

FSN2018 - 2018 Regular Session – Update 1-23-18

| Bill | Title | SA/SI | Last Action | Committee Reference | Notes |
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| SB 4 | Establishing Mental Health and Military Service Member Court program | SI SB10 7 | 01/10/18 - To Senate Judiciary | Senate Ref. 1 - Judiciary Senate Ref. 2 - Finance | |
| SB 6 | Establishing education savings accounts for WV students | | 01/18/18 - To Senate Senator Maynard requests to be removed as sponsor of bill | Senate Ref. 1 - Education Senate Ref. 2 - Finance | Allows parent to remove student from public school and provides funding to purchase education elsewhere. Parents of student with disability who do this will have no rights protections from IDEA or Section 504 and no due process - and funding will not be adequate to pay tuition, pay for therapies, pay for special equipment, etc. |
| SR 6 | Designating March 21, 2018, as Down Syndrome Awareness Day | | 01/15/18 - To House Completed legislative action | | |
| SR 9 | Designating January 17, 2018, as Disability Advocacy Day | | 01/17/18 - To House Completed legislative action | | Passed Senate 1-17-18. |
| SB 11 | Relating generally to traumatic brain injury | | 01/10/18 - To Senate Health and Human Resources | Senate Ref. 1 - Health and Human Resources Senate Ref. 2 - Education | This is the Return to Learn bill supported by WVUCED. |

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| SB 15 | Including nurses employed by nursing homes in WV Nurse Overtime and Patient Safety Act | | 01/10/18 - To Senate Health and Human Resources | Senate Ref. 1 - Health and Human Resources Senate Ref. 2 - Finance | This bill includes provisions prohibiting mandatory overtime for nurses in nursing homes, as will those in hospitals. |
| SB 25 | Prohibiting doctors and lawyers from filing fraudulent disability claims | | 01/10/18 - To Senate Health and Human Resources | Senate Ref. 1 - Health and Human Resources Senate Ref. 2 - Judiciary | This bill creates a felony offense for doctors or lawyers who file, provide evidence, or otherwise help a person filing a fraudulent disability claim. |
| SB 55 | Providing continued eligibility for developmental disability services to dependents of military personnel | | 01/10/18 - To Senate Military | Senate Ref. 1 - Military Senate Ref. 2 - Health and Human Resources Senate Ref. 3 - Finance | |
| SB 61 | Prohibiting smoking in motor vehicle when minor 16 years old or less is present | SI HB4177 | 01/10/18 - To Senate Health and Human Resources | Senate Ref. 1 - Health and Human Resources Senate Ref. 2 - Judiciary | |
| SB 64 | Requiring minimum standards of universal design for disabled persons in certain newly constructed buildings | | 01/10/18 - To Senate Government Organization | Senate Ref. 1 - Government Organization | Minimum universal design for accessibility required in the construction of single family homes, townhouses, multilevel dwellings, and ground floor units in buildings with 3 or fewer units. |
| SB 107 | Establishing Mental Health, Veteran and Service Members Court | SI SB4 SI SB74 | 01/10/18 - To Senate Judiciary | Senate Ref. 1 - Judiciary Senate Ref. 2 - | |

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| | | | | Finance | |
| SB 113 | Improper use or representation of service animals | | 01/10/18 - To Senate Judiciary | Senate Ref. 1 - Judiciary | Creates a misdemeanor offense for representing an animal as a service animal that has not been trained as a service animal - fine up to \$100 and 30 hours of community service with an agency or non-profit that serves primarily people with visual impairments or other disabilities. |
| SB 124 | Providing authorization and oversight of public charter schools | | 01/10/18 - To Senate Education | Senate Ref. 1 - Education Senate Ref. 2 - Finance | Provides state funding, state benefits for employees, and provides for special schools, classes, regular class programs, home-teaching & visiting teacher services for exceptional children - all for public charter schools. |
| SB 126 | Creating earned income tax credit for low income workers | | 01/10/18 - To Senate Tax Reform | Senate Ref. 1 - Finance Senate Ref. 2 - Finance | |
| SB 139 | Changing qualifier for low income for homestead tax credit | | 01/10/18 - To Senate Finance | Senate Ref. 1 - Finance | Changes eligibility income level for low income homestead tax credit to 300% or less of federal poverty level. |
| SB 140 | Requiring photo identification on voter registration cards | | 01/10/18 - To Senate Judiciary | Senate Ref. 1 - Judiciary | Requires voter registration cards to include photograph of the voter and may include voter registration information on driver's license - effective January 1, 2019. |

