

April 4, 2005

To fill or not to fill: lawmakers seek to balance pharmacist/patients rights



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Top Story

Pharmacists nationwide are increasingly refusing to fill prescriptions for contraceptives and other birth control medications. Now lawmakers in several states are debating whether to allow pharmacists to opt out of filling these legal drug orders.

SNCJ Spotlight

Lawmakers debate pharmacist conscience laws

For most of us, getting a doctor's prescription filled at the local pharmacy is something we take for granted. But in recent years, some states have adopted "pharmacist conscience" laws that allow drug dispensers to reject prescriptions that clash with their religious or moral beliefs, usually those for women seeking birth control medications. But lawmakers in four states are seeking to reverse that

trend, introducing bills this session that would force pharmacists to fill prescriptions regardless of their personal values.

According to the Planned Parenthood Federation of America, 46 states currently have laws that allow medical personnel to refuse to participate in abortions, with about a dozen of those allowing doctors to also beg off prescribing contraceptive drugs. Four states — SOUTH DAKOTA, ARKANSAS, MISSISSIPPI, and GEORGIA — currently allow pharmacists to reject such prescriptions, with several more looking to do so this year, including ARIZONA, TEXAS, WEST VIRGINIA, INDIANA, TENNESSEE, WISCONSIN, RHODE ISLAND and VERMONT. South Dakota, Georgia and Arkansas are also considering bills that would strengthen their statutes, while West Virginia is considering both conscience clause and “must-fill” legislation.

Many conscience bills mirror the language of Texas House Bill 16, which would grant pharmacists the legal right to refuse to fill any prescription for medications designed to stop gestation of a pregnancy, such as RU 486. Authored by Republican Rep. Frank Corte (R), HB 16 also bars any form of job discrimination against someone who opts not to fill a prescription on religious grounds.

CALIFORNIA Rep. Lloyd Levine (D) says that movement inspired him to introduce Assembly Bill 21, which would require Golden State pharmacists to fill any valid prescription they receive. Similar bills are also under consideration in both houses of the NEW JERSEY legislature. West Virginia HB 2807 carries that same requirement, and would also allow customers harmed by a pharmacist’s refusal to sue that person for physical, economic or other damages. That measure is in direct contrast to Wisconsin Rep. Jean Hundertmark’s (R) Assembly Bill 207, which would bar consumers from suing a pharmacist for not filling a prescription while conversely allowing the pharmacist to sue an employer for any disciplinary actions taken against a pharmacist who refuses to fill a drug order.

“We are very concerned with this trend of protecting pharmacists first and patients second,” Levine says. “Pharmacists are trying to take a moral stand

The Week in Session

States in Regular Session:

AK, AL, AR, AZ, CA, CO, CT, DC, FL, GA, HI, IA, ID, IN, KS, MA, MD, ME, MN, MO, MS, MT, NC, ND, NE, NH, NJ, NV, NY, OH, OK, OR, PA, RI, SC, TN, TX, US, VT, WA, WI, WV

States in Special Session: CA “a”

States in Skeleton Session: OH

States in Recess:

DE, MI

Currently Prefiling:

LA (Drafts for 2005)

States Projected to Adjourn:

GA, MS, WV

States Adjourned in 2005: DC “z”,

IL “z”, KY, MA “z”, NM, NY “z”, SD, UT, VA, WY

States in Special Session

Adjourned in 2005: DE “c”, FL “a”, MD “a”, MS “a”, WI “a”, WV “a”

Letters indicate special/extraordinary sessions

Source: State Net, 4/01/05

where none is necessary, but what they are really doing is interfering in the doctor-patient relationship and attempting to take away a woman's right to choose.

