver’s license for the type or class of vehicle being driven or, if the driver’s license was lost, stolen, destroyed or illegible, evidence that the driver was licensed for the type or class of vehicle being driven at the time of the violation. **Passed: 50-0.**

Tuesday, June 18, 2019

Senate Bill 118 (Langerholc), entitled the Recovery-to-work Act, would establish a pilot program to connect individuals in drug recovery to occupations through local workforce development boards. The legislation would empower selected local workforce development boards, along with their business partners and participating agencies, to develop innovative recovery-to-work pilot programs designed to provide individuals in recovery with career development opportunities, training, and/or work experience. Local workforce boards would apply to participate in the pilot program, and the Department of Labor and Industry would be authorized to approve up to seven local recovery-to-work pilot programs.

The Department would have to give priority to certain designated workforce areas based on substance use and unemployment statistics, and to applications which contain a commitment from one or more business partners to provide preferred interviews to individuals completing the program and which substantially integrate education, support services, and participation of business and other relevant government agencies. To pay for the programs, the Department could utilize funds deposited in the Reemployment Fund, existing funds appropriated to the Department, and funds appropriated to any participating agency for Recovery-to-work. Administrative expenses over five percent would not be allowed. If a business partner hires an

individual for a job opening through the program, the business partner would be eligible to receive an incentive payment in the amount of \$1,250 after the individual remains employed an average of 35 hours per week for 12 consecutive weeks.

The Department would be required to develop outcome-based metrics by which the local recovery-to-work pilot programs would be evaluated to collect information on the programs, including the types of skill training being received by individuals, best practices and retention rates of individuals employed as a result of a local pilot program. The Department would have to submit an annual report on the pilot programs to the Governor, Auditor General and legislative committees, as well as a final report after the programs expire. The reports would have to include the information outlined in the bill for each local recovery-to-work pilot program.

Passed: 34-16.

Senate Bill 235 (Browne) would appropriate \$55,525,000 from the Professional Licensure Augmentation Account within the General Fund to the Department of State for the operation of the Bureau of Professional and Occupational Affairs, including the State Board of Auctioneer Examiners, during the 2019-2020 Fiscal Year. Other appropriations listed in the bill for operational costs during the 2019-2020 Fiscal Year include: \$9,581,000 to the State Board of Medicine; \$2,564,000 to the State Board of Osteopathic Medicine; \$420,000 to the State Board of Podiatry; and \$845,000 to the State Athletic Commission. **Passed: 50-0.**

Senate Bill 236 (Browne) would appropriate \$70,364,000 from the Workmen's Compensation Administration Fund to the Department of Labor and Industry for the administration of the Workers' Compensation Act and the Pennsylvania Occupational Disease Act for Fiscal Year 2019-2020. The bill would also appropriate \$280,000 from a restricted revenue account within the Workmen's Compensation Administration Fund to the Office of Small Business Advocate for Fiscal Year 2019-2020. **Passed: 50-0.**

Senate Bill 237 (Browne) would appropriate \$1,795,000 from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Community and Economic Development for its operational expenses for the 2019-2020 Fiscal Year. **Passed: 50-0.**

Senate Bill 238 (Browne) would appropriate \$6,025,000 from a restricted revenue account in the General Fund to the Office of Consumer Advocate in the Office of Attorney General for its operational expenses for the 2019-2020 Fiscal Year. **Passed: 50-0.**

Senate Bill 239 (Browne) would appropriate \$51,838,000 from the Public School Employees' Retirement Fund to the Public School Employees' Retirement Board for its operational and administrative expenses for the 2019-2020 Fiscal Year. The bill would also appropriate \$2,454,000 from the PSERS Defined Contribution Fund to the Public School Employees' Retirement Board for expenses related to the administration of the School Employees Defined Contribution Plan for the 2019-2020 Fiscal Year. The sum of \$4 million would also be appropriated from the Public School Employees' Retirement Fund to the Public School Employees' Retirement Board for any contractual services and expenses related to investment office consolidation for the Fiscal Year beginning July 1, 2019. **Passed: 50-0.**