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| SB 152 | Budget Bill | | 01/10/18 - To Senate Finance | Senate Ref. 1 - Finance | This is the Governor's Budget Bill which is the starting point for each house to develop their budget bill. |
| SB 257 | Creating WV Counseling Protection Act | | 01/22/18 - To Senate Senator Cline requests to be removed as sponsor of bill | Senate Ref. 1 - Health and Human Resources Senate Ref. 2 - Judiciary | Protects communication between patient/client and mental health provider and prohibits state agencies & political subdivisions from denying or restricting provision of counseling. |
| SB 284 | Increasing access to career education and workforce training | SI HB4267 | 01/15/18 - To Senate Education | Senate Ref. 1 - Education Senate Ref. 2 - Finance | Establishes Advanced Career Education (ACE) programs for post-secondary career education and the West Virginia Invests Program providing grants to eligible institutions for individual's tuition after federal aid has been exhausted. |
| SB 294 | Relating generally to suspension and revocation of driver's licenses for DUI | | 01/16/18 - To Senate Judiciary | Senate Ref. 1 - Judiciary Senate Ref. 2 - Finance | Phases out the Office of Administrative Hearings - transfers cases to courts - establishes mandatory revocation periods. |
| SB 305 | Requiring DHHR provide long-term care and substance abuse treatment facilities | | 01/17/18 - To Senate Health and Human Resources | Senate Ref. 1 - Health and Human Resources Senate Ref. 2 - Finance | Requires DHHR to modernize or construct new facilities on the grounds of Jackie Withrow Hospital and Hopemont State Hospital for long-term care and substance abuse treatment. |
| SB 316 | Creating refundable personal income tax credit to encourage persons receiving public assistance to get married | | 01/18/18 - To Senate Health and Human Resources | Senate Ref. 1 - Health and Human Resources Senate Ref. 2 - Finance | To eliminate the "marriage penalty" by providing a tax credit for persons who have a reduction in public assistance benefits due to getting married - credit up to \$5,000. |

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| SB 328 | Requiring participation in drug court program before conditional discharge for first offense of possession of controlled substance | | 01/19/18 - To Senate Judiciary | Senate Ref. 1 - Judiciary | If eligible for drug court, the individual must comply with all terms of drug court before being discharged or will go back to court system. |
| SB 329 | Relating to prescribing opioids | | 01/19/18 - To Senate Health and Human Resources | Senate Ref. 1 - Health and Human Resources Senate Ref. 2 - Judiciary | Limits initial prescription of opioids to 7-day supply - for acute pain limited to lowest effective dose & must inform patient of the risks of opioids - must review at least every 3 months and must assess patient prior to renewing prescription. Does not apply to: - cancer patients - hospice care patients - palliative care patients - residents of long-term care facilities or - medications prescribed for substance abuse treatment. |
| SB 330 | Relating to exemptions from mandated immunizations | | 01/19/18 - To Senate Health and Human Resources | Senate Ref. 1 - Health and Human Resources Senate Ref. 2 - Judiciary | Allows for exemptions from mandated immunizations if physician certifies contraindication or specific precaution or - notarized certification by parent for religious beliefs, conscientious, or personal beliefs. |
| HB 2024 | Creating a criminal felony offense of aggravated assault or battery of a child or a person who is mentally incapacitated | | 01/10/18 - To House Judiciary | House Ref. 1 - Judiciary | Creates a felony offense of assault or battery of a child under age 15 or a person who is "mentally incapacitated" regardless of age and provides the following sentences: Assault - \$1,000-3,000 fine and/or 1-3 years in prison Battery: \$3,000-10,000 fine and/or 1-5 years in prison. |
| HB 2108 | Requiring school bus aides, who are trained in preventing bullying | | 01/10/18 - To House Education | House Ref. 1 - Education | Requires each county board of education to have trained school bus |

