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Representative Kane files thirty bills for the 193rd Legislative Session

BOSTON – At the start of the 193rd Legislative Session, Representative Kane (R-Shrewsbury) filed thirty bills covering a broad range of topics. The majority of the bills were focused primarily in the areas of public health, food security, revenue, financial services, and housing.

“I am excited to work with my colleagues, constituents and advocates this session to advance my legislative priorities which impact a number of critical issues in the Commonwealth”, said Representative Kane.

The House and Senate Clerks have now referred bills filed seasonably to the appropriate Joint Committee, with hearings now beginning to get underway. All seasonably filed bills are guaranteed a public hearing before February of 2024, when Committees have a deadline to take action on bills heard by their Committees. Below is background on each of Representative Kane’s bill filed this session and in which Committee they reside:

Referred to the Joint Committee on Public Health:

H2204/SAPHE 2.0: An Act relative to accelerating improvements to the local and regional public health system to address disparities in the delivery of public health services (Co-filed with Representative Garlick; Senator Comerford filed S1334): This legislation builds on the passage of SAPHE 1.0 in the 191st session. It will ensure minimum public health standards for every community, increase capacity and effectiveness by encouraging municipalities to share services, create a uniform data collection and reporting system, and establish a sustainable state funding mechanism to support local boards of health and health departments. This bill is a refile and was unanimously voted out of the House and Senate last session. This bill is endorsed by the Women’s Caucus for the 193rd Legislative Session.

H2182: An Act reduce incidence and death from pancreatic cancer (Co-filed with Representative Gentile, Senator Comerford filed S1330): This bill would create a comprehensive framework to address prevention, detection, research, and treatment of pancreatic cancer.

H2201: An Act relative to the promotion of food donation (Co-filed with Representative Jones): This bill would require the Department of Public Health to issue guidance on food donation for businesses in the commonwealth, including information about liability protection and best practices for food donation. This bill is endorsed by the Food System Caucus for the 193rd Legislative Session.

H2203: An Act relative to informed consent for concurrent surgical procedures (Co-filed with Representative Fiola): This legislation defines the medical practice known as a concurrent surgical procedure and mandates that surgeons must disclose in advance to their patients any plans to perform a concurrent surgical procedure while said patient is under anesthesia. The bill also requires a surgeon to receive their patient’s consent for participation in a concurrent surgical procedure. The bill provides exceptions in certain emergency

surgery cases. The operating surgeon would also be subject to the same sign-in procedures for presence in the operating room as every other medical professional.

H2205: An Act decreasing food waste by standardizing date labeling of food: This legislation standardizes the date labeling of food in order to mitigate consumer confusion and thereby reduce food waste, which is the single largest contributor to solid waste. This bill is endorsed by the Food System Caucus for the 193rd Legislative Session.

Referred to the Joint Committee on Healthcare Financing:

H1209: An Act Relative to the Operating Budgets of Health Care Oversight Agencies: This bill will not increase the assessed amount for hospitals and ambulatory surgical centers at a rate greater than the health care cost growth benchmark approved by the Health Policy Commission.

Referred to the Joint Committee on Judiciary:

H1713: An Act to ensure legal parentage equality (Co-filed with Representative Peake, Senator Cyr, and Senator Tarr co-filed S947): Massachusetts parentage statutes are over 40 years out of date and lack:

- Protections for children born through assisted reproduction
- Security for children born through surrogacy
- Equal access to the critical administrative route to parentage for marital parents
- Inclusive language in state paternity statutes to ensure protection for LGBTQ families

The MA Parentage Act clarifies who can be a legally recognized parent and how legal parentage can be established. This bill is essential to ensuring that all Massachusetts children can access the benefits, rights, protections, and security of legal parentage, as well ensuring consistency and efficiency in our courts. This bill is endorsed by the Women's Caucus for the 193rd Legislative Session.

H1760: An Act to establish a DNA exception rule of victims of rape (Co-filed with Representative Scanlon): This bill removes the 15-year statute of limitations for prosecuting a rape case where DNA is matched to a rape kit. There are currently 28 states which have exceptions for statutes of limitations for DNA evidence, many of which are exceptions that eliminate the statute of limitation. For more information, please see RAINN's State-by-State Guide on Statutes of Limitations (<https://www.rainn.org/state-state-guide-statutes-limitations>). These exceptions have been key efforts to protect survivors and promote justice throughout the United States; if Massachusetts wants to be a leader in social and criminal justice, then we must resolve policies, like that of this statute of limitation, which keeps perpetrators of sexual violence on the street.

H1594: An Act encouraging the donation of food to persons in need (Senator Comerford filed S920): This legislation expands liability protections for food donations. It ensures that food donors can donate directly to needy individuals and still receive liability protections. It also creates a tax credit for farmers who donate crops to nonprofit organizations that distribute food to the needy. This bill is a refile and was reported favorably out of the Joint Committee on the Judiciary last session. This a priority bill for the Food System Caucus for the 193rd Legislative Session.