Senate Bill 240 (Browne) would appropriate \$31,808,000 from the State Employees' Retirement Fund to the State Employees' Retirement Board for its operational and administrative expenses for the 2019-2020 Fiscal Year. The bill would also appropriate \$3,852,000 from the SERS Defined Contribution Fund to the State Employees' Retirement Board for expenses related to the administration of the State Employees Defined Contribution Plan for the 2019-2020 Fiscal Year. The sum of \$1.4 million would also be appropriated from State Employees' Retirement Fund to the State Employees' Retirement Board for any contractual services and expenses related to investment office consolidation for the Fiscal Year beginning July 1, 2019. **Passed: 50-0.**

Senate Bill 242 (Browne) would appropriate \$75,533,000 to the Public Utility Commission (PUC) for the operation of the commission for the 2019-2020 Fiscal Year. The bill would also appropriate \$4,414,000 in federal funds to the PUC to enforce the regulations of the Natural Gas Pipeline Safety Act and \$1,138,000 in federal funds for motor carrier safety. **Passed: 50-0.**

Senate Bill 243 (Browne) would establish the Gaming Control Appropriation Act of 2019. The bill would appropriate monies from the State Gaming Fund for salaries, wages, and necessary expenses related to gaming, as follows:

- Pennsylvania Gaming Control Board, \$46,067,000;
- Pennsylvania State Police, \$29,686,000;
- Department of Revenue, \$8,687,000; and
- Attorney General, \$1,460,000.

The bill would also appropriate:

- \$253,000 to the Gaming Control Board and \$210,000 to the Department of Revenue from the Fantasy Contest Fund for wages and expenses during Fiscal Year 2019-2020; and
- \$1,192,000 to the Gaming Control Board and \$494,000 to the Department of Revenue from the Video Gaming Fund for wages and expenses during Fiscal Year 2019-2020. The amount appropriated to the Gaming Control Board would constitute a loan to be repaid in the manner provided by law. **Passed: 50-0.**

Senate Bill 321 (Martin) would amend Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes to permit municipalities in a third class county with a population greater than 500,000 as of the most recent census to pass a resolution stating that the governing body wishes to prohibit video gaming terminals (VGT) within its municipal boundaries. The resolution would have to be enacted within 60 days of the effective date of the legislation and delivered to the Gaming Control Board. The resolution would apply to all pending applications and issued licenses. Adoption of the resolution would also prohibit any future applications for locations within the municipality. If a municipality that has enacted a resolution to prohibit the establishment of a VGT location wishes to reverse that decision, the governing body could

rescind that prohibition by enacting a second resolution and sending it to the Gaming Control Board. A municipality that chooses to rescind its prohibition could not enact a subsequent prohibition in the future. Any change in either the classification of the county or the municipality as the result of a census would not impact the ability of a municipality to enact or rescind resolutions authorized in the legislation. The Gaming Control Board would be required to refund fees to anyone that has either applied or has been approved for an establishment license in a municipality that passes a resolution prohibiting VGTs. **Passed: 50-0.**

Senate Bill 432 (Phillips-Hill) would amend the Achieving Better Care by Monitoring All Prescriptions Program (ABC-MAP) Act to provide a Medicaid managed care organization (MCO) with the ability to query the ABC-MAP electronic prescription drug monitoring system. The legislation would expand the list of authorized users permitted to query the system to include:

- Contracted staff of the Department of Human Services who are responsible for the development and evaluation of quality improvement strategies, program integrity or internal compliance reviews and data reporting; and
- Personnel of an organization that has an agreement to be paid on a capitated basis to provide services to medical assistance beneficiaries, if those personnel are engaged in care management, the development and evaluation of quality improvement strategies, program integrity or internal compliance reviews and data reporting.

The authorized personnel of a Medicaid MCO could query the system to review the requested dispensing or prescribing of a controlled substance to an individual to whom the organization provides services under the Social Security Act. The personnel would be required to notify the Department of Human Services and the Office of Attorney General if fraud is suspected based on the results of the query and review of the database. **Passed: 50-0.**

Senate Bill 572 (Aument) would amend Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes to provide for signed “opioid treatment agreements” between a prescriber and patient designed to ensure that the individual understands his or her treatment responsibilities, the conditions of medication use, and the conditions under which the treatment of the individual may be terminated. Specifically, a treatment agreement would have to include: the goal of the treatment, a prohibition on sharing the prescribed medication with other individuals, and a statement certifying that the prescriber engaged in a required discussion of the risks of using opioids.