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| | and providing a safe environment for students while being transported on a school bus, to be present on school buses | | | House Ref. 2 - Finance | aides to prevent bullying to be on school buses whenever students are being transported. |
| HB 2123 | Making the West Virginia Schools for the Deaf and Blind eligible to participate in any and all funding administered or distributed by the West Virginia School Building Authority | | 01/10/18 - To House Education | House Ref. 1 - Education House Ref. 2 - Finance | |
| HB 2132 | Limiting able-bodied adults without dependents receipt of SNAP benefits to three months in a thirty-six month period | | 01/10/18 - To House Health and Human Resources | House Ref. 1 - Health and Human Resources House Ref. 2 - Judiciary | Able-bodied adults with no dependents, age 18-50, to 3 months of SNAP benefits in a 36 month period unless they are employed, going to school, or volunteering at least 20 hours per week. DHHR may not request a waiver of this requirement. |
| HB 2175 | Requiring recipients of Supplemental Nutrition Assistance Program be issued a photo identification card | | 01/10/18 - To House Judiciary | House Ref. 1 - Judiciary House Ref. 2 - Finance | Requires photo ID card for SNAP beneficiaries, requires card to be presented for all qualified purchases, and establishes a misdemeanor offense for using someone else's SNAP card with a \$500 fine and/or 15 days in jail. |
| HB 2179 | Issuing a special registration plate for persons who are residents of this state and who have a family member diagnosed with autism spectrum disorder | | 01/10/18 - To House Roads and Transportation | House Ref. 1 - Roads and Transportation House Ref. 2 - Finance | |
| HB 2197 | Requiring retail establishments offering gasoline or other motor fuel to provide refueling assistance | | 01/10/18 - To House Roads and Transportation | House Ref. 1 - Roads and Transportation House Ref. 2 - | |

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| | and refueling access to persons with a disability | | | Judiciary | |
| HB 2202 | Requiring the Human Rights Commission, when investigating a complaint of discrimination, to specifically include an examination of the intent of the person | | 01/10/18 - To House Judiciary | House Ref. 1 - Judiciary | Requires the Human Rights Commission, when investigating a discrimination complaint, to find out the intent of the employer, labor organization, employment agency, owner, real estate broker, real estate salesman, or financial institution accused of discriminating. |
| HB 2309 | Discontinuing the use of common core standards and assessments in the state | | 01/10/18 - To House Education | House Ref. 1 - Education | |
| HB 2323 | Exempting social security benefits from personal income tax | | 01/10/18 - To House Senior Citizen Issues | House Ref. 1 - Senior Citizen Issues House Ref. 2 - Finance | This bill exempts social security benefits, including disability benefits, from person income tax. |
| HB 2358 | Exempting a percentage of social security benefits from personal income tax | | 01/10/18 - To House Senior Citizen Issues | House Ref. 1 - Senior Citizen Issues House Ref. 2 - Finance | This bill exempts a percentage of social security benefits from personal income tax, on a sliding scale based on overall gross income. |
| HB 2399 | Creating the West Virginia Earned Income Tax Credit | | 01/10/18 - To House Finance | House Ref. 1 - Finance | |
| HB 2417 | Exempting from personal income tax the entirety of any income received under the federal Social Security system for certain persons | | 01/10/18 - To House Senior Citizen Issues | House Ref. 1 - Senior Citizen Issues House Ref. 2 - Finance | Exempts social security benefits of an individual with adjusted federal gross income of \$1,000 or less from personal income tax. |
| HB 2462 | Relating to the compensation of personnel employed at the West | | 01/10/18 - To House Education | House Ref. 1 - Education House Ref. 2 - | Clarifies the minimum salary scale for personnel at the School for the Deaf & Blind. |