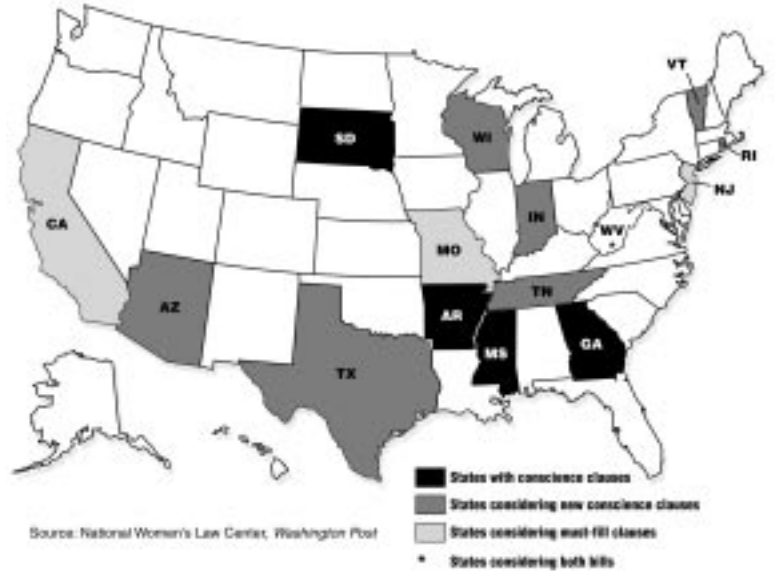
Whether that choice is an abortion or access to contraceptives, it isn't up to anyone other than her and her doctor."

A proposal with slightly more wiggle room, SB 644, is also pending in the California Senate. That measure, authored by Sen. Debra Ortiz (D), would allow druggists to refuse to fill a prescription only if they have previously notified their employer in writing of their concerns, and only then if the employer is able to accommodate the customer in some other way, such as having another person fill the order or shifting that order to another pharmacy.

In MISSOURI, Sen. Charles Wheeler (D) has introduced SB 458, a measure based on the proposals in California. Wheeler's bill would also allow a pharmacist to inform his or her employer in writing beforehand of their religious objections to filling contraceptive orders, leaving the employer the option of making arrangements to accommodate all sides in the situation. But SB 458 also makes it clear that should the employer be unable or unwilling to do so, the pharmacist is mandated to fill the prescription without subjecting customers to "indignity, humiliation, breaches of confidentiality or pressure not to fill the prescription."

Wheeler, who is both a licensed physician and an attorney, says that while he

Bird's eye view



The right to say no

Four states allow pharmacists to refuse to fill prescriptions they feel violate their religious or ethical beliefs (See *SNCJ Spotlight* in this issue), mostly for contraceptives and "morning after" pills. So far in 2005, eight states have introduced bills that would create similar "conscience clauses" for drug dispensers. Advocates on the other side of the issue are seeking their own legislation, with four states now considering bills that would require pharmacists to fill all legal drug orders. One state, WEST VIRGINIA, is considering bills of both kinds. SOUTH DAKOTA, the first state to adopt a conscience clause, joins ARKANSAS and GEORGIA in considering laws that strengthen their statutes. The accompanying map shows the states currently considering either form of legislation as well as the states that already have a conscience clause in place.



for that organization to make any necessary arrangements to ensure that a patient with a legally written prescription can get it filled.”

Cahill says that while the AMCP has not taken an official position on any of the pending bills, her feeling is that any legislation with “too restrictive of an approach will likely meet substantial opposition from anyone who speaks for individual pharmacists.”

PFLIs Brauer also contends that pharmacists bear a heavy burden of legal liability for medications they dispense, even if they did not prescribe them. Brauer says that “forcing pharmacists to just rubber stamp a doctor’s error is simply the dumbest thing I have ever heard of.”

California’s Levine says he is willing to compromise a bit on AB 21’s language, but he is adamant that the state needs to codify the role of pharmacists, particularly when it comes to medications only available by prescription.

“As of right now in California, both emergency and general contraceptives are available by prescription only,” he says. “Were this not the case, this would be a different discussion.”

“Why should a pharmacist not fill a contraceptive prescription,” he adds, “When that same pharmacy sells condoms?”

Levine also harkens to Wheeler’s position, saying that pharmacists should know from the time they begin their training that their job will require them to fill all valid prescriptions that come their way. Both he and Wheeler also point to the special hardship faced by those living in rural areas, noting that women in those locations cannot always just go to another pharmacy.

“At what point do we let pharmacists decide on their own if they will or won’t fill prescriptions?” Levine asks. “Do we let them decide that a person is too old to get a heart medication because they’re likely to die soon anyway? Where do we draw the line?”

Sen. Wheeler says he doubts his bill will get through the heavily Republican Missouri Senate during this session, but he vows to bring it back again next year if it fails. In California, however, Rep. Levine says he is confident his bill will pass, noting the state is overwhelmingly pro-choice.

