

Report provided
specifically for
*The Maryland
Veterinary Medical
Association*

**Need to locate the
full text of a bill?**

Go to:
mgaleg.maryland.gov
Click on *Find Legislation:*
By Number. Enter the bill
number. For example:
sb170 would be the budget
bill. You can read the bill
summary, text,
amendments, final bill if it
passed and eventually
whether the governor
signed or vetoed the bill.

**A view of the
State House from
our Annapolis office**



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Law Offices of Alexander & Cleaver

Out of Annapolis 2017: Government Relations Report for The Maryland Veterinary Medical Association

The 2017 Session and Beyond

The 2017 Maryland General Assembly session marked the third year of Governor Hogan's term and saw ten legislators appointed to the House or Senate since the conclusion of the 2016 legislative session, including seven new Delegates as well as three Delegates being appointed to the Senate.

In addition, there were some leadership changes in both chambers. In the House, Speaker Busch appointed Delegate Anne Kaiser (D-Montgomery) to Chair the powerful Ways & Means Committee. Following the resignation of Chairman Pete Hammen to join Mayor Catherine Pugh's administration, the House Government Operations Committee received a new Chair in Delegate Shane Pendergrass (D-Howard) and Delegate Eric Bromwell (D-Baltimore County) as Vice Chair. Finally, the Speaker tapped Delegate Bill Frick (D-Montgomery) as Majority Leader.

In the Senate, President Miller elevated Senator Bill Ferguson (D-Baltimore City) to Chair the Executive Nominations Committee. With the retirement of Senator Lisa Gladden (D-Baltimore City), the Senate President appointed Senator Delores Kelley (D-Baltimore County) as Vice Chair of the Judicial Proceedings Committee.

During the 2017 legislative session, the budget was only one among several other big issues, including legislation to require paid sick leave, address prescription drug price gouging, combat the opioid and heroin epidemic, ban hydraulic fracturing, and modest changes to Maryland tax code.

Budget

Due to significant and surprising revenue write downs, the Governor and General Assembly faced budget shortfalls of approximately \$400 million. Keeping his campaign pledge to restrain spending, Governor Hogan offered an FY18 budget with only 1% spending growth. Without much rancor, the budget process moved relatively smoothly through the legislature. Looking ahead, state fiscal leaders are concerned about federal budget reductions and their projected impacts on the Maryland economy and state revenues. While there is \$860 million set aside in the state's rainy day fund and an additional \$100.2 million projected positive fund balance for FY18, it is estimated that there will be a \$666 million budget shortfall for FY19 – and it is estimated that over the next 4 years, there will be a \$4.5 billion cumulative state budget shortfall. These are issues that we will be monitoring closely for clients over the next 9 months leading to the 2018 General Assembly session.

Paid Sick Leave

Paid, or earned sick leave, has been seriously debated among the Democratic leadership in the legislature for the last four years. This session, Governor Hogan also proposed legislation that would have required businesses with 50 or more employees to offer 40 hours of paid time off annually. In addition, the Hogan Administration offered tax credits to incentivize employers with less than 50 employees to provide paid sick leave to their employees. Ultimately, the legislature advanced a different version of the legislation that would require businesses with 15 or more employees to offer paid sick leave. Certain businesses with less than 15 employees would be required to offer unpaid sick leave. The bill passed with a slight majority that could override the veto threatened by the Hogan Administration. We are still awaiting action from the Governor on this issue.



As the President of the Government Relations Division, I want to thank you for choosing Alexander & Cleaver as your government relations team.

With the dust now settling on the 2017 General Assembly Session, look for us to reach out to you soon to begin strategizing about how best to utilize the 9-month interim to advance your issues before 2018 Session convenes next January. Our work is only beginning.

In the meantime, we hope to see you at our 2017 Legislative Wrap-up with House/Senate Majority/Minority Leaders on April 26, 2017, at our Annapolis office. In addition, please feel free to call on me anytime at (410) 974-9000.