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| | Virginia Schools for the Deaf and the Blind | | | Finance | |
| HB 2523 | Eliminating the certificate of need program | | 01/10/18 - To House Health and Human Resources | House Ref. 1 - Health and Human Resources House Ref. 2 - Judiciary | Eliminates the Certificate of Need (CON) program for health care facilities & providers. |
| HB 2531 | Allowing military personnel and reservists the additional five-year period to enter upon or recover land already allowed to infants and the insane | | 01/10/18 - To House Veterans' Affairs and Homeland Security | House Ref. 1 - Veterans' Affairs and Homeland Security House Ref. 2 - Judiciary | |
| HB 2537 | Relating to disability pensions of municipal employees | | 01/10/18 - To House Pensions and Retirement | House Ref. 1 - Pensions and Retirement House Ref. 2 - Finance | Requires pensions to be increased as minimum wage increases. |
| HB 2543 | Preventing the State Board of Education from implementing common core academic standards and assessments | | 01/10/18 - To House Education | House Ref. 1 - Education | |
| HB 2571 | Developing a resource for use by parents to monitor and track deaf and hard-of-hearing children's expressive and receptive language acquisition | | 01/10/18 - To House Education | House Ref. 1 - Education | This is the LEAD-K bill that was introduced in 2017 - it is a carryover bill. We anticipate a new bill being introduced this session. |
| HB 2665 | Requiring a person restraining a mentally ill or mentally challenged person in a "four point restraint" to administer sedation by injection at the time the patient is secured | | 01/10/18 - To House Health and Human Resources | House Ref. 1 - Health and Human Resources House Ref. 2 - Judiciary | This bill requires that sedation be administered at the time a four-point restraint is used to secure a mental health patient, provides guidelines, including removing the restraints once the patient awakens and placement in |

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| | | | | | a safe seclusion room - also indicates that that the safe seclusion room (with or without sedation) be the first alternative. |
| HB 2695 | Creating a pilot program for expansion of school-based mental health and school-based diversion | | 01/10/18 - To House Education | House Ref. 1 - Education | Establishes a 3-year pilot of school-based mental health & school-based diversion as a collaboration between the WV Dept. of Education and the Bureau for Behavioral Health & Health Facilities in DHHR with targeted screening, early intervention, and as an alternative to disciplinary measures. |
| HB 2708 | Relating to a lawful method for a developmentally disabled person to purchase a base hunting license | | 01/17/18 - To House Judiciary | House Ref. 1 - Agriculture and Natural Resources House Ref. 2 - Judiciary House Ref. 3 - Finance | Provides for a person with a developmental disability to get a hunting license - requires training and requires the individual be accompanied & supervised by a person over 18 years of age when hunting. |
| HB 2743 | Requiring the release of an unemancipated minor's medical records for drug testing | | 01/10/18 - To House Political Subdivisions | House Ref. 1 - Political Subdivisions House Ref. 2 - Judiciary | Requires the release of medical records of an unemancipated minor to the parent or guardian without the consent of the minor. |
| HB 2761 | Relating to qualifications of paraprofessionals, autism mentors and braille or sign support specialists | | 01/10/18 - To House Education | House Ref. 1 - Education House Ref. 2 - Finance | Provides that autism mentors and Braille or sign support specialists that hold paraprofessional titles be considered qualified for early childhood classroom assistant teacher positions. |
| HB 2787 | Creating an additional class of special education classroom aides | | 01/10/18 - To House Education | House Ref. 1 - Education House Ref. 2 - | Creates a class & pay grade of "Aide V" - requires completion of 3 e-learning classes provided by the WV Dept. of |

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| | | | | Finance | Education Office of Special Education on special needs students. |
| HB 2808 | The West Virginia Assisted Outpatient Treatment Act | | 01/10/18 - To House Health and Human Resources | House Ref. 1 - Health and Human Resources House Ref. 2 - Judiciary | |
| HB 2847 | Relating to the state's Medicaid Home and Community-Based Services Intellectual/Developmental Disability Waiver | | 01/10/18 - To House Health and Human Resources | House Ref. 1 - Health and Human Resources House Ref. 2 - Finance | Requires DHHR to reinstate all the provisions for the IDD Waiver that were in place prior to July 1, 2015. |
| HB 2848 | Livable Home Tax Credit | | 01/10/18 - To House Senior Citizen Issues | House Ref. 1 - Senior Citizen Issues House Ref. 2 - Finance | Provides a tax credit for accessibility modifications made to a home for a senior citizen or person with a disability. |
| HB 2945 | Relating to exemptions from mandated immunizations | | 01/10/18 - To House Health and Human Resources | House Ref. 1 - Health and Human Resources House Ref. 2 - Judiciary | Exempts a child from mandatory immunizations if certified by a physician and/or by notarized certification by parent or guardian. |
| HB 2956 | Establishing a new special revenue fund, designated the Adult Drug Court Participation Fund | | 01/10/18 - To House Judiciary | House Ref. 1 - Judiciary House Ref. 2 - Finance | |
| HB 2964 | Budget Stabilization Act of 2017 | | 01/10/18 - To House Health and Human Resources | House Ref. 1 - Health and Human Resources House Ref. 2 - | Prohibits the governor from presenting a budget greater than the FY 2015 budget except for increases to PEIA and Medicaid Waivers. |

