State Policy Update

Interim Committee Meeting Schedule for 2020 Legislative Session

- Monday, December 9 – Friday, December 13, 2019

The 2020 Legislative Session will:

- Convene on Tuesday, January 14, 2020.
- End: last day of Regular Session, March 13, 2020 (60th day)

HIV Prevention Justice Act

HB 427 by Rep. Nick Duran (D-Miami) and SB 626 by Senator Jason Pizzo (D-Miami) create the "HIV Prevention Justice Act" which makes numerous changes in the criminal law and public health law related to the transmission or potential transmission of HIV. The bills replace the undefined phrase “sexual intercourse” with the defined phrase “sexual conduct” and reduces the offense of engaging in sex while knowingly HIV positive without the informed consent of the other party from a third degree felony to a first degree misdemeanor. This change makes non-disclosure of HIV the same offense level as non-disclosure of other enumerated STIs. However, the bills make a second or subsequent non-disclosure offense a third degree felony. The bills specify that a person does not act with the intent to transmit HIV or a specified STI if he or she in good faith complies with a prescribed treatment regimen or with the behavioral recommendations of a health care provider or public health officials to limit the risk of transmission, or offers to comply with such behavioral recommendations, but the sexual partner rejects the offer.

Link to HB 427: http://www.flsenate.gov/Session/Bill/2020/427
Link to SB 626: http://www.flsenate.gov/Session/Bill/2020/626

Conversion Therapy

HB 41 by Rep. Mike Grieco (D-Miami Beach) and a host of 22 other Democratic co-introducers and SB 180 by Senator Jose Javier Rodriguez (D-Miami) prohibit a person who is licensed to provide professional counseling or a practitioner who is licensed as a physician, osteopathic physician, psychologist, clinical social worker, marriage and family therapist, or mental health counselor from practicing or performing conversion therapy with an individual who is younger than 18 years of age. Under the legislation, such licensees or practitioners are subject to disciplinary action by DOH and the appropriate regulatory board.

Link to HB 41: http://www.flsenate.gov/Session/Bill/2020/41
Link to SB 180: http://www.flsenate.gov/Session/Bill/2020/180
Prior Authorization for Opioid Alternatives  
**SB 298** by Senator Gary Farmer (D-Fort Lauderdale) prohibits health insurance policies from requiring that treatment with an opioid analgesic drug product be attempted and have failed before authorizing the use of a nonopioid-based analgesic drug product.


Access to Treatment  
**SB 820** by Senator Gayle Harrell (R-Stuart) and **HB 373** by Rep. Ralph Massullo, MD (R-Beverly Hills) prohibit insurance companies from excluding coverage for certain cancer treatment drugs and provides additional requirements and procedures around step-therapy protocols. SB 820 also prohibits health insurers from retroactively denying a claim if the insurance company verified the subscriber's eligibility at the time of treatment or provided an authorization number.

Link to HB 373: [http://www.flsenate.gov/Session/Bill/2020/373](http://www.flsenate.gov/Session/Bill/2020/373)

Automated Pharmacy Systems – **House Bill Passes**  
**HB 59** by Rep. Matt Willhite (D-Wellington) and **SB 708** by Senator Travis Hutson (R-Elkton) authorize a community pharmacy to provide outpatient dispensing through the use of an automated pharmacy system. The bills establish criteria for such systems and a community pharmacy’s responsibilities when using this system. An automated pharmacy system is a mechanical system that dispenses prescription drugs received from a Florida-permitted pharmacy and maintains related transaction information. Florida law currently authorizes the use of automated pharmacy systems in long-term care facilities, hospices, and state correctional institutions. On November 6th, HB 59 passed the Health Quality Subcommittee by a vote of 13 to 0.