Referred to the Joint Committee on Financial Services:

H1061: An Act relative to emergency insulin access (Co-filed with Representative Lewis): This bill allows pharmacists to dispense insulin to a patient in an emergency situation. The amount dispensed may not exceed a 30-day supply as provided in the patient's prescription or, if the standard unit of dispensing the insulin exceeds a 30-day supply, the amount of the insulin dispensed does not exceed the standard unit of dispensing. The bill stipulates that a pharmacist may not dispense the emergency insulin more than once every 6 months to a particular patient and includes language providing that insulin-related items are dispensed with the insulin so that the patient may properly administer the insulin. The bill aims to prevent diabetes patients from becoming severely ill or dying due to a situation in which they find themselves without insulin. This bill is a refile of legislation that was reported favorably out of the Joint Committee on Financial Services last session.

H1062: An Act to protect taxpayer confidentiality: This bill would preserve the integrity of the MA unclaimed property audit program and protect the confidential taxpayer information of those persons subject to examination. Under current law, so called "work-in-progress" or WIP documents are used by the Office of the Treasurer regarding ongoing audit work of taxpayers. These WIP documents contain confidential taxpayer, and this bill would not ensure that the persons being examined, and the records disclosed to the treasurer in the course of these examinations would not be subject to disclosure and are not public record.

H1063: An Act relative to insurance discounts: This bill would allow insurance companies to offer discounts to licensed operators of motor vehicles who complete a marijuana impairment education course. The course may be offered by accredited driving schools and insurance companies.

Referred to the Joint Committee on Revenue:

H2852: An Act promoting urban agriculture and horticulture (Co-filed with Representative Howard): This bill addresses the challenge of land access for urban farming by allowing cities with a population of over 50,000 residents and all Gateway Cities to adopt a property tax exemption for land used for commercial urban agriculture. The tax incentive is optional, so cities can choose to adopt it and later repeal it. Furthermore, cities can choose how much of a tax break to provide. The bill is targeted to small-scale, productive urban growers. The tax break would apply only to the portion of a parcel being used for urban agriculture; it does not require the entire parcel to be used for farming. This is particularly important in denser cities, where urban agriculture could be paired with affordable housing, or another needed land use. To receive the tax benefit, the portion of the land in use for urban agriculture must total two acres or less and gross sales of agricultural or horticultural products from the parcel must have totaled at least \$500 in the previous year. This is a priority bill for the Food System Caucus for the 193rd Legislative Session.

H2853: An Act allowing for the deduction of business interest (Senator Tarr filed S1941): This bill would clarify that Massachusetts will not apply IRC Section 163J to corporations, a policy which was created under the federal Tax Cuts and Jobs Act (TCJA) of 2017. This bill would decouple the state's tax code from the new interest expense deductibility limitations under IRC §163(j). Decoupling from this provision would prevent a corporate tax increase and ensure the Commonwealth remains competitive for investment.

H2854: An Act relative to the state tax return filings for annuities: This bill raises the threshold level of interest and dividends from annuities triggering an annual state tax return from \$100 to \$200. Many times, it currently costs more to produce the tax return than the reporting requirement threshold.

Referred to the Joint Committee on Education:

H513: An Act to ensure the health and safety of children: The Department of Early Education and Care (EEC) oversees childcare programs serving children as young as infants throughout the Commonwealth. Currently, a licensing exemption exists in statute that allows certain programs to operate with little oversight, even if these programs are serving infants. This bill would ensure that license-exempt programs serving infants through kindergarten-age children comply with basic health and safety standards, including annual training for staff. Additionally, the legislation would require EEC to include these programs in their online provider directory, making program information more easily accessible to families considering their childcare options.

H512: An Act to allow for school districts to collect a fee associated with nonresident pupil transportation: This bill allows a school district to charge a transportation fee for students in grades 7-12 who attend an out of district vocational or agricultural school no higher than the fee charged to students in grades 7-12 who attend an in-district school. The bill prohibits the assessment of a fee for students whose families are at or below 300% of the federal poverty level as defined by the U.S. Department of Health and Human Services. State law requires the Commonwealth to reimburse school districts for these transportation costs, however, the Commonwealth reimbursement level has been less than 10% of reimbursable costs in recent years. Compounding the issue is a state law prohibiting school districts from charging these students a bus fee, even if all other students in the district are charged one. This bill is a refile and was reported out of the Joint Committee on Education last session.

H511: An Act establishing an educational mandate task force: This legislation creates an educational mandate task force to review existing state mandates placed on public schools and school districts in the Commonwealth. The task force will identify and review laws, regulations, and administrative directives that set requirements for school districts as well as identify state laws that require DESE to submit reports to the legislature based on information, they must obtain from school districts in order to develop recommendations to consolidate and eliminate mandates or reporting requirements which are duplicative or outdated.

Referred to the Joint Committee on Elder Affairs

H632: An Act establishing a commission to study the financial abuse of elders (Co-filed with Senator Velis): This legislation establishes a commission to study and prevent the financial abuse of elders. The commission is comprised of various stakeholders, including representatives from councils on aging and elder advocacy groups, as well as those in the real estate and financial services industries. This bill was reported favorably out of the Joint Committee on Elder Affairs last session.