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| HB 2999 | Establishing a program for the licensing and regulation of out-patient substance abuse counseling programs | | 01/10/18 - To House Health and Human Resources | House Ref. 1 - Health and Human Resources House Ref. 2 - Government Organization | |
| HB 3014 | Prohibiting a person appointed agent under a power of attorney from exerting undue influence over the principal | | 01/10/18 - To House Judiciary | House Ref. 1 - Judiciary | |
| HB 3023 | Relating to public school education assessment of students for dyslexia and dyscalculia | | 01/10/18 - To House Education | House Ref. 1 - Education House Ref. 2 - Finance | Requires State Board of Education to develop & adopt informational materials & guidelines, including appropriate screening instruments & comprehensive assessments, for the assessment of students with dyslexia and dyscalculia. |
| HB 3026 | Providing that a vehicle driver who injures a "vulnerable road user" is guilty of reckless driving | | 01/10/18 - To House Roads and Transportation | House Ref. 1 - Roads and Transportation House Ref. 2 - Judiciary | Allows for a fine and confinement for a vehicle driver injuring a "vulnerable road user" which includes a person using a wheelchair along with several other types of persons. |
| HB 3104 | Transfer of the West Virginia Traumatic Brain and Spinal Cord Injury Rehabilitation Fund | | 01/12/18 - To House Finance | House Ref. 1 - Government Organization House Ref. 2 - Finance | This transfers the TBI/SCI Rehabilitation Fund from DRS to DHHR and abolishes the TBA/SCI Rehabilitation Fund Board. |
| HB 4008 | Education Savings Account Act | | 01/12/18 - To House Education | House Ref. 1 - Education | Allows parent to remove student from public school and provides funding to |

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| | | | | House Ref. 2 - Finance | purchase education elsewhere. Parents of student with disability who do this will have no rights protections from IDEA or Section 504 and no due process - and funding will not be adequate to pay tuition, pay for therapies, pay for special equipment, etc. |
| HB 4014 | Relating to reorganization of the West Virginia Department of Health and Human Resources | | 01/18/18 - To House Health and Human Resources | House Ref. 1 - Health and Human Resources House Ref. 2 - Finance | Reorganizes DHHR into: - Dept of Health & Compliance - Dept of Human Services - Dept of Healthcare Facilities & - Office of Inspector General |
| HB 4019 | Budget Bill, making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the Constitution | | 01/10/18 - To House Finance | House Ref. 1 - Finance | This is the Governor's Budget Bill which will be the starting point for each house in developing their budget bill. |
| HB 4028 | Allowing funding allotted for treatment supervision of drug offenders to be applied to participants in the Adult Drug Court Program | | 01/11/18 - To House Judiciary | House Ref. 1 - Judiciary House Ref. 2 - Finance | |
| HB 4035 | Creating a legislative coalition to study and report to the Legislature on palliative care | | 01/24/18 - To House On 1st reading, Calendar 1st Reading | House Ref. 1 - Health and Human Resources House Ref. 2 - Judiciary | The coalition is to study and provide a report on end of life care and palliative care (reducing the suffering of dying patients). |
| HB 4147 | Authorizing the earlier issuance of identification cards to approved medical marijuana consumers and caregivers | | 01/16/18 - To House Health and Human Resources | House Ref. 1 - Health and Human Resources House Ref. 2 - Judiciary | |