—Robert Garagiola



Prescription Drug Pricing

As a result of news reports on prescription drug pricing, two bills were introduced with the stated purpose of addressing perceived pricing concerns. One bill, sought to increase drug pricing transparency by requiring drug manufacturers to submit annual detailed reports to the Department of Health. The reports would be publicly posted on the Department's website and all information subject to freedom of information requests. The Senate version of the bill was rewritten as a study of drug pricing transparency laws and initiatives from around the country. Ultimately, the bill failed to pass. The second bill, one of Attorney General Brian Frosh's top priorities, would address how drug manufacturers price their drugs. It was passed by the legislature, but Governor Hogan has not yet decided whether to veto the bill. If it becomes law, it will make Maryland the first state in the nation to give the Attorney General the legal standing to investigate and sue generic and off-patent pharmaceutical manufacturers if he believes that the company's drug price increase is unconscionable.

Opioid Epidemic

In a bi-partisan effort, the Maryland General Assembly, working with the Administration, unanimously passed a package of bills to help address Maryland's epidemic of opioid abuse. These bills require a provider to prescribe the lowest effective dose of an opioid, increase access to overdose-reversal drugs, enhance substance abuse treatment protocols for hospitals, and require opioid education programs in schools.

Fracking Ban

In a surprise announcement about two-thirds into the session, Governor Hogan announced that he would support legislation that would ban hydraulic fracturing in Maryland. Hydraulic fracturing – or fracking – is a mechanism to draw out shale gas from deep in the ground. Some saw fracking as an economic development opportunity while others saw environmental concerns, particularly with respect to possible water and air contamination. A bill was signed into law banning the practice on April 5, 2017.

Tax Credits

Finally, there were several bills making changes to the tax code – mostly in the form of targeted tax credits or tax reductions – related to manufacturing, research and development, cybersecurity, and first responders.

As we look to the fourth year in the term and the election season heating up as we march toward 2018, you can be sure there will be much to do over the next nine months before the 2018 General Assembly session. The budget, tax issues, health care, environmental and labor issues will certainly take center stage. On top of the many unresolved issues the General Assembly may take up in 2018, there will be also be an extra layer of electoral politics to consider as the Governor, Comptroller, and entire General Assembly are all up for election. Republicans and Democrats alike will be dually focused on accomplishing goals during the next session to help gain advantage in the June 2018 primary election. Now is the time to lay the groundwork to have the best opportunity to impact state policy in the coming year.

If you would like more information on any of these issues, or others that were not addressed, please do not hesitate to contact us at (410) 974-9000.

Sine Die Report

Alexander & Cleaver (A&C) was proud to represent the Maryland Veterinary Medical Association (MVMA) during the 2017 Maryland General Assembly Legislative Session. Our second session working together kicked off early, when Moira Moynihan presented an update from the 2016 session and a proclamation from Governor Hogan celebrating MVMA's 130th anniversary at the MVMA annual conference last June.

Over the interim, we discussed and supported a change to lower inspection fees from the Maryland Department of the Environment and worked on ensuring MVMA members understood how to implement last year's bill on compounding prescription medication. This session, MVMA hosted a successful advocacy day and engaged on several bills affecting the veterinary profession. Below is a summary of our work this session.

Prescription Drug Monitoring and Opioid Dispensing Reporting

Senator Kathy Klausmeier and Delegate Erik Barron convened a working group during session to discuss veterinarian participation in the prescription drug monitoring program (PDMP). Following a recent news report of an individual harming their pet in order to convince veterinarians to prescribe opioids, Senator Klausmeier wanted to introduce legislation that would increase reporting requirements for veterinarians. Over the course of session, we had several meetings with the PDMP manager, the Maryland Department of Agriculture (MDA), and the Maryland Veterinary Board. It quickly became clear that there were a myriad of issues with the proposal, including how veterinarians would report to the state, what actions they could or couldn't take if they suspected opioid abuse, and what to do if a patient's owner was veterinarian "shopping." With all of the privacy, reporting, and enforcement issues that presented themselves during our meetings, the bill sponsors agreed not to introduce the proposed legislation in favor of the group continuing to work together to offer policy solutions looking toward next session – an agreeable outcome for MVMA. A&C and MVMA will work with all stake holders over the summer to craft a strong, workable compromise.