Before issuing an individual the first opioid prescription in a course of treatment, a prescriber would have to assess whether the individual has taken or is currently taking a prescription drug for treatment of a substance use disorder. A prescriber would be required to discuss with the individual the risks of opioid treatment, including: (i) the risks of addiction and overdose (ii) the increased risk of addiction if the individual suffers from a mental disorder, (iii) the dangers of combining an opioid with other substances like alcohol, and (iv) other nonopioid treatment options. A prescriber would also have to obtain and record the consent of the patient to a required baseline test, any targeted drug tests deemed medically necessary by the physician,

and random periodic tests consistent with Centers for Disease Control and Prevention guidelines. Consent to baseline, random and targeted urine drug tests would be a required component of treatment agreements. The testing would be used, as described in the agreement, to establish a general assessment for an individual new to treatment for chronic pain and in monitoring adherence to an existing individual treatment plan, as well as to detect the use of non-prescribed drugs. Prior to the issuance of an initial prescription for chronic pain, a baseline test to identify the presence or absence of illegal or prescribed substances would be required. An individual who is treated for addiction or an individual who is considered moderate or high risk by the prescriber would have to be tested at least once annually.

Exceptions to drug testing are provided for cases involving the management of pain associated with cancer, palliative or hospice care, or the professional judgment of the prescriber. The Department of Health would be authorized to promulgate temporary and final regulations. A violation by a prescriber would be subject to sanctions under the prescriber's professional practice act and by the appropriate licensing board. **Passed: 50-0.**

Senate Bill 634 (Yaw) would amend Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes to establish a Conservation Excellence Grant Program within the State Conservation Commission to provide technical and financial assistance to applicants for best management practice projects in high-priority locations within Pennsylvania. The Commission would establish guidelines for the approval of applications for eligible projects and award the grants. The Commission would be required to ensure that a project satisfies the requirements of the program as follows:

- If a project's best management practice requires review and certification by a registered professional engineer under the applicable laws or regulations of this Commonwealth, the best management practice would have to be certified by a registered professional engineer.
- Any other project would have to be certified by a technical service provider, staff from a conservation district or the United States Department of Agriculture Natural Resources Conservation Service or any other person who has appropriate training and expertise and is approved by the Commission.

Assistance under the program would be targeted to projects based on the criteria and priorities listed in the legislation, including projects in counties impacting the Chesapeake Bay. **Passed: 49-1.**

Senate Bill 661 (J. Ward) would amend Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes to establish an annual Commonwealth Specialty Crop Block Grant Program in the Pennsylvania Department of Agriculture for specialty crops that are not currently eligible for grants under the Federal Specialty Crop Block Grant Program. Eligible specialty crops would be designated as high priority by the Secretary and include horticultural and silvicultural crops and products, plants cultivated for fiber or biofuel purposes and apiary products. Processed products would have to consist of greater than 50 percent of the eligible specialty crop by weight.

The following types of projects would be eligible for grants:

- Increasing child and adult nutrition knowledge and consumption of specialty crops;
- Participation of industry representatives at meetings of international standards;
- Improving efficiency and reducing costs of distribution systems;
- Assisting entities in the specialty crop distribution chains in developing good agricultural practices, good handling practices, good manufacturing practices and in cost-share arrangements for funding audits of such systems for small farmers, packers and processors;
- Investing in specialty crop research, including organic research to focus on conservation and environmental outcomes and enhancing food safety;
- Developing new and improved seed varieties and specialty crops;
- Pest and disease control; and
- Sustainability.

