

Bill Watch

HOUSE BILLS

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*Bills that are ~~Struck Through~~
have been killed in some manner.*

** Signed by Governor*

Highlights

- The main run of the 2019 Legislative Session ended in the early morning hours of March 13, as Legislators scrambled to leave Pierre ahead of a storm.
- No significant changes were made to insurance related bills; from our perspective, it was a very successful legislative session.
- Drama in the final hours was about funding for pheasant habitat.
- Veto Day is March 29.

HOUSE BILLS

HB 1034 An Act to revise certain provisions regarding unemployment insurance contribution rates.

Sponsor: The Committee on Commerce and Energy at the request of the Department of Labor and Regulation

Summary: This bill is a clean-up of the statutes covering unemployment insurance contribution rates. It extends current rates through December 31, 2019.

NAIFA Position: Monitor

Status: Delivered to the Governor on March 11.

HB 1053 An Act to revise the value of gifts permitted for certain insurance advertising or promotional programs.

Sponsor: Representative Willadsen and Senator Novstrup

Summary: This bill increases the dollar amount of permitted gifts from insurers and insurance producers to insureds from \$25.00 to \$100.00

NAIFA Position: Support

Status: Delivered to the Governor on March 7.

HB 1085 An Act to revise certain programs to advance health care in South Dakota.

Sponsors: Representatives Beal and Senator Bolin

Summary: This is one of several placeholder bills that was filed. It provides that programs be revised to advance health care in South Dakota.

NAIFA Position: Monitor carefully

Status: Tabled in House Health and Human Services Committee (13-0) on February 21.

HB 1088 An Act to prohibit the use of certain electronic devices while driving.

Sponsors: Representative Barthel and Senator Sohlt

Summary: This bill changes our texting ban from a secondary offense to a primary offense (Class 2 misdemeanor). It also broadens the definition of mobile electronic devices.

NAIFA Position: Monitor

Status: Passed House Transportation Committee (12-1) on February 5; passed House of Representatives (40-30) on February 6; passed Senate State Affairs Committee (6-0) on February 20; failed Senate (17-17) on February 21.

HB 1092 An Act to revise certain provisions regarding campaign finance disclosure reports.

Sponsors: Representative Dennert and Senator Schoenbeck

Summary: As amended, this bill requires all candidates running for a legislative or county office with a recognized political party to file a pre-primary report if there is any primary race for that particular office.

NIAFA Position: Monitor

Status: Signed by the Governor on March 1.

HB 1099 An Act to provide for the designation of a caregiver to receive information regarding residents of treatment facilities.

Sponsors: Representative Reed and Senator Smith (VJ)

Summary: This bill authorizes a resident of a treatment facility to designate a caregiver to receive notice of the resident's treatment and aftercare plan. The treatment facility must document the caregiver's information in the resident's record. The treatment facility must also give reasonable notice to the caregiver of the resident's discharge or transfer to a different treatment facility prior to the resident's discharge or transfer. It was amended in the Senate committee to allow a resident to revoke the designation at any time.

NAIFA Position: Monitor

Status: Delivered to the Governor on March 13.

HB 1124 An Act to require health care facilities that perform mammography to inform mammography patients on breast density.

Sponsors: (numerous sponsors) Representative Howard and Senator Sohlt

Summary: This bill requires any health care facility that performs mammography services to include information on breast density in the mammogram report. If the interpreting physician determines that a patient has extremely dense breasts, the mammogram report must include a notice so advising the patient.

NAIFA Position: Monitor

Status: Signed by the Governor on March 5.

HB 1135 An Act to provide for the use of certain confidential information by the director of the Legislative Research Council.

Sponsors: Representative Haugaard

Summary: This bill requires the state, a department, agency, or political subdivision to provide any documents so requested to be turned over to the director of the LRC. If the documents are

confidential, the confidentiality provisions apply to the director. The second section of the bill, which authorizes the Department of Revenue to disclose tax returns and accompanying information to the director, was amended out of the bill.

NAIFA Position: Oppose

Status: Deferred to 41st Legislative Day (7-6) in House State Affairs Committee on February 22.

HB 1137 An Act to revise certain provisions regarding pharmacy benefit managers.

Sponsor: Representative Gosch Senator Steinhauer

Summary: The first section of this bill prohibits a pharmacy benefit manager from contractually requiring a pharmacy to collect a cost sharing amount for a consumer that is greater than the actual cost of the drug. The second section of the bill prohibits a pharmacy benefit manager from retroactively adjusting a pharmacy claim, except for limited reasons, such as an audit or error. It was amended extensively in committee to achieve those objectives.

NAIFA Position: Monitor

Status: Signed by the Governor on March 7.

HB 1143 An Act to revise provisions regarding contribution limits to political action committees.

