

## **State Legislative Update – July 19, 2024**

For more information regarding ACS State Affairs Policy Priorities in your state, please contact Catherine Hendricks, State Affairs Manager, at [chendricks@facs.org](mailto:chendricks@facs.org) or Cory Bloom, State Affairs Associate, at [cbloom@facs.org](mailto:cbloom@facs.org). To view a complete list of bills ACS State Affairs is tracking, visit our online [State Legislative Tracker](#).

### **STATE AFFAIRS WORKGROUP**

Arnold Baskies, MD, FACS (NJ); Ali Kasraeian, MD, FACS (FL); Kevin Koo, MD, FACS (MN); and Kelly Swords, MD, FACS (CA). The Workgroup will play a critical role in identifying state advocacy priorities, setting new policy objectives, and evaluating state advocacy grant applications among other duties.

### **ACS STATE AFFAIRS PRIORITY ISSUES**

- Trauma System Funding and Development
- Cancer Screening, Testing, and Treatment
- Insurance and Administrative Burden
- Professional Liability
- Criminalization of Physician Care
- Access to Surgical Care
- Health Equity

### **ACS GRANT PROGRAM**

State Chapters are eligible to apply for ACS State Advocacy Grants and may use funds towards their annual state advocacy day, to hire a lobbyist, or other relevant advocacy functions such as travel costs for members, catering, venue rentals, printing, and more. To learn more information regarding the ACS State Advocacy Grants, apply [here](#).

### **STATUS OF LEGISLATIVE SESSIONS**

The following state legislatures remain in session: California, Massachusetts, Michigan, New Jersey, Ohio, and Pennsylvania.

Montana, Nevada, North Dakota, and Texas have no regular session in even-numbered years. Legislative session information can be found [here](#).

### **LEGISLATIVE TRACKING**

#### **CALIFORNIA**

##### **AB 2164** – Licensure

Introduced by Assemblymember Mar Berman (D), AB 2164 eliminates the requirement for physicians disclose their mental health conditions that do not impair their ability to practice medicine safely; allows the licensure board to ask about an applicant's participation in mental health or substance abuse programs under certain conditions; allows the board to offer a probationary license to applicants who disclose a condition impairing their ability to practice safely. The bill was introduced in the Assembly and referred to the Business, Professions and Consumer Protection Committee.

[ACR 196](#) – Cancer **ADOPTED**

Introduced by Assemblymember Tri Ta (R), ACR 196 proclaims November 2024 as Lung Cancer Awareness Month and the second Saturday of November 2024 as Lung Cancer Screening Day. The Assembly adopted the resolution July 5.

[SCR 155](#) – Cancer **ADOPTED**

Introduced by Senator Lena Gonzalez (D), SCR 155 proclaims the month of October 2024 as breast cancer awareness and prevention month. The bill was adopted June 26.

**DELAWARE**

[SB 315](#) – Criminalization

Introduced by Senator Bryant Richardson (R), SB 315 prohibits gender transition surgery for minors; provides for compensatory damages, injunctive relief, declaratory relief, or any other appropriate relief; a referral for or provision of gender transition procedures to a minor is unprofessional conduct and subject to discipline by the appropriate licensing board. The bill was introduced in the Senate and referred to the Health and Social Services Committee.

**ILLINOIS**

[HB 4653](#) – STOP THE BLEED® **ENACTED**

Introduced by Representative Michelle Mussman (D), HB 4653 provides immunity for trained school district employees in the use of a trauma kit unless the actions constitute willful or wonton misconduct. Governor Jay Pritzker signed the bill into law July 1.

[HB 5395](#) – Prior Authorization/Step-Therapy **ENACTED**

Introduced by Representative Anna Moeller (D), HB 5395 requires health care insurers to publish all services requiring prior authorization on their website; imposes stricter requirements to maintain an accurate provider network directory; bans step-therapy requirements under all utilization review programs, including prescription drug plans. The bill was introduced in the House and referred to the Rules Committee.

**MASSACHUSETTS**

[H 4722](#) – Licensure

Introduced by the Joint Committee on Economic Development and Emerging Technologies, H 4722 provides a pathway for international medical graduates (IMGs) to obtain licensure if they received a medical degree, practiced medicine for at least a year, has ECFMG certification, passed USMLE Steps 1 & 2, and has entered into an employment agreement with a health care facility. The bill was introduced in the House and referred to the Economic Development and Emerging Technologies Committee.

**NEW HAMPSHIRE**

[SB 352](#) – Cancer **ENACTED**

Introduced by Senator Sharon Carson (R), SB 352 establishes an early detection cancer screening pilot program for retired and full-time active firefighters. Governor Chris Sununu (R) signed the bill into law July 10.

## **NEW JERSEY**

### [A 4655](#) – Scope of Practice

Introduced by Assemblymember Shanique Speight (D), A 4655 allows physician assistants, certified nurse midwives, certified midwives, and advanced practice nurses to perform abortions and administer medication abortions. The bill was introduced in the Assembly and referred to the Health Committee.

### [A 4656](#) – Criminalization

Introduced by Assemblymember Shanique Speight (D), A 4656 amends state law to ban additional or alternative penalties on a health care professional participating in or assisting with a procedure related to an abortion or gender-affirming services; provides legal protection to a health care professional regarding communications and information obtained related to reproductive health care services; establishes the crime of interference with reproductive or gender-affirming health services. The bill was introduced in the Assembly and referred to the Health Committee.

