

WEEKLY CAPITOL UPDATE

Friday, July 20, 2017

DORMANT SPECIAL SESSION ON ABORTION TO REVIVE JULY 24

The dormant special legislative session on abortion regulations will revive on July 24 when the full Senate convenes to consider its next move on a more restrictive bill sent back from the House of Representatives. The session began June 12 but has been on hold for more than a month as neither chamber has met in full session since June 20.

As originally passed by the Senate, SB 5 represented a compromise aimed at avoiding a Democratic filibuster. The House, however, took a more hardline approach that seeks more restrictions than even Gov. Eric Greitens originally had requested in calling the special session. As a result, Greitens, modified the special session call on July 5 to ensure the House version fits within the call's parameters, as required by the state constitution.

A key provision of the bill, and one both chambers agree on, seeks to invalidate a St. Louis City ordinance prohibiting employers or landlords from discriminating against women who are pregnant, use contraception or have had an abortion. The bill also would impose more stringent regulations on abortion clinics than are required of other medical facilities and grant the attorney general original jurisdiction to prosecute alleged violations of abortion laws.

If the Senate passes the House version, the bill would go to the governor and the special session would be over. The Senate's other options are to negotiate a final version of the bill with the House or insist that the House accept the original Senate bill.

Greitens has called two special sessions since the regular session ended on May 12. Those sessions so far have cost taxpayers more than \$140,000, and those costs continue to mount. The current special session must end no later than Aug. 11.

GREITENS VETOES THREE MORE BILLS FOR TOTAL OF FIVE

On the last day to act on bills from the 2017 regular legislative session, Gov. Eric Greitens on July 14 vetoed three bills separately relating to judicial proceedings, boating safety and National Guard grievance procedures. With those vetoes, Greitens has rejected a total of five bills while issuing three line-item budget vetoes since taking office.

Among Greitens' latest vetoes was House Bill 850, which would have specified that complaints by Missouri National Guard members can only be made to the adjutant

general and not directly to the governor. Greitens said there was no substantial justification for the change and that guard members should retain the option of going directly to the governor.

He also vetoed Senate Bill 128, an omnibus judiciary measure that he said violates constitutional restrictions against bills that contain multiple subjects or that are expanded from their original purpose, and Senate Bill 65, which Greitens said would have repealed “common-sense” boating safety restrictions.

Greitens previously had vetoed HCR 19, which had sought to authorize the sale of \$48 million in bonds to help finance construction of a downtown arts campus for the University of Missouri-Kansas City, and HCB 3, which would have swept \$35 million in excess funds from certain special state accounts and redirected the revenue to prevent more than 8,000 disabled and elderly Missourians from losing nursing home and in-home care services.

Lawmakers will have the opportunity to override the governor when they convene Sept. 13 for their annual veto session. While the General Assembly, with Republican supermajorities in both legislative chambers, had been prolific in overriding previous Gov. Jay Nixon, it is expected to take a more subdued approach with a GOP governor in office.

GOVERNOR SIGNS EXECUTIVE ORDER ON DRUG MONITORING

Gov. Eric Greitens issued an executive order on July 17 that purports to create a statewide prescription drug monitoring program to help prevent opioid abuse. However, lawmakers from both parties questioned whether Greitens’ action accomplishes its stated purpose given that executive orders have no force of law.

Missouri is the only state in the nation that lacks a statewide monitoring program to alert doctors when patients seek to obtain multiple prescriptions from different doctors. Legislative efforts to enact such a program have failed repeatedly in recent years due to concerns by some lawmakers that it would put patient privacy at risk.

Greitens’ executive order directs the Missouri Department of Health and Senior Services to enter into a \$250,000 no-bid contract with St. Louis-based Express Scripts, a pharmacy benefits management company, to analyze prescription data in an attempt to identify medical professionals who may be overprescribing prescription narcotics. Express Scripts donated \$25,000 to Greitens campaign committee.

Because the executive order has no force of law behind it, it doesn’t appear that prescribers will be under any legal obligation to turn over their data to be analyzed. Also, unlike the prescription drug database the legislature has sought to establish, under Greitens’ plan physicians would have no access to the data and, therefore, no ability

spot patients who have sought multiple prescriptions. Stopping doctor shopping is the primary purpose of prescription drug monitoring programs.