Sponsors: Representative Peterson (Kent) and Senator Langer

Summary: This bill applies the single contribution limit of \$10,000/year to all political action committees controlled by the same person or entity. Under current law political action committees have no campaign contribution limits

NAIFA Position: Monitor

Status: Signed by the Governor on March 1.

HB 1170 An Act to revise certain healthcare programs and make an appropriation therefor.

Sponsors: Representative Karr

Summary: This is a placeholder bill. It appropriates \$1.00 from the general fund to revise healthcare plans. The state shall approve vouchers and the state auditor shall draw warrants to pay for expenditures. Any appropriated amounts not expended or obligated by June 30, 2019 shall revert to the general fund.

NAIFA Position: Monitor

Status: Tabled in House Health and Human Services Committee (13-0) on February 21.

HB 1205 An Act to provide parents with certain rights regarding health care treatment of a minor child.

Sponsors: Representative Pischke and Senator Jensen (Phil)

Summary: This bill would allow a parent to refuse consent to health care treatment of a minor child if the parent believes the treatment would promote the child's belief that the child's sex or gender identity was different than the child's sex presented at birth.

NAIFA Position: Monitor

Status: Deferred to 41st Legislative Day (16-3) in House Health and Human Services Committee on February 7.

HB 1219 An Act to revise provisions regarding insurance plans.

Sponsors: Representative Schoenfish and Senator DiSanto

Summary: This bill was hoghoused in House Commerce Committee on February 13. It now allows a person to secure health insurance from a surplus lines insurer to provide coverage when the person is traveling abroad. The autism proponents had an amendment proposed for this bill, but it was not offered in committee.

NAIFA Position: Support

Status: Delivered to the Governor on March 11.

HB 1222 An Act to revise provisions regarding insurance plans.

Sponsors: Representative Schoenfish and Senator DiSanto

Summary: This bill is a placeholder bill regarding insurance plans offered in the state.

NAIFA Position: Monitor

Status: Tabled in House Taxation Committee (13-0) on February 14.

HB 1236 An Act to revise certain provisions regarding health insurance coverage.

Sponsors: Representative Cwach and Senator Heinert

Summary: This bill would expand the mandate for coverage of ABA therapy to individual and small group health insurance plans, effective January 1, 2020. It had a very emotional hearing in committee. This issue is definitely not dead, even though no other bills surfaced during this session.

NAIFA Position: Soft opposition

Status: Deferred to 41st legislative day (7-4) in House State Affairs Committee on February 20.

HB 1271 An Act to remove exceptions to certain health insurance policies.

Sponsors: Representative Peterson (Sue) and Senator Greenfield (Brock)

Summary: This bill is almost identical to HB 1236. It would extend the mandate for coverage of ABA therapy for autistic children to individual and small group health insurance plans. There is no provision for the effective date.

NAIFA Position: Soft opposition.

Status: Withdrawn at the Request of the Prime Sponsor.

SENATE BILLS

SB 31 An Act to revise certain provisions regarding criminal background checks for assistant behavior analysts and paraprofessionals.

Sponsor: The Committee on Health and Human Services at the request of the Department of Social Services

Summary: The bill removes the requirement that assistant behavior analysts and paraprofessionals submit to a criminal background check by the FBI. The DCI background check requirement remains. The reason for the bill is that it is difficult for behavioral analysts to get FBI checks on their assistants or paraprofessionals.

NAIFA Position: Monitor

Status: Signed by the Governor on February 8.

SB 36 An Act to revise the membership of the State Workers' Compensation Advisory Council.

Sponsor: The Committee on State Affairs at the request of the Department of Labor and Regulation

Summary: The bill adds a ninth member to the State Workers' Compensation Advisory Council. The ninth member, who is appointed by the Governor, shall serve as chair.

NAIFA Position: Monitor

Status: Signed by the Governor on March 7.

SB 37 An Act to revise certain provisions regarding association health plans.

Sponsor: Committee on Commerce and Energy at the request of the Department of Labor and Regulation

Summary: This is the Division's association health plan bill. There were no opponents to the bill.

NAIFA Position: Support.

Status: Signed by the Governor on February 14.

SB 70 An act to revise provisions regarding hospital liens.

Sponsors: Senator Nelson and Representative Johns.

Summary: This bill requires a hospital to submit a bill for payment of reasonable and necessary charges for treatment of an injured person to the person's health insurer prior to creating a lien. If a lien is created and a health insurer is subsequently identified, the hospital shall submit the bill to the carrier prior to pursuing the lien. A clean-up amendment was made to the bill in its second committee hearing.

NAIFA Position: Monitor

Status: Delivered to the Governor on March 7.

SB 78 An act to exempt certain medical providers from licensure.

Sponsors: Senator Curd and Representative Hansen.