But PFLIs Brauer isn’t so sure, calling AB 21 and SB 644 “violations of human rights.” She says that even with the state’s heavy pro-choice leaning, there will be substantial opposition among pharmacists if they are not allowed to refuse to fill some prescriptions.

“Even in California, that legislation won’t make it,” she says. “After all, even the military allows people to be conscientious objectors. Why should it be different for pharmacists?”

— *By RICH EHISEN*

Budget & taxes

WYOMING BUCKS THRIFTINESS TREND: While many states have struggled the past few years with severe budget difficulties that have forced them to slash programs and raise taxes, WYOMING has been on a spending spree. Over the last two sessions, lawmakers in the Equality State boosted government spending from \$1.6 billion per year to \$2.5 billion, an increase of 56 percent. That development is even more remarkable, given that just a few years ago, the state faced a \$127 million budget deficit. The primary reason for the turnaround — and for Wyoming’s ability to fare so much better than the nation as a whole — is the rise in energy prices, according to Arturo Perez, a fiscal analyst for the National Conference of State Legislatures. A handful of other states that are heavily reliant on energy revenue, including ALASKA, MONTANA, SOUTH DAKOTA, WEST VIRGINIA, DELAWARE and FLORIDA, also weathered the national economic downturn better than most. “But on a percentage basis, no other state came close to matching Wyoming’s surplus this past year,” said Perez. Natural gas, which Wyoming possesses in abundance, may have been the difference. According to the U.S. Energy Information Administration, the national average price of natural gas in 1999 was \$2.19 per thousand cubic feet. In 2004, the price had risen 150 percent, to \$5.49. The increase provided the state about \$2 billion more in revenue than it anticipated two years ago. Still, some lawmakers were evidently surprised at how much money they’ve spent. “It is alarming, absolutely,” said House Speaker Randall Luthi (R). “We put more money into some government programs, probably more than we realized.” Luthi has directed the Appropriations Committee to look into exactly how many new dollars have been allocated to ongoing programs. (ASSOCIATED PRESS)

BUDGETS IN BRIEF: TENNESSEE Gov. Phil Bredesen (D) cleared a major hurdle two weeks ago when federal overseers approved his plan to cut 323,000 people from TennCare. Whether he will be able to limit benefits for the 396,000 other adults enrolled in the program is still being considered. And the next obstacle to the governor’s plan — a federal court review of his proposed cuts — came into play Monday (TENNESSEAN [NASHVILLE]). • Legislation that would cap annual property tax increases for most NEVADA homeowners at 3 percent — and resolve one of the biggest issues Silver State lawmakers have faced this year — was hammered out by a conference committee last Thursday. Both houses and Gov. Kenny Guinn (R) are expected sign off on AB 489 in time



to ensure that property owners will see relief in their July 1 tax bills (LAS VEGAS REVIEW-JOURNAL) • Last week, the **SOUTH CAROLINA** House began debating one of the most controversial issues of its session: whether to grant tax breaks for private school tuition. Supporters of the proposal to allow parents with taxable incomes up to \$75,000 to claim a tax deduction for the cost of home-schooling their children or sending them to private school say it will push public schools to improve. Opponents contend it will take money away from public schools just when they're starting to do so (STATE [COLUMBIA]). • **TEXAS** transportation officials have put the brakes on hundreds of construction projects because the state's Bond Review Board delayed a vote last month to approve the sale of \$1 billion in bonds needed to fund the road work. The board is not scheduled to meet again until May 19 (ASSOCIATED PRESS, DALLAS MORNING NEWS). • The Democrat-controlled **WASHINGTON** Senate rolled out a budget plan last week that more than doubles what Gov. Christine Gregoire (D) proposed in new taxes two weeks ago. The Senate plan would impose \$500 million in "death" and "sin" taxes, including a revised form of the estate tax struck down by the state Supreme Court in February, a 60-cent-per-pack increase in the cigarette tax and a \$1-per-liter hike in the liquor tax (SEATTLE TIMES, NEWS TRIBUNE [TACOMA], SEATTLE POST-INTELLIGENCER).