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| HB 4151 | Exempting Buildings 6, 7 and 9 of the Capitol Complex from the requirement that food service facilities be operated by West Virginia Division of Vocational Rehabilitation | | 01/16/18 - To House Government Organization | House Ref. 1 - Government Organization House Ref. 2 - Finance | |
| HB 4153 | Imposing a health care related provider tax on certain health care organizations | | 01/16/18 - To House Health and Human Resources | House Ref. 1 - Health and Human Resources House Ref. 2 - Finance | Establishes a tiered provider tax for HMOs. |
| HB 4171 | Prohibiting smoking in an enclosed motor vehicle when a child under the age of eight is present | | 01/17/18 - To House Health and Human Resources | House Ref. 1 - Health and Human Resources House Ref. 2 - Judiciary | Prohibits smoking of pipe, cigar, cigarette or any lighted smoking equipment when a child under age 8 is in enclosed vehicle - \$25 fine - secondary action when driver is detained for another violation. |
| HB 4172 | Establishing a crisis line and mobile application for the public to combat the crisis in this state posed by substance abuse | | 01/18/18 - To House Prevention and Treatment of Substance Abuse | House Ref. 1 - Select Committee on Prevention and Treatment of Substance Abuse House Ref. 2 - Finance | Establishes anonymous crisis line and mobile application to provide access to trained health care professionals at all times. |
| HB 4177 | Prohibiting smoking of tobacco products in a motor vehicle while an individual sixteen years of age or less is present | SI SB61 | 01/18/18 - To House Health and Human Resources | House Ref. 1 - Health and Human Resources House Ref. 2 - Judiciary | Prohibits smoking by persons 18 & older of pipe, cigarette, cigar, or other lighted device when an individual age 16 or younger is in the vehicle - \$25 fine - single offense no matter how many persons age 16 or younger are in the vehicle, secondary action. |

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| HB 4183 | Relating generally to standardized testing requirements for nonpublic schools | | 01/18/18 - To House Education | House Ref. 1 - Education | Requires most recent version of nationally normed standardized achievement test for same grade levels and subject areas as public schools. Includes schools exclusively for special education students or students with learning disabilities. May test more grade levels and/or subject areas if they choose. |
| HB 4199 | Permitting a nursing home to use trained individuals to administer medication | | 01/18/18 - To House Health and Human Resources | House Ref. 1 - Health and Human Resources House Ref. 2 - Judiciary | Allows nursing homes to use AMAPs (approved medication assistive personnel) - delegation by RN required. |
| HB 4201 | Permitting vehicles displaying disabled veterans special registration plates to park where persons with mobility impairments may park | | 01/18/18 - To House Roads and Transportation | House Ref. 1 - Roads and Transportation House Ref. 2 - Judiciary | Allows individuals with disabled veterans license plates to park in designated accessible parking spaces without getting a special ("handicapped") license plate or placard. |
| HB 4202 | Model Veterans Treatment Court Act | | 01/19/18 - To House Veterans' Affairs and Homeland Security | House Ref. 1 - Veterans' Affairs and Homeland Security House Ref. 2 - Judiciary | For veterans with mental health condition, traumatic brain injury, or substance abuse disorder - is voluntary - requires integrated alcohol-treatment, drug-treatment, and mental health services. |
| HB 4215 | Relating to the involuntary hospitalization of persons administered opioid antagonists | | 01/19/18 - To House Health and Human Resources | House Ref. 1 - Health and Human Resources House Ref. 2 - Judiciary | Provides that any person to whom an opioid antagonist has been administered is subject to involuntary hospitalization and administration of an opioid antagonist constitutes as waiver |

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| | | | | | of the requirements for a probable cause hearing. |
| HB 4223 | Developing a resource for use by parents to monitor and track deaf and hard-of-hearing children's receptive and expressive language | | 01/19/18 - To House Education | House Ref. 1 - Education | This is the new LEAD-K bill - it is a compromise - we don't know yet whether the deaf community supports this bill. |
| HB 4247 | Relating to life-sustaining treatment policies of health care facilities; "Simon's Law" | | 01/22/18 - To House Health and Human Resources | House Ref. 1 - Health and Human Resources House Ref. 2 - Judiciary | Prohibits withholding treatment or life sustaining procedures or a do not resuscitate order for a minor patient without the written permission of at least one parent or legal guardian. Provides that previous permission may be revoked in the same manner. |
| HB 4259 | Providing information to high school students regarding career and technical educational opportunities | SI HB4248 | 01/23/18 - To House Education | House Ref. 1 - Education | Requires that each high school student, beginning in 9th grade, be provided with information about training, apprenticeships, etc. and does not exclude students with disabilities. |