



The Retail Voice in West Virginia

March 29, 2019

MESSAGE FROM THE PRESIDENT

West Virginia Retailers Association: Bridget Lambert, President

Members we have just completed a very successful Legislative Session in West Virginia. Our session ended on March 9th. Contained within this bulletin is the history of the most important bills we covered for you. The bills that impact our diverse membership are highlighted with a link to the final version of each. I truly appreciate each and every member who stepped up to call, email, write, or visit with a legislator. Our victories are the result of the dedication and teamwork that make up the retail industry in West Virginia. Thank you!

Credit

Comm. Sub. for SB 253 – *Did Not Complete Legislative Action* - Protecting consumers from automatic purchase renewal and continuous service offers.

HB 3061 – *Did Not Complete Legislative Action* - Relating to requirements for making consumer loans in West Virginia.

Enrolled HB 3143 – *Passed* -Relating to requirements for consumer loans in West Virginia. (WVRA amended the bill – by removing Article 46A-4-101) in the Senate Judiciary Committee. However, House Judiciary Chairman Shott wished to retain the new language in Section 101 of the bill. WVRA compromised to a suggested provision: “Provided, That the licensing provisions of this act do not pertain to any “collection agency” as defined in, and licensed by, the “Collection Agency Act of 1973” at W. Va. Code §§47-16-1 et seq”. Completed Legislative Action 3/9/19. Approved by the Governor 3/26/19. Effective 90 days from passage – 6/7/19

Fuel

HB 2478 – *Did Not Complete Legislative Action* - Modifying the Fair-Trade Practices Act. This legislation addresses Unfair Trade Practices regarding state minimum mark-up on gas and general merchandise. Passed the House 2/1/19 – not placed on an agenda in Senate Judiciary

Enrolled Comm. Sub. for HB 2703 - **Vetoed** - Relating to refunds of excise taxes collected from dealers of petroleum products. This bill was voted down on 3/1/19 in the Finance Committee but was brought back up in committee on 3/2/19. Originally rejected because of the committee’s misunderstanding of the concept of calculating the vaporization of fuel. The adjusted total accountable gallons, computed as determined by the commissioner, will be increased from ½ % to 1%. Passed House 2/26/19. Passed Senate 3/8/19. Completed Legislative Action. **Vetoed by the Governor 3/27/19**

Pharmacy

SB 63 - *Did Not Complete Legislative Action* (Same as HB 2524) - Relating to partial filling of prescriptions. Passed the WV Senate. Passed out of House Prevention and Treatment of Substance Abuse Committee with amendment. (Further Amendments delivered to House Judiciary Chairman Shott – bill was not placed on the H. Judiciary agenda)

Enrolled Comm. Sub. for SB 175 – *Passed* - Authorizing DHHR promulgate legislative rules. Passed Senate 2/6/19. Passed House 3/5/19. Completed Legislative Action 3/6/19. Approved by the Governor 3/26/19. Effective from passage – 3/6/19

Enrolled Comm. Sub. for SB 199 – *Passed* - Authorizing certain miscellaneous agencies and boards promulgate legislative rules. WV Board of Pharmacy Rule 15-07 governing licensing of pharmacy technicians was amended to more closely follow industry standards (such as PTCB Guidelines & others). Includes: SB 204, SB 205, SB 206, SB 207, SB 208 pharmacy rules. Completed Legislative Action 3/8/19. Approved by the Governor 3/22/19. Effective from passage – 3/8/19

Enrolled Comm. Sub. for SB 369 – *Passed* - Relating to generic drug products. Passed Senate with no amendments 2/4/19. Passed House 3/8/19. Completed Legislative Action 3/8/19. Approved by the Governor 3/25/19. Effective 90 days from passage – 6/6/19

Enrolled Comm. Sub. for SB 489 – *Passed* - Relating to Pharmacy Audit Integrity Act. Completed Legislative Action 2/26/19. Approved by the Governor 3/1/19. Effective from passage – 2/26/19

Enrolled Comm. Sub. for Comm Sub for SB 510 – *Passed* - Relating to medical professional liability. Passed the Senate 2/21/19. Passed the House on 2/28/19. Completed Legislative Action 2/28/19. Approved by the Governor 3/25/19. Effective 90 days from passage – 5/29/19

Enrolled Comm. Sub. for SB 518– *Passed* - Restricting sale and trade of dextromethorphan. Passed Senate 2/15/19. Passed House 3/2/19. Completed Legislative Action 3/2/19. Approved by the Governor 3/22/19. Effective 90 days from passage 5/31/19

Enrolled Comm. Sub. for SB 520 - *Passed* - Requiring entities report drug overdoses. Passed the Senate 2/26/19. Passed the House 3/4/19. Completed Legislative Action 3/5/19. Approved by the Governor 3/25/19. Effective 90 days from passage – 6/3/19

SB 620 – **HB 3042** *Did Not Complete Legislative Action* *Bills were not placed on an agenda.* Requiring prescriptions to be made by electronic means and providing exceptions. Single referenced to Senate Health and Human Resources 2/15/19.