HB 216 – Emergency Veterinary Care (passed)
MVMA supported this legislation and was proud to partner with Maryland Votes for Animals on their priority bill this session. Over the summer, a few MVMA members learned firsthand that first responders weren't technically protected when administering aid to pets in need at the scene of the emergency, and the fire departments couldn't accept donations of oxygens masks or other supplies that may help provide emergency treatment for animals. This bill brings Maryland into line with most states that protect first responders from civil suits if they're providing emergency veterinary aid or care to animals at the scene of an emergency. A feel good, and do-good, success for MVMA this session!

HB 432/SB 366 – Rabies Vaccination Information – Submission to Local Agencies and Use for Licensing (failed to pass)

MVMA opposed this bill which would have required a veterinarian who vaccinates a dog, cat, or ferret against rabies to send proof of vaccination within 45 days to county animal enforcement. The bill also authorized rabies vaccination records kept by a veterinarian, to be used to license a dog, cat, or ferret. There was also a \$10 civil fine for each violation (which could add up quickly for a small office failing to implement this bill properly). MVMA's opposition was for a number of reasons – the impact to small businesses would have been significant. The Maryland Department of Health and Mental Hygiene (DHMH) expressed serious concern that this bill would have decreased participation in the rabies control program, jeopardizing Maryland residents and animals. Traditionally, rabies vaccinations and animal licensing have been separated across the country to encourage animal owners to vaccinate their pets.

A&C offered testimony and met with bill sponsors to relay our concerns, but the bill moved out of the Senate quickly. Once the Senate bill came to the House, we were able to stop the bill's momentum. Undeterred by our efforts, Maryland counties (which stood to make a lot of money from the bill) tried to get the bill reassigned to a different committee. Ultimately, we prevailed upon the House bill sponsor to withdraw his bill, ending the bill's chance for

passage this year. MVMA should expect this issue to come back next session and we will partner with DHMH to defeat the bill once again.

HB 602/SB 422 – Keep Antibiotics Effective Act of 2017 (passed)

MVMA opposed this bill, and Dr. Brooks deserves thanks for his work to try and help the bill sponsors understand why the legislation is so problematic. A&C teamed up with MDA, the Maryland Farm Bureau, and Senator JB Jennings to improve the bill through amendments. The final bill that passed prohibits the administration of a medically important antimicrobial drug to cattle, swine, or poultry, solely for the purpose of promoting weight gain or improving feed efficiency. Beginning January 1, 2018, a medically important antimicrobial drug may be administered to cattle, swine, or poultry if, in the professional judgment of a licensed veterinarian, the drug is necessary:

- to treat, or control the spread of, a disease or infection;
- for a surgery or medical procedure; or
- provided the drug is not administered in a regular pattern, for prophylaxis to address an elevated risk of contraction of a disease or infection.

The bill does not apply to cattle, swine, or poultry on farm operations that sell less than 200 cattle or swine per year, or poultry on a farm that sells less than 60,000 birds per year. The goal of the amendments was to ensure that the final bill gave autonomy to Maryland farmers about how to treat and care for their animals, and unfortunately, the work at the federal level on antimicrobial issues was not enough to deter the bill sponsors from pushing very hard to pass this bill.

HB 1463 Veterinary Practitioners – Animal Cruelty and Animal Fighting – Reporting (passed)

In fall 2016, the Maryland chapter of the of the American Society for the Prevention of Cruelty to Animals and the Humane Society reached out to MVMA to discuss legislation that would require veterinarians to become mandatory reporters of suspected animal abuse. Although we worked with the bill advocates, they were unable to provide us

with a clear definition of abuse, or why exactly, they believed that animal abuse was so widely underreported Maryland required a bill to fix the “problem.” During the House bill hearing, MVMA came in strongly opposed. Executive Director Lauren Michalski did a terrific job standing up to the committee in defense of the veterinary profession. A&C worked with the subcommittee to strip abuse from the bill and focus the legislation on cruelty and neglect. We were also able to amend in confidentiality protections for veterinarians reporting cruelty, neglect, or suspected animal fighting. According to the Maryland State Board of Veterinary Medical Examiners, no complaints against a veterinarian about failure to report abuse, cruelty, neglect, or animal fighting were made in the last 10 years. Ultimately, the final bill was amended significantly enough to be very similar to actions veterinarians across the state take every day, and MVMA stepped back from opposition to let the amended bill pass.