— *Compiled by KOREY CLARK*

Politics & leadership

LEGISLATURES SEEK TO CURB COURTS: For over four decades, Supreme Court justices in KANSAS have been chosen through a process known as "merit selection," in which a nonpartisan commission picks three nominees and the governor makes the final decision. Although the process was designed specifically to minimize the imposition of politics, conservative lawmakers have had a problem for some time with the fact that a Democratic governor, Kathleen Sebelius, has the opportunity to play such a major role in shaping the court of a state that is predominantly Republican. Then, in December, the high court struck down the death penalty, despite overwhelming support for capital punishment in the state. And just before lawmakers convened in January, the justices decreed that the Legislature had failed in its "constitutional duty" to provide enough funding to properly educate Sunflower State students. That was enough for the Legislature's Republican leaders. The Senate introduced a constitutional amendment that would subject Supreme Court

nominees to Senate confirmation, and the House proposed establishing nonpartisan elections for justices. Kansas lawmakers aren't the only ones seeking to exert greater control over who sits on their state's bench. Two weeks ago, the ARIZONA Senate passed and sent to the House an amendment that would grant it the authority to reject the governor's judicial appointments. INDIANA's Senate has also passed a confirmation plan, although it faces an uncertain future in the state's House. SOUTH DAKOTA and WYOMING took up the issue this session, as well. The trend has some political observers concerned. Rachel Caulfield, a political science professor at Drake University and research coordinator for the American Judicature Society, for example, said, "There is a general perception that when courts make rulings counter to prevailing political sentiments, they are somehow not doing their job." But, she contends, "No judge should ever be beholden to public opinion. They should be beholden to the law." (LAWRENCE JOURNAL-WORLD)

AL HOUSE MAY SEE SLOWDOWN: Some partisan high jinks in the ALABAMA House just before it adjourned for spring break could make for a very long second half of the session, say some lawmakers. The trouble began on March 16 when Republicans left the floor of the House to deny the Democratic majority the quorum they needed to pass their General Fund budget, instead of the one proposed by Gov. Bob Riley (R). But when the House clerk ascertained at one point that there were enough members on the floor to conduct business, the Democrats hurriedly called for a vote and passed their plan. House Majority Leader Ken Guin (D) said the Republicans had just gambled and lost. "When you walk off the floor, you're leaving yourself completely vulnerable to a cloture motion. It's like dropping your hands to your side in a boxing match. You are going to get hit," he said. But Republicans didn't see it that way. "They ran over us. They told us to sit down and shut up. We were disrespected and basically shut out of the process," said House Minority Leader Mike Hubbard (R). With the power to filibuster legislation, the Republicans could try to get even with the Democrats by stalling their proposals the rest of the session. "I don't think any decisions have been made yet, but let me put it this way, it wouldn't surprise me to see us slow it down," said Rep. Jay Love (R). Which could mean the Legislature may have to go into special session in order to get anything more done this year. "We're headed for a special-session kind of mood right now," said Rep. John Rogers (D). (BIRMINGHAM NEWS, HUNTSVILLE TIMES)

CA MAY AVOID BALLOT BATTLE: There are signs CALIFORNIA Gov. Arnold Schwarzenegger (R) and the state's Democratic legislative leaders

may opt to forgo a costly battle at the ballot box this November and instead strike compromises on the governor's "reform" agenda, say some analysts.

Elizabeth Garrett, director of the USC-Caltech Center for the Study of Law and Politics, said the climate is ripe for compromise. For one thing, the differences between the governor and the Legislature seem to be narrowing. For instance, lawmakers have said they would accept Schwarzenegger's plan to turn the process of redistricting over to a panel of judges, if the governor agrees to postpone redrawing new districts until after the 2010 census.

Another development favoring compromise is the governor's current dip in popularity. A recent poll commissioned by Senate Democrats showed the governor's approval rating at 49 percent — the lowest it's been since he took office. Some attribute that

to the criticism the governor has been receiving at public events and in television ads from teachers, nurses and public employee unions that oppose his plans. "That stuff is like dying a death of a thousand cuts," said Democratic strategist Garry South — who would know, having advised recalled Gov. Gray Davis. Many of Schwarzenegger's proposals are not polling well either, and opponents have vowed to crowd the ballot with their own competing measures that could muddle the governor's reform message. And while that news might be encouraging to the Dems — who have been regularly outgunned by the governor during his tenure — top legislative leaders don't seem particularly gung ho for a fight. Assembly Speaker Fabian Nunez (D) says it would be wrong to rashly plunge into a costly special election and "irresponsible" to test the governor's strength. "For us to posture, go to the ballot, to want to beat him with the only objective of sizing the governor down — that's not what we're about," he said. (SAN JOSE MERCURY NEWS)

