



NWGA Legislative Report: January 13, 2017

WASHINGTON

WA Lobbyist: Holly Chisa hollychisa@comcast.net

The Washington Legislature gavelled in Monday January 9, 2017 for a 105-day session, which is anticipated to go longer than planned. The WA Legislature is constitutionally required to end by mid-April. The first week of Session was spent getting new members up to speed, and we can expect an even lighter schedule next week, as many Republican members will be attending the Presidential Inauguration in DC. Bills of interest:

HB 1047 – Pharmacy Takeback

Monitor

Need to ensure take back is voluntary. Portions of the bill are not written to reflect the voluntary sections of the bill. Amendments are needed. In H. Health Care & Wellness Committee, not yet scheduled for a hearing.

HB 1143 – Local Government Ordinances/Exemptions

Monitor

Prohibits local ordinances from exempting CBA agreements, and would apply to all employees. In H. Labor Committee. **Do you want NWGA to be involved in this discussion?**

SB 5032/HB 1116 – Paid Family & Medical Leave

Oppose

This is the Democratic version of the paid family leave bill. Covers all employers with 8 or more employees. Employer paid. CBAs are recognized only to negotiate the contract to have it comply with the statute. Republicans will present alternative proposal (SB 5149) which is an employee funded model and based on the law just adopted by New York. **Comparison of the Republican and Democrat plans are attached for your review. Note Oregon discussion.**

HB 1020/SB 5006 – Sale of Micro Spirits

Monitor

Retailers that have a beer and wine specialty shop would be able to sell micro spirits. Would not apply to retailers under 10,000 sq. ft. with a traditional retailer spirits license. In H. Commerce & Gaming Committee and hearing was held this week. This bill is not expected to get out of committee.

HB 1039 – Wine Growlers

Support/Monitor

Allows those with beer growler stations to sell wine. In H. Commerce & Gaming Committee – hearing was held this week, wine industry is divided in their support of the bill. NWGA supports, but is keeping a low-profile in lobbying the bill.

HB 1054/SB 5025 – Age of Purchase for Tobacco/Vapor Products

Monitor

Increases the age for tobacco and vapor products from 18 to 21. In H. Health Care & Wellness Committee. In the past, NWGA has not taken a position. **Are NWGA members interested in taking a different position this year?**

HB 1119 – Private Label Beer & Wine

Monitor

Allows those who sell private labels of spirits in an on-premise facility for off-premise consumption. In H. Commerce & Gaming Committee. NWGA will continue to monitor closely for possible effect on NWGA members with private labels of wine & beer. The WA LCB is going to continue these discussions over the coming months, and we will monitor those conversations.

IDAHO

ID Lobbyist: John Watts john@veritasadvisor.com

The Idaho Legislature gavelled in Monday January 9, 201. Bills of interest:

H1 – Idaho Administrative Procedure Act

This is a clean-up bill for a constitutional amendment, which placed into the state's constitution the privilege for the Idaho Legislature to review all agency rules with veto-power.

****Note the legislative rule review process does NOT allow the legislature to amend or change a rule promulgated by an agency, the legislature can only "approve" or "reject" it. Upon approval the rule becomes effective. The below rules are currently under review:**

27-0101-1602 – Telepharmacy

Monitor

This update to the rules for the Board of Pharmacy would allow streamlined registration of remote dispensing sites or Telepharmacies to communities of 500 people or more by removing the requirement that a remote dispensing site be co-located with a medical care facility; and remove the requirement that business contracts be filed with the Board; update limits on the oversight of multiple remote dispensing sites.

27-0101-1603 – Technician Modernization

Monitor

The proposed rule allows pharmacists to delegate certain non-judgmental tasks to properly-trained, registered and certified pharmacy technicians under their supervision. Such delegated tasks include the ability to clarify missing elements on prescriptions, transfer prescriptions, administer medications, and take verbal prescriptions in certain circumstances, expand verification technician programs beyond acute care hospitals, and lastly enable remote data entry by certain pharmacy technicians.

27-0101-1604 – Pharmacy Practice

Monitor

In reference to HB339 (2016) the proposed rule updates storage security requirements that all pharmacies must follow, clarify the provisions for legal medication returns for institutional pharmacies and to authorize collection for destruction, enable pharmacists to better coordinate refills of medications in order to improve patient medication adherence, and update pharmacy

delivery restrictions.