Grants could not be awarded for projects that directly benefit a particular commercial product or provide a profit to a single individual or organization. The Department could use up to eight percent of any funds allocated for grants for administrative costs in administering the program. Further, an amount equal to 6.2 percent of the money would have to be allocated to recipients and projects located in rural municipalities where at least 20 percent of the population has been below the federal poverty line since 1990. An amount equal to 3.8 percent of the money would have to be allocated to recipients and projects located in urban municipalities where at least 20 percent of the population has been below the federal poverty line since 1990. The balance of the money would have to be allocated in a manner which seeks to distribute the money evenly among eligible specialty crops. The Department would be authorized to conduct on-site inspections of a block grant recipient and to establish and enforce audit and recordkeeping as established under the Federal Specialty Crop Block Grant Program. A special non-lapsing fund would be established in the State Treasury and available on a continuing basis for the program. Grants would be awarded when funding is available. **Passed: 50-0.**

Senate Bill 724 (Corman) would amend Title 24 (Education) and Title 71 (State Government) of the Pennsylvania Consolidated Statutes to make technical corrections to certain sections, add provisions for nonparticipating employer withdrawal liability under the Public School Employees' Retirement Fund, and establish a Public Markets Emerging Investment Manager Program under the Public School Employees' Retirement Board. Among other provisions, the measure would amend Title 24 to:

- Clarify that one member of the Board is to be elected by annuitants and Class DC participants in the plan who have terminated school service and are receiving distributions;
- Permit the Public School Employees' Retirement System (PSERS) to intercept funds from appropriations to pay for DC plan payments, nonparticipating employer withdrawal liability payments, and other payments relating to plan administration required to be paid by employers;
- Provide for situations where an employer no longer participates in PSERS. A nonparticipating employer would be liable to the system for withdrawal liability and would have to furnish such information as the Board deems necessary to determine whether an employer is a nonparticipating employer as defined in the legislation;
- Direct the board to create the Public Markets Emerging Investment Manager Program and allocate at least \$250 million and not more than \$1 billion to the program from within the main fund. No more than 10 investment managers could participate in the program at any one time;
- Establish that preference would be given to investment managers deemed to meet the objectives, goals and required criteria included in the bill, in addition to at least one of the following:
 - Be an investment management firm headquartered or incorporated within the Commonwealth; or
 - Be a veteran owned, minority-owned, or woman owned investment management firm;
- Limit participation in the program to investment management firms with less than \$1.5 billion of total assets under management when hired and to be terminated in a reasonable amount of time if the assets under management exceed \$3 billion.

The changes to Title 71 would:

- Authorize the State Employees' Retirement Board to determine the form, manner and time of payment and adjustment of regular member contributions and mandatory pickup participant contributions for Class A-5 state service and for Class A-6 state service performed prior to the election of Class A-6 membership; and
- Remove a provision regarding death benefits that is no longer necessary. **Passed: 50-0.**

Senate Resolution 173 (J. Ward) recognizes June 24, 2019 as "Cystinuria Awareness Day" in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 174 (Laughlin) recognizes the 100th anniversary of ratification of the 19th Amendment, the constitutional amendment extending equal voting rights to women. **Adopted by Voice Vote.**

House Bill 1065 (Dush) would designate the bridge on State Route 3033 over Redbank Creek in Brookville Borough, Jefferson County as the CPL James Slagle 2nd Ranger Battalion Army Ranger WWII Memorial Bridge. **Passed: 50-0.**

House Bill 1166 (Jozwiak) would provide a rate increase for the river pilots who navigate trade vessels along the Delaware River and its navigable tributaries. The rate adjustments would represent a one percent increase in 2020, a one percent increase in 2021 and a one percent increase in 2022. The ship communication charge for vessels transiting the Delaware River would also increase from \$235.00 to \$265.00. **Passed: 50-0.**

Executive Session

Nominations to Various Boards and Commissions. **Confirmed: 50-0.**

Wednesday, June 19, 2019

Senate Bill 112 (Yaw) would amend Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes to extend all existing requirements and limitations regarding opioid prescriptions for minors to cover all individuals. Among other provisions, the expansion would prohibit a prescriber from prescribing more than a seven-day supply of a controlled substance to an individual unless one of the following applies:

- In the professional judgment of the prescriber, more than a seven-day supply is required to stabilize the individual's acute medical condition; or
- The prescription is for management of pain associated with cancer, use in palliative or hospice care, or management of chronic pain not associated with cancer.