NJ DEMS TRY HAND AT THEATER: Last week, when the majority leader of the NEW JERSEY Assembly, Joseph Roberts (D), held a press conference at which he denounced the move by fellow Democrat, acting Gov. Richard J. Codey, to eliminate property tax rebates for Garden State homeowners from the state budget, it looked like the party might be on the verge of a schism. The Republicans were thrilled. "I could have given that same press conference," said Assemblyman Joseph Malone III, the leading Republican on the Assembly Bud-

Upcoming Elections

(03/30/2005 - 04/13/2005)

04/02/2005 Louisiana
Special Election
House Dist 029, 036, 066

04/05/2005 Mississippi
Special Election
House Dist 105

04/05/2005 Missouri
Special Election
Senate Dist 016, 022
House Dist 038

04/05/2005 Pennsylvania
Special Election
Senate Dist 016

04/12/2005 Massachusetts
Special Election
House Suffolk Dist 018, 012



POLITICS IN BRIEF: FLORIDA's Senate Ethics and Elections Committee unanimously approved legislation that would eliminate the Sunshine State's runoff primary election, held when no candidate in the primary receives more than 50 percent of the vote. One of the sponsors of the proposal said cost, timing issues and low voter turnout have made the second primary difficult to justify. The measure still has to clear the Senate Judiciary Committee before going to the full Senate (MIAMI HERALD). • **KENTUCKY** Supreme Court Justice James Keller — one of the longest-serving judges in the state — submitted his resignation last Monday. The 62-year-old Keller, who was appointed in 1999 by then-Gov. Paul Patton (D), claimed his retirement wasn't prompted by anything specific. "I just felt like this was the time for me," he said. It will now be up to Gov. Ernie Fletcher (R) to choose Keller's successor from among the three nominees submitted to him by a judicial selection commission (COURIER-JOURNAL [LOUISVILLE]).

— *Compiled by KOREY CLARK*

Governors

ROMNEY BATTLES LAWMAKERS OVER STEM CELLS: MASSACHUSETTS Gov. Mitt Romney's (R) ongoing war with lawmakers over stem cell research intensified last week. The spark for the latest flame-up came over a Senate bill that proclaimed the Bay State's solid support for the controversial science. The measure does not include any money or tax incentives for stem cell researchers, although Senate Speaker Robert Travaglini (D) did suggest that those elements would follow in later legislation. The bill also contained a significant caveat — scientists would have to obtain licenses from the state's Dept. of Public Health and adhere to several strict regulations on their work. Those regulations would include conducting research only at state-approved research facilities and submitting detailed annual reports on that work to a new state Stem Cell Research Advisory Board, which would have members appointed by the governor, House speaker and Senate president. There would also be fines of

Upcoming Stories

Here are some of the stories you will see in the upcoming issues of the Capitol Journal:

The push to force insurance fee disclosures

How lawmakers are addressing steroids at the state level

The possible onset of streamlined sales tax

The spread of CALIFORNIA's strict new emissions laws

A new publication schedule

Beginning this month, you will be receiving 40 issues of the Capitol Journal annually (instead of the 50-issue schedule we are now following). This schedule means that you will not receive an issue during the last week of each month, although *In the Hopper* and other weekly items will be posted on our Web site.

This new schedule permits us to improve and expand our coverage of important public policy issue from across the nation. We look forward to continuing to bring you the most informative and insightful information possible, and we appreciate your continued support of our publication.

Rich Ehisen
Editor
Capitol Journal



up to \$1 million for researchers who violate those rules. The measure was widely viewed as a compromise attempt to keep the state’s biotech firms from fleeing for other locales while also appeasing Beacon Hill lawmakers wary of the ethical issues surrounding stem cell work.

But that strategy failed with Romney, who has long opposed one of the key elements of stem cell research, somatic nuclear cell transfer (SNCT), also known as therapeutic cloning. Romney says that while he supports stem cell research in general, he is adamantly against SNCT because it creates and subsequently destroys human life. The governor also claimed that Democrats are misrepresenting his position by saying he is against all stem cell research. Romney punctuated his stance with a radio ad that called the measure “a radical cloning bill” ad urged like-minded listeners to call their legislators to voice their opposition to its passage. He later issued another statement saying he would veto the bill should it get to him. The governor also promised a hard lobbying effort aimed at Republicans in the House, which most observers viewed as the chamber where stem cell supporters would have the most trouble mustering the two-thirds majority necessary to override the anticipated Romney veto. But Romney’s lobbying efforts fell short, and the bill passed with veto-proof margins in both the House and the Senate. (BOSTON HERALD, BOSTON GLOBE, ASSOCIATED PRESS)