27-0101-1606 – Partial Fills of Schedule II Drugs

Monitor

On July 22, 2016, S. 524, the Comprehensive Addiction and Recovery Act (CARA) of 2016, took effect. One provision of this Act is a loosening of restrictions on the partial filling of Schedule II controlled substance prescriptions. The federal law change would allow a patient to receive fewer Schedule II controlled substance pills than written by a prescriber, while not forfeiting the balance if picked up within a certain timeframe. The overarching goal of this federal law change is intended to reduce the amount of Schedule II controlled substances dispensed, and reduce the number of unused pills that remain in Idaho households and need discarded. This proposed rule would harmonize Idaho law with the new federal law.

OREGON

OR Lobbyist: Shawn Miller Shawn@MillerPublicAffairs.com

The Oregon 2017 Legislative Session will begin on February 1, 2017. Over 1500 bills were introduced this week. Bills of interest:

Paid Family Leave

Oppose

Paid family leave will be a priority for public employee unions and Democratic leadership. The initial proposal is designed as a new insurance program with employers covering the cost of 12 weeks of paid leave. NWGA continues to discuss with the broader business lobby a possible compromise and or alternatives. Joe will prepare further details about options for a plan in the coming weeks for members to review and we will work to maintain consistency in our OR and WA lobby efforts on this issue.

HB 2193 – Predictive Scheduling

Oppose

As drafted, the bill requires all employer to pay an employee at least four hours of work if the employee is scheduled or called in to work but does not work entire shift. In addition, it places additional requirements on larger restaurant and retail employers. The bill does not mirror Seattle's ordinance and mostly notably does not currently include an exemption for Collective Bargaining Agreements. SB 329 is the proactive bill on this issue which will protect the current preemption on this issue, prohibiting cities from implementing their own versions of the mandate.

HB 2268 – Underground Storage Tank Fees

After months of negotiations with NWGA and OR-DEQ, the department has discarded the idea of a capacity based fee structure (which NWGA opposed) and will continue with the current per tank fee model. During negotiations we suggested a phase-in the increase for the per tank fee. The below proposal reflects the latest offer from the department. The current fee is \$135/tank. Proposed fee:

- . 2017 \$135/tank (no change)
- . 2018 \$195/tank
- . 2019 \$245/tank

- . 2020 \$295/tank
- . 2021 \$325/tank

Attached are NWGA's comments on the original proposal which proposed fee increases upwards of \$1,949 for large fuel providers, an increase of 722%. An excel spreadsheet noting proposed fee increases is also included. **Please review proposed fees and share any concerns you have with our Oregon team by January 20th.**

Changes to Driver Licenses

In order to respond to a recent Multnomah County Circuit Court order stating that an Oregonian's sex is non-binary; DMV is moving forward with administrative rule making and programming changes to **add a third designation for sex on a driver license**, driver permit or identification card. **This third sex designation will be an "X" for "not-specified"**. Therefore, you may start to see valid Oregon driver licenses, driver permits or identification cards where the face of the card shows an X in the sex field and where the information contained within the bar code on the back of the card indicates the person's sex is X. DMV's target to complete necessary rulemaking and programming for the third sex designation is July 1, 2017. **DMV has reached out to NWGA and would like to know:**

1. Will your stores be impacted by this change?
2. Will there be costs to re-program your system?
3. What do you estimate those costs to be?
4. Can you complete that work by July 1, 2017?
5. If the answer to #3 is no, when do you estimate such a change could be made?

BOLI Overtime Fix

Last week BOLI revised their employer manual advising "manufacturing" employers to **calculate and pay both daily and weekly overtime** amounts owed to the employee. The change follows a lawsuit filed in August 2016 by the non-profit Northwest Workers Justice Project on behalf of a group of workers at Portland Specialty Baking. Before the lawsuit, BOLI advised employers that they had to pay the greater of the two overtime pay amounts, but not both.

NWGA is working with Senator Beyer to introduce a fix bill in 2017 which will return to the previous interpretation of the two overtime rules requiring manufacturers to **calculate both the daily and weekly bases and pay the greater amount.**

BOLI has adopted an interpretive regulation defining manufacturing as follows:

(11) "Manufacturing Establishment" means any place where machinery is used for manufacturing purposes:

(a) "Manufacturing" in the context used in these rules means the process of making goods or any material produced by machinery; anything made from raw materials by machinery; the production of articles for use from raw or prepared materials by giving such materials new forms, qualities, properties or combinations, by the use of machinery;

(b) As used in this subsection, "machinery" means power driven machinery by electricity,

nuclear and fossil fuels, hydroelectric, geothermal, or some power source other than by human hand, foot, breath or otherwise.

Or. Admin. R. 839-001-0100

Please review the above change and fix and let us know if/how your Oregon based manufacturing facilities will be impacted.