Dispensing Medicinal Drugs – **House & Senate Bills Moving Forward**  
**SB 100** by Senator Gayle Harrell (R-Stuart) and **HB 57** by Rep. Matt Willhite (D-Wellington) authorize individuals licensed to prescribe medicinal drugs in an institutional pharmacy to dispense a 48-hour supply, rather than a 24-hour supply. The legislation also authorizes these individuals to dispense a 72-hour supply of drugs if a state of emergency has been declared in the area. On October 15th, SB 100 passed the Health Policy Committee by a vote of 10 to 0. On November 6th, HB 57 passed the Health Quality Subcommittee by a vote of 11 to 0. Next week on November 13th, SB 100 will be heard in the Appropriations Subcommittee on Health and Human Services.

Link to SB 100: [http://www.flsenate.gov/Session/Bill/2020/100](http://www.flsenate.gov/Session/Bill/2020/100)  
Prescription Drug Donation Repository Program – House Bill Clears Two Committee Hurdles

SB 58 by Senator Lauren Book (D-Plantation) and HB 177 by Reps. Clay Yarborough (R-Jacksonville and Nick Duran (D-Miami) create the “Prescription Drug Donation Repository Program Act” within the DOH, authorize the department or a third-party contractor to establish, maintain, and publish a registry of participating local repositories and available donated prescription drugs and supplies. The legislation also authorizes the Governor to waive the program’s patient eligibility requirements during a declared state of emergency in Florida. On October 23rd, HB 177 passed the Health Quality Subcommittee by a vote of 14 to 0 and on November 6th, it passed the Health Care Appropriations Subcommittee by a vote of 10 to 0.

Link to SB 58: [http://www.flsenate.gov/Session/Bill/2020/58](http://www.flsenate.gov/Session/Bill/2020/58)
Link to HB 177: [http://www.flsenate.gov/Session/Bill/2020/177](http://www.flsenate.gov/Session/Bill/2020/177)

Florida Drug and Cosmetic Act – House & Senate Bills on Fasttrack

HB 113 by Rep. Spencer Roach (R-North Fort Myers) and SB 172 by Senator Rob Bradley (R-Fleming Island) preempt regulation of over-the-counter proprietary drugs or cosmetics, such as sunscreens, to the state. On October 14th, SB 172 passed the Community Affairs Committee by a vote of 3 to 1 and on November 4th, it passed the Innovation, Industry, and Technology Committee by a vote of 8 to 2. On November 6th, HB 113 passed the Health Quality Subcommittee by a vote of 8 to 5.

Link to HB 113: [http://www.flsenate.gov/Session/Bill/2020/113](http://www.flsenate.gov/Session/Bill/2020/113)

Prescription Insulin Drugs

HB 109 by Reps. Nick Duran (D-Miami) and Joseph Casello (D-Boynton Beach) and SB 116 by Senator Janet Cruz (D-Tampa) require individual and group health insurance policies and health maintenance contracts to cap an insured's monthly cost-sharing obligation for covered prescription insulin drugs at an amount not to exceed $100 per 30-day supply of the insulin drug, regardless of the prescription’s amount or type of insulin.


DOH Legislative Package

SB 230 by Senator Gayle Harrell (R-Stuart) updates numerous provisions relating to health care practitioners and facilities regulated by the Department of Health (DOH), Division of Medical Quality Assurance (MQA).

Medicaid Expansion & Coverage

SJR 224 by Senator Annette Taddeo (D-Miami) and HJR 247 by Rep. Cindy Polo (D-Miramar) propose an amendment to the State Constitution to provide Medicaid coverage to persons under age 65 who have an income equal to or below 138 percent of the federal poverty level.

HB 219 by Rep. Barbara Watson (D-Miami Gardens) and SB 164 by Senator Perry Thurston (D-Fort Lauderdale) extend Medicaid eligibility to adults who are under 65 years of age whose income does not exceed 133 percent of the federal poverty level.


Link to SB 164: [http://www.flsenate.gov/Session/Bill/2020/164](http://www.flsenate.gov/Session/Bill/2020/164)