

2015 State Legislative & Regulatory Prospectus

In 2015, all 50 states and the District of Columbia (D.C.) are expected to convene regular legislative sessions. New Jersey and Virginia are the only two states whose sessions carry over from 2014. To provide an overview of the issues expected to impact state health agencies and public health in 2015, ASTHO has reviewed available pre-filed bills and surveyed the state health agency legislative liaisons regarding priorities and issues they expect their legislatures to address in the coming year. We encourage you to visit [ASTHO's website](#) to stay abreast of the latest developments as state legislative sessions unfold.

State Budgets

According to the National Association of State Budget Officers, state fiscal conditions are expected to continue to moderately improve in fiscal year 2015, with spending and revenues projected to rise 2.9 percent above 2014 levels. In most states, governors proposed spending increases for Medicaid and education programs (K-12 and higher education). Due to slowing revenue collections in the early part of fiscal year 2014, funding for new initiatives is unlikely in many states. According to the National Conference of State Legislatures, fiscal issues that states will focus on this session include: Medicaid, education programs, and transportation infrastructure issues.

EMERGING ISSUES

Infectious Disease Outbreaks and Response

In response to Ebola virus disease infections in the United States, there has been increased focus on the ability of health departments to protect against infectious disease outbreaks. Many state legislatures had informational sessions this fall to hear updates on the ability of health departments to respond to infectious disease outbreaks. Many states rely heavily on federal resources for this work, but given ongoing federal budget pressures, we are likely to see some states consider providing funding to increase their ability to detect and control infectious disease. Ebola cases in the United States also led to controversy regarding isolation and quarantine policies. In response, CDC released a [50-state survey](#) of state screening and monitoring policies for asymptomatic individuals. Given the attention to state isolation and quarantine policies, some states are evaluating existing powers and considering changes to their state laws, including employment protections for infected individuals and their caretakers.

Interstate Medical Licensure Compact and Telehealth

In September 2014, the Federation of State Medical Boards released the final version of the [Interstate Medical Licensure Compact](#) (Compact). The purpose of the Compact is to encourage, facilitate, and expedite multistate licensing for medical professionals in an effort to support telehealth practices. Participation in the Compact is voluntary and does not override a state's existing licensure laws. To date, the American Medical Association, Council of Medical Specialty Societies, and at least 17 state medical and osteopathic boards have endorsed the Compact. State legislatures and medical boards may consider adopting the Compact in 2015 as a way to reduce barriers to multi-jurisdictional physician licensing and to facilitate telehealth practices to improve access to care in rural and hard-to-serve areas.

Public Health System Reform

Several states will consider changes to their public health system by making it easier to form district boards of health at the local level, providing flexible funding to community health boards, or restructuring public health agencies' functions and activities at all levels of government. Other states will pursue legislation to modernize their state public health acts. In several states, these actions are related to public health accreditation efforts.

Health Reform Implementation

Medicaid Expansion

The Patient Protection and Affordable Care Act (ACA) provides the opportunity for states to expand Medicaid and receive federal government funds to cover the costs of the expansion population. As of January 2015, 27 states and D.C. expanded Medicaid under the ACA. This session, state legislatures will continue to explore ways of reforming and expanding Medicaid. Indiana submitted a Section 1115 waiver in 2014, and Tennessee and Utah are actively considering Section 1115 plans. These states will see further action in 2015, including legislative consideration of the plans. Governors in Alabama, Alaska, Montana, and Wyoming expressed interest in expanding Medicaid and will pursue various options in 2015.

ACA Exchange Subsidies

The U.S. Supreme Court is set to hear oral arguments in *King v. Burwell*, which will determine whether Americans living in states with federally-facilitated exchanges are eligible to receive premium subsidies. If the Supreme Court strikes down the subsidies, the 34 states with federally-facilitated exchanges may be forced to establish a state-based exchange to continue receiving subsidies.