Enrolled Comm. Sub. for HB 2079 – **Vetoed** - Removing certain limitations on medical cannabis grower, processor and dispensary licenses. Passed House 2/27/19. Passed Senate 3/8/19. Completed Legislative Action 3/9/19. **Vetoed by the Governor 3/27/19**

Enrolled Comm. Sub. for HB 2538 – *Passed* - Providing banking for medical cannabis. Passed House 2/15/19. Passed Senate 3/5/19. Completed Legislative Action 3/5/19. Approved by the Governor 3/26/19. Effective from passage – 3/5/19

Enrolled HB 2509 – *Passed* -Clarifying that theft of a controlled substance is a felony. Passed House 1/25/19. Passed Senate 3/5/19. Completed Legislative Action 3/6/19. Approved by the Governor 3/26/19. Effective 90 days from passage – 6/4/19

Enrolled Comm. Sub. for HB 2524 – *Passed* - Permitting a pharmacist to convert prescriptions authorizing refills under certain circumstances. Passed House 2/1/19. Passed Senate 3/8/19. Completed Legislative Action 3/8/19. Approved by the Governor 3/26/19. Effective 90 days from passage – 6/6/19

Enrolled HB 2525 – *Passed* - Tobacco Cessation Therapy Access Act. Expands the scope of practice for pharmacists in the state. Passed House 1/30/19. Passed Senate 3/7/19. Completed Legislative Action 3/6/19. Approved by the Governor 3/26/19. Effective 90 days from passage – 6/4/19

Enrolled Comm. Sub. for HB 2583 – Passed - Family Planning Access Act. The bill permits a pharmacist to dispense a self-administered hormonal contraceptive under a standing prescription drug order. *Passed House 2/11/19. Passed Senate 3/9/19. Completed Legislative Action. Approved by the Governor 3/26/19. Effective 90 days from passage – 6/7/19*

Enrolled Comm. Sub. for HB 2768 – Passed - Reducing the use of certain prescription drugs. *Passed House 2/18/19. Passed Senate 3/8/19. Completed Legislative Action 3/9/19. Approved by the Governor 3/26/19. Effective 90 days from passage – 6/7/19*

Enrolled Comm. Sub. for HB 2849 – Passed - Establishing different classes of pharmacy technicians. *Passed the House 2/18/19. Passed Senate 3/8/19. Completed Legislative Action 3/9/19. Approved by the Governor 3/26/19. Effective 90 days from passage – 6/7/19*

Enrolled Comm. Sub. for HB 2947 – Passed - Relating generally to telemedicine prescription practice requirements and exceptions. *Passed the House 2/19/19. Passed the Senate 3/9/19. Completed Legislative Action 3/9/19. Approved by the Governor 3/26/19. Effective 90 days from passage – 6/7/19*

Spirits

Enrolled Comm. Sub. for SB 511– Passed- Creating alternating wine proprietorships. *Passed Senate 2/25/19. Passed House 3/7/18. Completed Legislative Action 3/7/19. Approved by the Governor 3/25/19. Effective 90 days from passage – 6/5/19*

Enrolled Comm. Sub. for SB 529 – Passed - Clarifying provisions of Nonintoxicating Beer Act. *Passed Senate 2/23/19. Passed House 3/8/19 with title amendment. Completed Legislative Action 3/8/19. Approved by the Governor 3/25/19. Effective 90 days from passage 6/6/19*

Enrolled Comm. Sub. for SB 561– Passed - Permitting alcohol Beverage Control Administration request assistance of local law enforcement. *Passed Senate 8/26/19. Passed House 3/8/19. Completed Legislative Action 3/9/19. Approved by the Governor 3/25/19. Effective 90 days from passage – 6/7/19*

Enrolled Comm. Sub. for HB 2481 – Passed - Permitting retail liquor license holders to sell alcoholic beverages on Sundays. *Passed House 2/7/19. Passed Senate 2/18/19. Completed Legislative Action 2/19/19 – effective from passage. Approved by the Governor 2/28/19. **Governor Justice signed the legislation Thursday, February 28, 2019 allowing Sunday liquor sales.** The law now allows retailers to sell liquor on Sundays after 1 p.m. thru 12:00 Midnight. Easter and Christmas sales are prohibited when the holiday falls on a Sunday. Effective from passage 2/19/19*