ANOTHER SHOWDOWN OVER SCHIAVO IN FL: Because of a loophole in state law, the order last week from a FLORIDA judge barring the removal of Terri Schiavo from her hospice care came close to setting up a showdown between state officers sent by Gov. Jeb Bush (R) to seize her and local police assigned to keep the hospice clear of protesters. The incident began when the Bush administration announced it was seeking to have Schiavo placed under state care, a motion that was quickly denied by Circuit Judge George Greer. His ruling also barred her removal and directed “each and every singular sheriff of the state of Florida” to enforce his order. But that order apparently did not cover agents from the Florida Department of Law Enforcement, who answer directly to the governor. When the state’s Dept. of Children and Families (DCF) appealed Greer’s ruling — which, by state law, stays Greer’s directive — it gave Bush a window of opportunity to send the agents to take and deliver Schiavo to a

Quote...

“It was a kind of showdown on the part of the locals and the state police. [The question was] whether we had enough officers to hold off the National Guard.”

An anonymous FLORIDA police officer responding to a move by Gov. Jeb Bush to have state police remove Terri Schiavo from her hospice.



another facility. But the local officers at Schiavo’s hospice closed that window when they told the agents they would enforce Greer’s order. The judge was

... unquote

“There was no showdown. We were ready to go. We didn’t want to break the law. There was a process in place and we were following that process.”

Jacob DiPietre, spokesperson for Florida Gov. Jeb Bush (R), denying those claims. (MIAMI HERALD)

informed of the situation and quickly canceled the automatic stay. Bush administration officials deny claims from some law enforcement officials that the situation could easily have led to an ugly confrontation between rival law agencies, with DCF spokesperson Zoraya Suarez stating, “DCF directed no such showdown.” Schiavo, the brain-damaged Florida woman who had become the national symbol of the right-to-die/live issue, died last Thursday. (MIAMI HERALD)

GOVERNORS IN BRIEF: Saying it is at a disadvantage for recruiting and keeping gay faculty, **WISCONSIN** Gov. Jim Doyle (D) asked the Badger State Legislature for \$1 million over the next two years to fund domestic partner benefits for the state’s university system. The proposal would also apply to heterosexual couples (DULUTH NEWS). • The **MISSISSIPPI** House rejected a proposal from Gov. Haley Barbour (R) to reform the Magnolia State’s education system. Barbour wanted to link teacher pay to student performance, redesign high schools and privatize non-education functions (CLARION LEDGER [JACKSON]). • **OKLAHOMA** Gov. Brad Henry (D) said he would invoke a little-known federal law to block the closure of Army and Air National Guard bases in the Sooner State. The law says that such Guard bases cannot be withdrawn or relocated without the governor’s consent. Henry made his statement after Congressional members from ILLINOIS informed Secretary of Defense Donald Rumsfeld of the statute (NEWSOK.COM). • The **PENNSYLVANIA** Supreme Court upheld a 2003 veto by Gov. Ed Rendell (D) that canceled legislation to restrict local farming ordinances. At issue was the timing of Rendell’s veto, which came after the 10-day limit required by the Keystone State constitution. That bill would have banned ordinances that were stricter than state law (PHILADELPHIA INQUIRER).

— Compiled by RICH EHISEN

Hot issues

B **USINESS:** The **TEXAS** Senate approves SB 877, which would allow Lone Star State residents to have home-grown and out-of-state wine shipped directly to their homes. It ships now to the House (**HOUSTON CHRONICLE**). • Still in **TEXAS**, the Senate endorses a bill that would restrict the ability of retailers to levy maintenance fees on gift cards. The measure would also prohibit them from voiding cards after a period of time and keeping the money. It moves to the House (**DALLAS MORNING NEWS**). • **MISSOURI** Gov. Matt Blunt (R) signs SB 1, legislation that says workers will be eligible for workers' compensation insurance only if the accident is the "prevailing" factor in their injury, not just a "substantial" factor. The new law also allows employers to require employees to use sick time and vacation days to recover from a work-related injury (**KANSAS CITY STAR**). • An **ALABAMA** House committee endorses legislation that would end the state's ability to set rates for Heart of Dixie phone service. The bill moves to the full House (**BIRMINGHAM NEWS**).