Summary: This bill adds to the current list of exemptions of physicians licensed in another state from licensure in South Dakota a physician who provides medical care to an individual athlete or athletic team.

NAIFA Position: Monitor

Status: Signed by the Governor on March 11.

SB 89 An act to enhance health care in South Dakota.

Sponsors: Senator Bolin and Representative Beal

Summary: This was a placeholder bill. It provides that the Legislature shall pursue opportunities to enhance health care in the state.

NAIFA Position: Monitor

Status: Passed Senate Health and Human Services Committee (4-2) on February 22; tabled in Senate (35-0) on February 25.

SB 96 An act to expand application of the tax credit for contributions to a scholarship granting organization.

Sponsors: Senators Schoenbeck and Stalzer and Representatives Hansen and Glanzer

Summary: Former Senator Heineman lobbied for and passed a program that allows insurance companies to receive a credit on premium taxes paid, which dollars go to a foundation that provides scholarship monies to lower income students. This bill (1) allows credits to be taken quarterly, and (2) as amended, increases the amount of the credit from 80% to 100%. The \$2 million cap remains in effect.

NAIFA Position: Monitor

Status: Delivered to the Governor on March 7.

SB 119 An Act to revise provisions regarding investments by farm mutual insurers.

Sponsors: Senators Maher and Greenfield (Brock) and Representatives Marty and Lesmeister

Summary: Under current law, farm mutual companies are restricted to investing in safe investments (such as government bonds) and would need to seek authority from the Division of Insurance to invest in less safe investments. This bill sought to ease those investment restrictions. The Division of Insurance opposed the bill.

NAIFA Position: Monitor

Status: Tabled in Senate Commerce and Energy Committee (4-3) on February 7.

SB 120 An Act to modify the time period allowable for certain covenants not to compete.

Sponsors: Senator Greenfield and Representative Peterson (Sue)

Summary: This bill reduces the maximum amount of time for a non-compete covenant from two years to one year. Section 2 of the bill, which applied to captive insurance agents, was deleted in committee.

NAIFA Position: Monitor

Status: Passed Senate Commerce and Energy Committee as amended (4-3) on February 12; failed the Senate (16-18) February 21.

SB 123 An Act to provide for the adoption of privacy protection policies.

Sponsors: Senator Russell and Representative Pischke

Summary: As finally amended, this bill requires nonprofit corporations that request a volunteer's social security number to adopt a privacy protection policy setting forth the manner in which the corporation will protect that information. Pursuant to conference committee amendment, a volunteer can request to review the policy prior to providing a social security number.

NAIFA Position: Monitor

Status: Delivered to the Governor on March 13.

SB 131 An Act to accommodate legislation on Medicaid provider reimbursements.

Sponsors: Senators Wiik and Cronin

Summary: This placeholder bill provides a vehicle for legislation affecting Medicaid providers reimbursements. The prime sponsor of the bill asked that this vehicle be kept alive.

NAIFA Position: Monitor

Status: Passed Senate Appropriations Committee (9-0) on February 21; tabled in Senate (35-0) on February 25.

SB 134 An Act to accommodate legislation on Medicaid.

Sponsors: Senators Wiik and Cronin

Summary: This placeholder bill provides a vehicle for legislation affecting Medicaid.

NAIFA Position: Monitor

Status: Tabled in Senate Appropriations Committee (8-0) on February 14.

SB 136 An Act to provide for the utilization of telehealth by a health care professional.

Sponsors: Senator Curd and Representative Peterson (Kent)

Summary: This bill sets standards/parameters for providers that provide services via telehealth. A minor amendment was made to the bill on the Senate floor. Additional clean-up amendments were made to the bill in its second committee hearing.

NAIFA Position: Monitor

Status: Delivered to the Governor on March 12.

SB 137 An Act to provide for the payment of claims for covered services provided by a health care professional via telehealth.

Sponsors: Senator Curd and Representative Peterson (Kent)

Summary: This is the bill we worked on over the past few months with the South Dakota State Medical Association. Health insurers cannot exclude coverage solely because a service is provided by telehealth. The SDSMA has accepted most of our recommendations on the language of this bill. Most significantly, the bill does not mandate payment parity, which we worked diligently to exclude from the bill. Clean-up amendments were made to the bill in its second committee hearing.

NAIFA Position: Not opposed, in current form.

Status: Delivered to the Governor on March 12.

SB 186 An Act to prohibit the cancellation or nonrenewal of a health insurance policy for a preexisting condition.

Sponsors: Senators Kennedy and Representative Saba

Summary: This bill would prohibit a health insurance policy from being canceled or non-renewed solely based on a preexisting condition of the insured person.

NAIFA Position: Monitor

Status: Deferred to 41st Legislative Day (5-2) in Senate Commerce and Energy Committee on February 19.

Respectfully submitted,

Darla Pollman Rogers, Lobbyist