HB 3106 & HB 3146 – Did Not Complete Legislative Action (Similar bills tied together) Relating to retail licensees....requiring stores to purchase and stock at least 10 percent of available SKU's from Commissioner of ABCA. HB 3106 was single referenced to House Government Org. Committee 2/22/19 – it was voted down in committee. However, Chairman Howell the sponsor of the original bill facilitated the drafting of a new originating bill (HB 3146) to put on the agenda and the committee passed it out a few days later – the bill went through 1st, 2nd, and on 3rd reading of the bill on the floor of the House of Delegates it was voted down House rejected bill (Roll No. 388) 2/27/19

Tax

HB 2574 – Did Not Complete Legislative Action. Bill repealing the soft drink tax. *Referenced to House Finance 1/22/19. This bill died in committee.*

Enrolled Comm. Sub. 2813 – Passed - Relating generally to collection of use tax. *Passed House 2/12/17. Passed Senate 3/2/19. House Concurred in Senate Amendments 3/8/19. Completed Legislative Action 3/8/19. Approved by the Governor 3/27/19. Effective 90 days from passage – 6/6/19*

Home Rule

Enrolled Comm. Sub. for SB 4 – Passed - Relating generally to Municipal Home Rule Program (creates a permanent program in WV). *Passed Senate 2/1/19. Passed House 3/7/19. Senate concurred with House title amendment on 3/8/19. Completed Legislative Action 3/9/19. Approved by the Governor 3/25/19. Effective 90 days from passage – 6/7/19*

Tobacco – Vape

SB 136 - *Did Not Complete Legislative Action* - Relating to tobacco usage and e-cigarette restrictions.

Engrossed Comm. Sub. for Comm. Sub. SB 348 — *Did Not Complete Legislative Action*

T21 bill being addressed by WVRA and our members on the Vape Committee. Relating to tobacco usage restrictions. The purpose of this bill is to raise the legal age for the purchase of tobacco, tobacco products, tobacco derived products, alternative nicotine products and vapor products to 21. *Passed Senate Health, motion to dispense second reference rejected. Referenced to Judiciary Committee 2/13/19. Committee Substitute for Committee Substitute from Judiciary – amended on Senate Floor – Passed the Senate – Sent to House Health Committee – placed on the committee agenda on 3/4/19 and the bill was brought up for discussion and voted down. **Bill died in the committee!!!***

HB 2077 – *Did Not Complete Legislative Action* - Prohibiting smoking in an enclosed motor vehicle when a child under the age of eight is present.

HB 3071 - *Did Not Complete Legislative Action* - The purpose of this bill is to increase the taxes from 7.5 cents a milliliter to 15 cents a milliliter on electronic cigarettes and using the proceeds to promote a tobacco cessation initiative directed towards young West Virginians administered at the Department of Health and Human Resources.

Broad Based Business Bills That Completed Legislative Action

Enrolled Comm. Sub. for Comm. Sub. SB 543 – Relating generally to automobile warranties and inspections. *Passed Senate 2/27/19. Passed House with title amendment 3/8/19. Completed Legislative Action 3/9/19. Approved by the Governor 3/25/19. Effective on July 1, 2019*

Enrolled Comm. Sub. for SB 603 – Exempting certain activities from licensing requirements for engaging in business of currency exchange. *Passed the Senate 2/25. Passed House 3/8/19. Completed Legislative Action 3/9/19. Approved by the Governor 3/25/19. Effective 90 days from passage - 6/7/19*

Enrolled Comm. Sub. for HB 2049 – Relating to a prime contractor's responsibility for wages and benefits. *Passed House 2/26/19. Passed Senate with amendment 3/9/19. Passed 3/9/19 after the House concurred with Senate Amendment. Completed Legislative Action 3/9/19. Approved by the Governor 3/26/19. Effective 90 day from passage - 6/7/19*

Enrolled SB 1 -- Increasing Access to Career Education & Workforce Training ("Last Dollar CTC") *Passed Senate 1/23/19. Passed House 3/6/19. Completed Legislative Action 3/7/19. Approved by the Governor 3/25/19. Effective 90 Days from passage - 6/5/19*

Enrolled Com. Sub. for SB 3 -- Small Cell Wireless Deployment Act. *Passed Senate 1/22/19. Passed House 3/4/19. Completed Legislative Action 3/5/19. Approved by the Governor 3/27/19. Effective from passage - 3/5/19*