### [S 3490](#) – Scope of Practice

Introduced by Senator Teresa Ruiz (D), S 3490 allows physician assistants, certified nurse midwives, certified midwives, and advanced practice nurses to perform abortions and administer medication abortions. The bill was introduced in the Senate and referred to the Health Committee.

### [S 3491](#) – Criminalization

Introduced by Senator Teresa Ruiz (D), S 3491 amends state law to ban any additional or alternative penalties on a health care professional participating in or assisting with a procedure related to an abortion or gender-affirming services; provides legal protection to a health care professional regarding communications and information obtained related to reproductive health care services; establishes the crime of interference with reproductive or gender-affirming health services. The bill was introduced in the Senate and referred to the Health Committee.

## **PENNSYLVANIA**

### [HB 1633](#) – Restrictive Covenants **ENACTED**

Introduced by Representative Dan Frankel (D), HB 1633 prohibits the enforcement of noncompete covenants after the effective date of the act; noncompete covenants entered into or amended before the effective date of the act become void and unenforceable upon the renewal of a health care practitioner's license, registration, or certification. Governor Josh Shapiro (D) signed the bill July 17.

### [HB 1993](#) – Pharmacy **ENACTED**

Introduced by Representative Jessica Benham (D), HB 1993 seeks to potentially lower costs through the prohibition of spread pricing and patient steering; ensure more transparent and fair practices within the pharmacy benefit management sector. Governor Josh Shapiro (D) signed the bill July 17.

[HB 2200](#) – Licensure **ENACTED**

Introduced by Representative Frank Burns (D), HB 2200 requires applicants for licensure to submit a set of fingerprints to the state police to check against records in the state central repository for any record of criminal arrests or convictions. Governor Josh Shapiro (D) signed the bill July 17.

[HB 2421](#) – Criminalization

Introduced by Representative Brad Roae (R), HB 2421 prohibits gender transition procedures for minors; includes surgery, prescribing hormone treatments and puberty blocking drugs; provides an exception for a medically necessary procedure, as determined by a physician; provides for disciplinary action against the physician's license. The bill was introduced in the House and referred to the Health Committee.

[SB 739](#) – Telemedicine **ENACTED**

Introduced by Senator Elder Vogel, SB 739 requires each health care licensure board to ensure the use of telemedicine is consistent with the licensee's scope of practice and meets the same standard of care as an in-person visit; a separate standard of care may not be established; provides compliance standards; does not apply to emergency services; requires health insurers to cover telehealth services. Governor Josh Shapiro (D) signed the bill into law July 3.

**RHODE ISLAND**

[H 7577](#) – Criminalization **ENACTED**

Introduced by Representative John Edwards (D), HB 7577 creates a legal shield for health care professionals to prevent an individual from interfering with another's access to transgender or reproductive health care services. Governor Daniel McKee (D) signed the bill into law June 25.

[H 7734](#) – Cancer **ENACTED**

Introduced by Representative Rebecca Kislak (D), H 7734 requires, upon the determination a patient has heterogeneously or extremely dense breasts, the summary of the mammography report must include mandated FDA national reporting standard for breast density patient notification language in notice to the patient. Governor Daniel McKee (D) signed the bill into law June 25.

[S 2262](#) – Criminalization **ENACTED**

Introduced by Senator Dawn Euer (D), S 2262 creates a legal shield for health care professionals to prevent an individual from interfering with another's access to transgender or reproductive health care services. Governor Daniel McKee (D) signed the bill into law June 25.

[S 2609](#) – Cancer **ENACTED**

Introduced by Senator Bridget Valverde (D), S 2609 amends existing law so that all facilities performing mammography examinations include the FDA Reporting Standard for breast density notification language in the summary of the mammography report. Governor Daniel McKee (D) signed the bill into law June 25.

[S 2758](#) – Licensure **ENACTED**

Introduced by Senator Frank Lombardi (D), S 2758 requires a licensing board to impose a probationary period of three years for any licensee found guilty of overprescribing resulting in death; subsequent violation during the probationary period may result in a suspension or revocation of licensure. Governor Daniel McKee (D) signed the bill into law June 25.

[S 2874](#) – Licensure **VETOED**

Introduced by Senator Sandra Cano (D), S 2870 creates a licensing board for certified surgical first assistants; outlines the criteria for a certified surgical first assistant. Governor Daniel McKee (D) vetoed the bill June 26.

**TENNESSEE**

[SB 1936](#) – Licensure **ENACTED**

Introduced by Senator Becky Massey (R), SB 1936 seeks to streamline the licensure process for international medical graduates (IMGs); requiring IMGs on the alternate pathway to complete three years' of post graduate training (PGT) in their licensing country and practice as a physician for at least three years outside of the U.S.; the licensure board may issue a full license after two years' of provisional licensure; allows the board to issue a limited-duration temporary license to an IMG who has completed USMLE Step 3, demonstrated competency as determined by the board, and completed one year of PGT in the U.S; after two years of temporary licensure, the licensees are eligible for full licensure. Governor Bill Lee (R) signed the bill into law May 13.