CRIME & PUNISHMENT: An **ARIZONA** Senate committee approves HB 2389, a measure that would deny bail to illegal immigrants charged with serious felonies. It moves to the full Senate (**ARIZONA DAILY STAR [TUCSON]**). • The **COLORADO** House endorses HB 1306, which would suspend the driver's license of any adult who supplies alcohol to minors. It faces another vote in the House (**DENVER POST**). • **WEST VIRGINIA** Gov. Joe Manchin (D) signs legislation that makes it a separate crime to harm an unborn fetus in acts of violence against the mother (**CHARLESTON GAZETTE**). • The **CONNECTICUT** House rejects a proposal to abolish the death penalty in the Constitution State (**HARTFORD COURANT**).

EDUCATION: The **GEORGIA** House narrowly approves HB 340, which allows Peach State universities to shield the identity of their financial donors. The

In the Hopper

State Net's database tracks tens of thousands of bills in all 50 states at any given time. Here's a snapshot of what's in the legislative works:

Number of 2005 prefiles last week: 424

Number of 2005 Intros last week: 4,003

Number of bills enacted/adopted last week: 1,596

Number of 2005 prefiles to date: 29,673

Number of 2005 Intros to date: 125,229

Number of enacted/adopted overall in 2005: 11,184

— Compiled By GINA HUMMELL
(Measures current as of 3/31/05)
Source: State Net

bill now passes to Gov. Sonny Perdue (R) for review (ATLANTA JOURNAL CONSTITUTION). • Still in **GEORGIA**, the House endorses HB 35, which would postpone for at least two years a previously approved plan to reduce class sizes in all grades 4-12. The bill graduates to the Senate (ATLANTA JOURNAL CONSTITUTION). • The **OREGON** Senate approves a measure that would bar school employees from recommending or supplying dietary supplements to students. It now goes to the House (STATESMEN JOURNAL [SALEM]). • The **INDIANA** House overwhelmingly approves SB 332, which would require Hoosier State public schools to lead students in reciting the Pledge of Allegiance and observing a moment of silence every day. It would also mandate that a U.S. flag be posted in every classroom. The measure goes to Gov. Mitch Daniels (R) (INDIANAPOLIS STAR). • An **ARIZONA** Senate committee gives their nod to HB 2544, a measure that would bar Grand Canyon State public schools from selling junk foods. The bill would, however, allow teachers and staffers to continue eating anything they want. It goes before the full Senate (ARIZONA DAILY STAR [TUCSON]). • An **ARKANSAS** Senate committee okay's HB 1525, which would make illegal immigrants eligible for in-state tuition and scholarships. It moves to the full Senate (ARKANSAS NEWS BUREAU).

ENVIRONMENT: The **WEST VIRGINIA** House votes unanimously to ban hunting by remote control. HB 2890 is a response to a **TEXAS** game ranch that offers a Web site which allows people — mostly disabled and handicapped — to control a camera and a gun with a computer mouse. The site currently features only target shooting, but is planning to introduce game hunting as well. The bill moves to the Senate (CHARLESTON GAZETTE). • Attorneys General from nine states — **CALIFORNIA, NEW YORK, MASSACHUSETTS, NEW JERSEY, NEW HAMPSHIRE, MAINE, CONNECTICUT, NEW MEXICO** and **VERMONT** — file suit in federal court against the U.S. Environmental Protection Agency, claiming that recently enacted air quality rules for power plants do not protect the public from mercury pollution (LOS ANGELES TIMES). • Saying the issue needs more study, **VIRGINIA** Gov. Mark Warner (D) vetoes SB 1054, legislation that sought to end a 24-year ban on oil drilling off the Old Dominion State's coast (VIRGINIAN-PILOT [NORFOLK]). • The **MISSOURI** Senate approves legislation that would exempt all but the largest Show Me State livestock farms from notifying the public of plans to expand their operations. The measure moves to the House (JEFFERSON CITY NEWS TRIBUNE).