Referred to the Joint Committee on State Administration Regulatory Oversight

H3029: An Act establishing the Executive Office of Food Resources and Security (Co-filed with Representative Ferrante, Senator Tarr filed S2073): This legislation establishes the Executive Office of Food Resources and Security under the control of a secretary of food resources and security, appointed by the governor. The office will carry out policy relative to food production and in doing so will foster and support food producers, promote job creation and economic development in food production and local food distribution, develop and administer programs and incentives to improve nutrition and promote healthy eating habits, among a variety of other tasks and goals to strengthen the Commonwealth's food system. This bill was reported favorably out of the Joint Committee on State Administration and Regulatory Oversight last session. This bill is endorsed by the Food System Caucus for the 193rd Legislative Session.

H3066: An Act to eliminate contingency fee auditors: This legislation would eliminate the ability for any state agency or constitutional officer to enter into contingent fee contracts with tax auditors and experts for the purposes of determining the liability of any taxpayer for any tax or defending the state department of revenue's or state treasurer's position during the course of a dispute, mediation, or litigation. The use of contingent auditors adds unfair financial, administrative, and compliance burdens for businesses in Massachusetts, particularly if such costs are not transparent and the underlying public policy is not intended to raise revenue.

Referred to the Joint Committee on Housing

H1347: An Act relative to a special commission to study condominium law: This bill establishes a special commission, comprised of 7 members, to review issues such as Board of Trustee elections and operations, owners' rights and enforcement, annual meeting protocol, condo fees, association and management responsibilities, designation of the appropriate state agency to regulate, and protocol for owner and board dispute settlements.

H1346: An Act relative to condominium elections: This bill provides for standard rules and regulations in condominium elections, such as notice of annual meetings, declaration of candidacy for a board position, absentee ballot process, and board member qualifications such as being up to date on assessment and condo fees.

Referred to the Joint Committee on Transportation

H3355: An Act relative to driver education: This bill would require that driver education courses include a module on the science related to the impairment effects of marijuana. Student drivers currently get educated on the impacts of drinking and driving; this bill adds marijuana impairment to the course.

Referred to the Joint Committee on Cannabis Policy

H112: An Act relative to establishing a minimum age of entry for cannabis-related events, conferences, forums, and exhibitions: This bill eliminates a loophole in current cannabis policy that allows for persons younger than 21 to attend cannabis-related events. Allowing people younger than 21 to attend these events not only negatively impacts youths by encouraging the consumption of a product that is damaging to the developing adolescent brain, but it is inherently incompatible with the intent of our MA cannabis laws prohibiting consumption for people under 21. This bill will provide clarity and close a critical loophole.

Referred to the Joint Committee on Environment and Natural Resources

H835: An Act protecting dogs at boarding kennels and daycare facilities (Senator O'Connor filed S548): This bill directs the Department of Agricultural Resources to promulgate rules and regulations for boarding kennels and daycare facilities for dogs, including as staff to dog ratios, group sizes and supervision, facility, housing and care requirements, and insurance and penalties for violations of said rules and regulations. The bill was reported out favorably by the Joint Committee on Environment, Natural Resources and Agriculture last session.

Referred to the Joint Committee on Municipalities and Regional Government

H2073: An Act relative to protecting municipalities from unfunded mandates (Co-filed with Representative Arciero): This legislation requires that any bill that imposes a cost on municipal governments have a fiscal note or study which clearly explains any cost, including but not limited to the cost for the requisite staff necessary to administer or implement the legislation, and that the pending legislation cannot be enacted until such time as an appropriation satisfying the cost is provided.

Referred to the Joint Committee on Veterans and Federal Affairs

H3498: An Act relative to recognition of the "Honor and Remember" flag in the Commonwealth (Co-filed with Representative Fiola, Senator Velis filed S2357): This legislation would establish the Honor and Remember flag to recognize the sacrifice of fallen service members and their families. The flag has been adopted by 26 states and legislation has been filed on the federal level to make the flag a permanent fixture. The organization that has advocated for this flag pays tribute to all military lives lost, not only while serving on active duty but also as a result of serving. Military deaths in all wars or conflicts and all branches of service from our nation's inception are recognized.

Referred to the Joint Committee on Children, Families, and Persons with Disabilities

H185: An Act relative to the healthy incentives program (Co-filed with Representative Jones, Senator Gobi filed S85): This bill would require a statewide survey to be conducted in order to collect feedback from farmers and clients regarding their experience with the Healthy Incentives Program. This bill is endorsed by the Food System Caucus for the 193rd Legislative Session.

Awaiting Committee Assignment at this time:

HD529: An Act relative to autopsy reports by the medical examiner (Co-filed with Representative Decker): This legislation requires that if the medical examiner takes jurisdiction of a deceased person, they must conduct an autopsy and provide an autopsy report to anyone legally entitled to receive it within 90 days of when they took jurisdiction, unless a notice of delay is provided with a reason for delay. This bill was reported favorably out of the Joint Committee on Public Health last session.