Prescription Painkiller Abuse, Misuse, and Overdose

The ASTHO 2014 President's Challenge, launched by **Terry Cline (OK)**, aimed to reduce nonmedical use of and unintentional overdose deaths involving controlled prescription drugs 15 percent by 2015. This year, states will continue to consider numerous strategies to address this public health problem, including: establishing immunity for individuals who seek medical assistance for victims of overdoses (Missouri and South Carolina), expanding access to the opioid antagonist naloxone (Florida, Kentucky, New Mexico, North Dakota, South Carolina, and Virginia), and requiring opioid education and addiction counseling for patients who are prescribed Schedule II or III controlled substances for chronic pain for extended periods (Georgia). Missouri will consider legislation to establish a prescription drug monitoring program (PDMP), while other states (North Carolina and Oklahoma) will consider amendments to enhance their PDMP. Texas will consider legislation allowing its Board of Pharmacy to enter into interoperability agreements with other states for PDMP data.

Electronic Cigarettes

While states have previously been hesitant to regulate electronic cigarettes (e-cigarettes) beyond prohibiting their sale to minors, this year, states will consider various regulatory approaches. Several states will consider requiring child-safe packaging for e-cigarette cartridges and solutions (California, Missouri, and New Hampshire), while other states (Alabama, Arizona, Nevada, New Mexico, Utah, and Washington) will consider taxing the products. New Hampshire will propose adding e-cigarettes to its clean indoor air laws, and Texas will consider prohibiting their use in schools.

Marijuana

In 2015, a number of states will consider decriminalizing marijuana possession (Delaware, Texas, and Virginia), legalizing marijuana for medical use (Georgia, Kentucky, South Carolina, and Wyoming), and

legalizing recreational marijuana use (Arizona, Georgia, and Missouri). Some states will also consider amendments to their existing marijuana laws. For example, Washington will consider a bill to amend the regulatory framework for its medical marijuana program, and Iowa will consider a bill to amend the cannabidiol program it enacted last session. Nevada will consider taxes on marijuana products as well as approval for younger children to use marijuana for medicinal purposes. The U.S. Supreme Court will consider *States of Nebraska and Oklahoma v. State of Colorado* and will determine whether Colorado's recreational marijuana law is void under the U.S. Constitution's supremacy clause. A ruling against Colorado would have ramifications for the other states (Alaska, Oregon, and Washington) that have legalized recreational marijuana.

Workforce

Several states will continue to amend and expand healthcare workforce and scope of practice laws. Missouri will consider a bill to allow state boards to work with the Department of Health and Senior Services to collect and analyze workforce data to assess the availability of qualified providers. New Mexico will consider a bill recognizing dental therapists as mid-level dental service providers. North Dakota will consider a bill to continue studying dental services, including the infrastructure needed to effectively use midlevel providers. The U.S. Supreme Court will decide *North Carolina Board of Dental Examiners v. Federal Trade Commission* to determine whether state regulatory boards are subject to federal antitrust law. The decision could have broad implications regarding the authority of state healthcare licensure boards to regulate healthcare professionals.

Motor Vehicle Injuries

This session, a number of states are considering bills related to motor vehicle injuries and safety. Several states are considering bills requiring ignition interlock devices on all vehicles for those individuals convicted of a DUI (California, Kentucky, North Carolina, and South Carolina). California is considering a bill requiring motor vehicle drivers to secure all children under 2 years old in rear-facing child safety seats. Utah will consider a primary seatbelt law. A couple of states will consider repealing their motorcycle helmet laws. New Mexico will consider a bill to create a Fatal Injury Diagnosis Fund, which would require individuals to pay for motorcycle validating stickers indicating whether the operator is required by law to wear a helmet.

RESOURCES

1. National Conference of State Legislatures. "Lawmakers have a slew of hot issues to juggle as sessions rev up around the country this month." Available at <http://www.ncsl.org/bookstore/state-legislatures-magazine/what-s-hot-for-2015.aspx>. Accessed on 1-6-2015.
2. National Association of State Budget Officers. "Summary of Fiscal Year 2015 Proposed and Enacted Budgets." Available at <http://www.nasbo.org/sites/default/files/pdf/2015%20Proposed-Enacted%20Budgets.pdf>. Accessed on 12-18-2014.
3. Food Safety News. "Food Safety Not a Likely Hot Topic for 2015 Legislatures." Available at <http://www.foodsafetynews.com/2015/01/food-safety-not-a-likely-hot-topic-for-2015-state-legislatures/#.VKv6GYd0zIU>. Accessed on 1-6-2015.
4. Governing. "2015's Top 10 Legislative Issues to Watch." Available at <http://www.governing.com/topics/politics/gov-issues-to-watch-2015.html>. Accessed on 1-6-2015.