Enrolled SB 119 -- Medical Peer Review Documents Not Subject to Discovery in Litigation. *Passed Senate 1/21/19. Passed House 1/29/19. Completed Legislative Action 1/29/19. Approved by the Governor 2/8/19. Effective 90 Days from passage – 4/29/19*

Enrolled Com. Sub. for SB 360 -- Third-Party Litigation Financing. *Passed Senate 2/20/19. Passed House 3/5/19. Completed Legislative Action 3/7/19. Approved by the Governor 3/25/19. Effective 90 Days from passage - 6/5/19*

Enrolled SB 377 -- Minimum Wage & Maximum Hour Standards. *Passed Senate 2/4/19. Passed House 2/19/19. Completed Legislative Action 2/20/19. Approved by the Governor 3/1/19. Effective 90 Days from passage – 5/21/19*

Enrolled Com. Sub. for SB 487 -- **Vetoed** - Admissibility of Nursing Home Staffing Requirements in Med Mal Litigation. *Passed Senate 2/27/19. Passed House 3/7/19. Completed Legislative Action 3/9/19. Vetoed by the Governor 3/27/19.*

Enrolled SB 499 -- Amending WV Tax Laws for Partnerships & Proprietors to Conform with Federal Tax Laws. *Passed Senate 2/11/19. Passed House 3/8/19. Completed Legislative Action 3/9/19. Approved by the Governor 3/25/19. Effective Date 7/1/19*

Enrolled SB 510 -- Medical Professional Liability - Expert Certificates of Merit. *Passed Senate 2/21/19. Passed House 2/28/19. Completed Legislative Action 2/28/19. Approved by the Governor 3/25/19. Effective 90 Days from passage – 5/29/19*

Enrolled Com. Sub. for HB 2001 -- Repealing Personal Income Tax on Social Security Benefits. *Passed House 2/1/19. Passed Senate with title amendment 3/7/19. House Concurred in Senate Amendment 3/9/19. Completed Legislative Action 3/9/19. Approved by the Governor 3/27/19. Effective 90 Days from passage - 6/6/19*

Enrolled Com. Sub. for HB 2004 -- Program of Instruction on Workforce Preparedness. *Passed House 2/5/19. Passed Senate with title amendment 3/8/19. Completed Legislative Action 3/8/19. Approved by the Governor 3/26/19. Effective 90 Days from passage – 6/6/19*

Enrolled HB 2828 -- **Vetoed** - Tax Credits to Promote Investment in Qualified Opportunity Zones. *Passed House 2/25/19. Passed Senate with title amendment 3/9/19. Completed Legislative Action 3/9/19. Vetoed by the Governor 3/27/19*

Enrolled HB 2351 -- Regulating Prior Authorizations for Health Insurers. *Passed House 1/16/19. Passed Senate with title amendment 1/30/19. Completed Legislative Action 2/20/19. Approved by the Governor 3/1/19. Effective from passage – 2/20/19*

Enrolled Com. Sub. for HB 2405 -- Health Care Provider Taxes on Managed Care Organizations. *Passed House 2/12/19. Passed Senate 3/5/19. House concurred with Senate amendment 3/6/19. Completed Legislative Action 3/6/19. Approved by the Governor 3/27/19. Effective 90 Days from passage – 6/4/19*

Broad Based Business Bills That Failed During the 2019 Legislative Session

Engrossed Com. Sub. for SB 258 -- Prohibiting "Veil Piercing" Claims for LLCs

SB 394 -- Allowing state to opt out of federal statute relating to SNAP benefits.

Engrossed Com. Sub. for HB 2014 -- WV Intellectual Property & Trade Secrets Act

HB 2164 -- Clarifying that Appeals to WV Supreme Court are a Matter of Right

Comm. Sub. for HB 2365 -- Clarifying Definition of "Employee" for Purposes of Unemployment & Workers' Compensation

Engrossed Comm. Sub. for HB 2519 -- Campus Self-Defense Act

HJR 17, HJR 23, & SJR 11 -- Repeal of Tangible Personal Property Tax on Business Machinery, Equipment & Inventory

Resolutions – Proposed Interim Studies

Passed

SCR 55 – Requesting study on price gouging during and after declaration of state of emergency in West Virginia. WVRA will be part of the coalition addressing this resolution.

Others

SCR 41 - Requesting study creating paid family and medical leave insurance program.

SCR 65 - Requesting study allowing retailers pay sales tax for consumer as means of advertising.

SR 78 - Urging Congress allow vehicles traveling on interstates in WV have same maximum gross vehicle weight as vehicles traveling on US routes.

HCR 96 – Non-Opioid Pain Management.

HJR 26 - Giving the Legislature more control over the manufacture and sale of alcohol amendment