A prescriber would be authorized to prescribe more than a seven-day supply of a controlled substance containing an opioid for the management of pain associated with a major surgical procedure. **Passed: 50-0.**

Senate Bill 123 (Sabatina) would amend Title 61 (Probation and Parole) of the Pennsylvania Consolidated Statutes to establish that the Pennsylvania Board of Probation and Parole would not be required to consider, nor to dispose of, an application by an inmate or an inmate's attorney if a parole decision has been issued by the Board within three years of the date of the current application if the inmate has either been determined to be a sexually violent predator or sentenced under any of the offenses listed in the legislation. **Passed: 50-0.**

Senate Bill 166 (Hughes) would create the Capital Budget Act of 2019-2020. The bill would authorize the maximum indebtedness that the Commonwealth could incur during the fiscal year for capital projects specifically itemized in a capital budget project itemization act. The

legislation would authorize: \$550,000,000 for buildings and structures; \$10,000,000 for furniture and equipment; \$175,000,000 for transportation assistance projects; \$275,000,000 for redevelopment assistance projects; and \$1,010,000,000 for flood control projects. **Passed: 50-0.**

Senate Bill 223 (Phillips-Hill) would amend the Pharmacy Act to authorize an emergency medical services (EMS) provider to dispense a dose package of naloxone when all of the following conditions have been met:

- A standing order issued by the Secretary of Health permits the purchase of naloxone or a dose package by the public without a prescription;
- The EMS provider determines that it is appropriate to dispense a dose package to a caregiver of a patient who has experienced an opioid-related overdose event;
- The EMS provider enters the date and contents of the dose package on the back of the dose package or on another appropriate, uniformly maintained and readily retrievable record and signs the dose package or record; and
- The EMS provider provides only one dose package in an amount that conforms with the prescribed directions for use.

The EMS providers would be under no obligation to stock the dose package or dispense the dose package to a family member, friend, or other individual. Further, the EMS provider would not incur any liability for not stocking the drug or dispensing the dose package to a family member, friend, or other individual. An EMS provider that dispenses a dose package of naloxone to a family member, friend or other individual, who is in a position to assist a patient who has experienced an opioid-related overdose event, could bill the patient's insurer unless the dose package was supplied to the EMS provider free of charge. Payment by an insurer could not be denied on the basis that the EMS provider is not duly licensed as a pharmacist. Payment would also have to be consistent with the terms of the patient's health insurance policy and Section 635.7 of the Insurance Company Law of 1921 (relating to EMS billing). **Passed: 50-0.**

Senate Bill 241 (Browne) would appropriate \$3,357,000 from the Philadelphia Taxicab and Limousine Regulatory Fund and \$275,000 from the Philadelphia Taxicab Medallion Fund to the Philadelphia Parking Authority for the 2019-2020 Fiscal Year. **Passed: 50-0.**

Senate Bill 399 (Langerholc) would amend the Sexual Assault Testing and Evidence Collection Act to provide sexual assault victims with the right to a forensic examination and information relating to the examination. The legislation would add to the rights of sexual assault victims by providing:

- The right to a medical forensic examination free of charge;
- The right to have a rape kit or its probative contents preserved without charge for the duration of the maximum applicable statute of limitations (in cases where the victim has consented to the testing of evidence);

- The right to be informed in writing of policies governing the collection and preservation of rape kits;
- The right, upon written request, to receive written notification no later than 60 days before destruction of the evidence;
- The right to consult with a sexual assault counselor;
- The right to information concerning availability of protective orders and policies related to the enforcement of protective orders; and
- The right to information concerning the availability of, and eligibility for, victim compensation and restitution.