HEALTH & SCIENCE: An **ARIZONA** Senate committee votes to ban any form of human cloning research done with state money or performed at state uni-

versities. HB 2221 now moves to the full Senate (ARIZONA DAILY STAR [TUCSON]). • The **COLORADO** House approves HB 1042, which would require all Centennial State health care providers to inform rape victims about emergency contraception. The bill has drawn strong opposition from Catholic groups, who say such a statute forces them to violate their faith. It moves to Gov. Bill Owens (R), a devout Catholic who has not yet taken a position on the bill (DENVER POST).

HOMELAND SECURITY: The U.S. Dept. of Homeland Security announces plans to send more than 700 additional border patrol agents to **ARIZONA**. The agency will send 200 temporary agents right away to help deal with the annual increase in border crossing activity that coincides with the spring agricultural season and another 534 permanent agents, six Blackhawk helicopters and 17 fixed-wing aircraft during the next year. In 2004, more than 50 percent of the 1.1 million illegal immigrants apprehended while illegally crossing the nation's 2,000-mile southern border were caught doing so in Arizona (USA TODAY, ARIZONA REPUBLIC [PHOENIX]).

SOCIAL POLICY: The **IDAHO** Senate approves legislation that would require girls younger than 18 to get permission from a parent or a judge before having an abortion. The bill moves to Gov. Dirk Kempthorne (R) (IDAHO STATESMAN [BOISE]). • A **CONNECTICUT** General Assembly committee endorses legislation that would authorize civil unions in the Constitution State. It now moves to the Senate (HARTFORD COURANT). • The **MISSISSIPPI** Senate endorses a bill that would allow the Ten Commandments, the phrase "In God We Trust" and excerpts from Jesus' Sermon on the Mount to be posted in public buildings. The bill must get House approval before it can go to Gov. Haley Barbour (R) (SUN HERALD [BILOXI]). • **MAINE** Gov. John Baldacci (D) signs legislation that adds sexual orientation to the list of classes protected from discrimination in the workplace, housing or education. The bill does not give gays and lesbians the right to marry (PORTLAND PRESS HERALD). • The **MIS-SOURI** Senate approves HB 832, which would bar homeowner association covenants from containing language that bans minorities or other cultural groups from owning or renting property. The measure was inspired by the revelation that many such Show Me State covenants still contain language prohibiting owners from selling or renting their property to blacks, Jews and other ethnic groups. The bill moves to the House, where it is expected to be approved (KANSAS CITY STAR). • The **CALIFORNIA** judge who recently ruled the Golden State's law banning same-sex marriage is unconstitutional issues a stay on that decision, pending the

outcome of promised appeals. The original ruling would allow gay and lesbian couples to marry (SAN DIEGO UNION TRIBUNE).

POTPOURRI: The **NEW HAMPSHIRE** House endorses HB 68, which makes it a misdemeanor to create noise that can be heard more than 50 feet from a motor vehicle or home. The bill targets excessively loud car stereos, portable “boom boxes” and loud mufflers. It roars off to the Senate (UNION LEADER [MANCHESTER]).

— Compiled by *RICH EHISEN*

Once around the statehouse lightly

B **ATTY IDEA.** Not many governors write poems to commemorate a bill signing, but **VIRGINIA** chief exec Mark Warner penned a special verse last week when he inked his signature to HB 2579. According to the *Hampton Roads News*, the bill designated an official state bat — the Virginia big-eared variety, which is an endangered species. The entire poem is too long to reproduce, but the final verse reads: “I think our bat’s up to the test. If you doubt it, just ask Adam West. He was TV’s Bruce Wayne — the caped crusader’s real name — and could ‘Zap!’ and ‘Kapow!’ with the best.” Yep. They know how to get down to serious business in Richmond.

UNLESS YOU’RE A BIRD. Steve Troxler, newly elected agricultural commissioner for **NORTH CAROLINA**, devised a novel way to retire a \$10,000 campaign debt — slaughter quail. Troxler held a fundraising quail hunt, attracting 17 hunters who paid between \$500 and \$1,000 each for the privilege of blowing away a bird. As the *Winston Salem Journal* notes, Troxler himself bagged one bird, using a 20-gauge shotgun. “This is a country man’s golf game,” says the commissioner. “This is fun.” No one asked the bird.

PACKING UP. Sid McCausland has been a public servant for most of the last 40 years, first as a staff consultant to the **CALIFORNIA** Legislature, then as an administration official and most recently as a city councilman in Half Moon Bay — a tony, seaside community south of San Francisco. But as the *Los Angeles Times* reports, McCausland is resigning his elective post and leaving the Golden State for



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