During our weekly calls, A&C and MVMA debated doing an advocacy day and we compromised on an advocacy afternoon. Veterinarians from across the state came down late in session to meet with their legislators and members of key standing committees. MVMA advocacy is what helped amend down HB 1463, and stopped HB 432 dead! The day was a big success due to the knowledge and enthusiasm from MVMA members! Thank you to everyone who participated this legislative session on behalf of Maryland’s veterinary community. We faced a lot of tough issues together and were able to prevail.

Sine Die Defined

Latin translation:
"Without a (set) day" - originally from old common law texts, where it indicates that a final, dispositive order has been made in the case: there is nothing left for the court to do, so no date for further proceedings is set.

Random House Dictionary

Networking!



Make it work for you and your company!

Summer Conferences

- **Maryland Municipal League Summer Conference**, 6/25– 6/28, Ocean City, MD
- **Mid-Atlantic Conference of Regulatory Utilities Commissioners**, 6/25–28, Hershey, PA
- **Council of State Governments Eastern Regional Conference**, 8/13–8/16, Uncasville, CT
- **National Conference of State Legislatures Annual Meeting**, 8/6–8/9, Boston, MA
- **Maryland Association of Counties Summer Conference**, 8/16–8/19 Ocean City, MD

*Call Moira for details!
410-974-9000*

Alexander & Cleaver Means Business

The Maryland General Assembly adjourned on April 10, 2017, but the Alexander & Cleaver Team is still busy advocating on behalf of our clients. With offices in Annapolis, Rockville, Cumberland, LaPlata and Ft. Washington, we spend our time before various county and municipal governments and Baltimore City. We are actively engaged on issues before the DC city government as well, including issues related to procurement and local legislation.

On behalf of many clients, the team at Alexander & Cleaver is engaged in non-legislative work involving marketing, procurement, corporate image building and networking. We are active for our clients in all counties across Maryland and Baltimore City, as well as the District of Columbia.

Throughout the year **Alexander & Cleaver** holds frequent policy maker events for our clients. Our guest speakers include federal, state and local elected and appointed officials. Each event is an opportunity to meet and network in a small and informal setting.

2016 policy speakers included:

House Majority Leader **Anne Kaiser** and Senate Minority Leader **J.B. Jennings**
Comptroller of Maryland, **Peter Franchot**
Anne Arundel County Executive **Steve Schuh**
Baltimore Mayor **Catherine Pugh**
Prince Georges County Executive **Rushern Baker**
Baltimore County Executive **Kevin Kamenetz**
Department of Labor, Licensing, and Regulation, Secretary **Kelly Schulz**
Baltimore City Council Policy Event
DC Chief Procurement Officer, **George Schutter**
A&C's Annual Policy Breakfast, **Senate President Mike Miller**, **DHMH Secretary**, **Attorney General Frosh**, and leadership of the **General Assembly**

We host five signature events annually

- **A&C Client Policy Breakfast**
- **A&C Opening Day Reception**
- **A&C Sine Die Reception**
- **A&C MML Reception at Seacrets, Ocean City, MD**
- **A&C MACo Reception at Seacrets, Ocean City, MD**

Our attorneys and government relations consultants take active roles with our clients in national, state and local events and trade shows sponsored by the National Conference of State Legislatures, Maryland Association of Counties, Maryland Municipal League, Eastern Regional Conference of the Council of State Governments, various national political events, Maryland Chamber of Commerce and various county chambers of commerce.

Governor Bill Signings

Governor Hogan will hold the remaining bill signings on May 2 & May 4, 2017. The staff does not announce the bills that will be signed until very late in the day on the day before. We will closely monitor the lists.

Watch the bill signings live on: <http://www.governor.maryland.gov/stream.asp>

Stay Tuned for A&C's Future Expansion

While we are covering Maryland state government and many local jurisdictions throughout the state, we continue to grow our **Rockville office**, which is conveniently located across the street from the County Executive Office Building and a block from the County Council. We have also recently hired **Davion Percy**, who served as Prince George's County Councilmember Toles Chief of Staff, to bolster our **Prince George's County** coverage. Davion brings a decade of experience in Prince George's County government. Alexander & Cleaver continues to expand its local **DC government relations** practice and is exploring growth in **Virginia** and **Delaware** in the coming year.