The measure would require the appropriate official with custody of the rape kit to collaborate with a sexual assault counselor to employ best practices when notifying a victim of pertinent information. The Attorney General, in consultation with the groups identified in the legislation, would be required to develop a standard protocol for notifying a victim about evidence relating to them. The legislation also would provide for anonymous reporters, update certain definitions and clarify certain provisions related to the annual report by the State Police on backlogged sexual assault evidence. **Concurrence in House Amendments: 50-0.**

Senate Resolution 175 (Street) observes June 19, 2019 as “Juneteenth National Freedom Day” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 176 (DiSanto) recognizes June 19, 2019 as “World Sickle Cell Awareness Day” in Pennsylvania to shine the light on sickle cell disease. **Adopted by Voice Vote.**

Senate Resolution 177 (Baker) recognizes the month of July 2019 as “Lakes Appreciation Month” in Pennsylvania. **Adopted by Voice Vote.**

Senate Resolution 178 (Fontana) recognizes PHEAA’s new PA Forward Student Loan Program as a cooperative effort utilizing Commonwealth resources for students and families in Pennsylvania. **Adopted by Voice Vote.**

House Bill 276 (Delozier) would amend Article I of the Pennsylvania Constitution to add Section 9.1 providing for the rights of victims of crimes. The new section would clarify the rights of a victim, as further provided and as defined by the General Assembly, which would be protected in a manner no less vigorous than the rights afforded to the accused. These rights would include:

- To be treated with fairness and respect for the victim’s safety, dignity and privacy;
- To have the safety of the victim and the victim’s family considered in fixing the amount of bail and release conditions for the accused;

- To be provided with reasonable and timely notice of all public proceedings involving the criminal or delinquent conduct of the accused and permission to be present at the proceedings;
- To be notified of any pretrial disposition of the case;
- With the exception of grand jury proceedings, to be heard in any proceeding where a right of the victim is implicated, including, but not limited to, release, plea, sentencing, disposition, parole and pardon;
- To be notified of all parole procedures in order to participate in the parole process, to provide information to be considered before the parole of the offender and to be notified of the parole of the offender;
- To have reasonable protection from the accused or any person acting on behalf of the accused;
- To be given reasonable notice on any release or escape of the accused;
- To refuse an interview, deposition or other discovery request made by the accused or any person acting on behalf of the accused;
- Full and timely restitution from the person or entity convicted for the unlawful conduct;
- Full and timely restitution as determined by the court in a juvenile delinquency proceeding;
- The prompt return of property when no longer needed as evidence;
- Proceedings free from unreasonable delay and a prompt and final conclusion of the case and any related post-conviction proceedings;
- Upon request, to confer with the attorney for the government; and
- To be informed of all rights enumerated in the section.

The section would not grant the victim party status or create any cause of action for compensation or damages against the Commonwealth or any political subdivision, nor any officer, employee or agent of the Commonwealth or any political subdivision, or any officer or employee of the court. Since identical legislation proposing this constitutional amendment passed during the previous legislative session, the amendment will now be submitted to the electorate in November. **Passed: 50-0.**

House Bill 315 (Murt) would amend Title 18 (Crimes and Offenses) to create the offense of female mutilation. Under the new provisions, female mutilation would occur when a person

circumcises, excises or infibulates the whole or part of a minor female's genitalia or a parent consents to the circumcision, excision or infibulation of a minor female's genitalia. A person who takes a minor female out of state for the circumcision, excision or infibulation of the genitalia to circumvent the law would also be guilty of the crime of female mutilation. The offense would be graded as a first degree felony, punishable by a fine of up to \$25,000 and/or imprisonment of up to 20 years. A physician who performs a circumcision, excision or infibulation to protect the health of the minor or as part of the labor and delivery process is exempt from the crime of female mutilation. Custom or consent of the minor is not a defense to the offense. **Passed: 50-0.**

House Bill 502 (Hershey) would amend the Crime Victims Act to grant crime victims the right not to be excluded from any criminal proceeding unless the court determines that the victim's testimony would be materially altered if the victim heard other testimony at the proceeding. Before making such a determination, the court would have to make every effort to permit the fullest attendance possible by the victim. The court would be required to clearly state on the record the reason for any exclusion. **Passed: 50-0.**

House Bill 504 (Mihalek) would amend Title 18 (Crimes and Offenses) to expand the Rape Shield Law by providing that in criminal trials for the offenses delineated in the legislation, evidence of past sexual victimization and allegations of past sexual victimization would be excluded as evidence. In the event the defendant wants to offer such evidence at trial, the defense would have to file a motion and offer proof to the court. **Passed: 50-0.**

Executive Session

Mary P. Isenhour – Pennsylvania Liquor Control Board. **Confirmed: 45-5.**

(2019-062)