

Welcome to the Georgia Bio Legislative Watch, a weekly update on the 2012 legislative session of the Georgia General Assembly provided by Brock Clay Attorneys exclusively for Georgia Bio members.

[SB 402 / HB 718 - Venture Capital](#)

This year, two major pieces of legislation have been dropped that affect the venture capital industry. [HB 718](#) will set up a \$200 million venture capital fund by auctioning insurance tax credits. The fund would be overseen by a state authority and would invest in start-up or early growth technology companies. The legislation remains in the House Insurance Committee. [SB 402](#) would allow for the investment of state employees retirement funds in a variety of different accounts including private investment funds, warrants, venture capital funds, leveraged buyouts, options, recapitalizations, privatizations, and mezzanine funds. The Teachers Retirement System is exempt from the provisions of the legislation.

Update on Tax Issues

There are three primary tax related issues before the General Assembly, expressed as priorities by House and Senate Leadership. The issues include the sales tax exemption for energy inputs into manufacturing; the quality jobs tax credit (Floor Leader Doug Collins' [HB 868](#)); and collections of internet sales taxes. The delay, to date, has been twofold: first, legislative leaders were deciding whether or not to deal with all three issues in the same legislation, or separately; and fiscal notes show the annual impact of the sales tax exemption and jobs tax credit will be almost \$250 million by year three.

Legislative Schedule

Feb. 23, was Legislative Day 25, leaving 15 legislative days until Sine Die. The current adjournment resolution has established the following schedule:

Feb. 27, 28, 29 - Legislative Days 26, 27, 28

March 5, 7, 12 - Legislative Days 29, 30, 31

Legislation Georgia Bio is Tracking

To view the complete report of the legislation that is being tracked, please [CLICK HERE](#). *MEMBERS ONLY* Once you have entered the Members Only Site, click on Advocacy to find the Legislative Watch.

To find out how Georgia Bio's advocacy efforts can assist your organization, contact Georgia Bio President Charles Craig.

HB1068	A BILL to be entitled an Act to amend Article 5 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to prescription drugs, so as to provide that a reference product license holder shall have immunity from liability from claims for loss arising from the use of a biosimilar biological product; to provide for definitions; to provide for applicability; to provide for related matters; to repeal conflicting laws; and for other purposes	Weldon, Tom 3r	HC: Judy SC:	Summary 02/21/12 - House Second Readers	
HB1124	A BILL to be entitled an Act to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to define prescription biologic product and prescription biosimilar product; to provide for substitutions; to provide for recording in the patient record; to provide for related matters; to repeal conflicting laws; and for other purposes	Jerguson, Sean 22n	HC: H&H S SC:	Summary 02/23/12 - House Second Readers	(GABIO STATUS: CONSIDERATION)
HB132	A BILL to be entitled an Act to amend Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, so as to require certain insurance coverage for physician prescribed special dietary foods or formulas for specific chronic medical conditions; to provide a short title; to provide for definitions; to provide for related matters; to provide for applicability; to repeal conflicting laws; and for other purposes	Watson, Ben 163r	HC: Ins SC:	Summary 02/03/11 - House Second Readers	(GABIO STATUS: MONITOR)

HB182	A BILL to be entitled an Act to amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions regarding insurance, so as to require health benefit policy coverage for the diagnosis and treatment of infertility; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes	Marin,Pedro 96t	HC: Ins SC:	Summary 02/09/11 - House Second Readers	(GABIO STATUS: MONITOR)
HB184	A BILL to be entitled an Act to amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled substances, so as to provide for the establishment of a program to monitor the prescribing and dispensing of Schedule II, III, IV, and V controlled substances; to provide for definitions; to require dispensers to submit certain information regarding the dispensing of such controlled substances; to provide for the confidentiality of submitted information except under certain circumstances; to provide for the establishment of an Electronic Database Review Advisory Committee; to provide for its membership, duties, and organization; to provide for the establishment of rules and regulations; to provide for limited liability; to provide for penalties; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes	Weldon,Tom 3r	HC: Judy NC SC:	Summary 02/09/11 - House Second Readers	(GABIO STATUS: SUPPORT)
HB385	A BILL to be entitled an Act to amend Titles 48, 2, 28, 33, 36, 46, and 50 of the O.C.G.A., relating respectively, to revenue and taxation, agriculture, the General Assembly, insurance, local government, public utilities, and state government, so as to provide for comprehensive revision of the revenue structure of the State of Georgia; to implement the recommendations of the 2010 Special Council on Tax Reform and Fairness for Georgians as provided for and required by Chapter 12 of the Title 28 of the O.C.G.A.; to repeal Article 3 of Chapter 5 of Title 28, relating to fiscal bills generally; to amend certain titles of the O.C.G.A. so as to correct certain cross-references and make conforming changes; and for other purposes	Channell,Mickey 116t	HC: SJC GRS SC:	Summary 03/01/11 - House Second Readers	This was the tax reform vehicle in 2011.
HB386	A BILL to be entitled an Act to amend Titles 48, 2, 28, 33, 36, 46, and 50 of the O.C.G.A., relating respectively, to revenue and taxation, agriculture, the General Assembly, insurance, local government, public utilities, and state government, so as to provide for comprehensive revision of the revenue structure of the State of Georgia; to implement the recommendations of the 2010 Special Council on Tax Reform and Fairness for Georgians as provided for and required by Chapter 12 of the Title 28 of the O.C.G.A.; to repeal Article 3 of Chapter 5 of Title 28, relating to fiscal bills generally; to amend certain titles of the O.C.G.A. so as to correct certain cross-references and make conforming changes; and for other purposes	Channell,Mickey 116t	HC: SJC GRS SC:	Summary 03/01/11 - House Second Readers	(GABIO STATUS: MONITOR)

HB437	A BILL to be entitled an Act to amend Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to regulation of controlled substances, so as to change provisions relating to possession of substances containing ephedrine, pseudoephedrine, and phenylpropanolamine and restrictions on sales of products containing pseudoephedrine; to provide for real-time tracking of sales of products containing ephedrine, pseudoephedrine, and phenylpropanolamine; to provide for definitions; to change provisions relating to exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes	Neal, Jay 1s	HC: Judy NC SC:	Summary 03/03/11 - House Second Readers	(GABIO STATUS: CONSIDERATION)
HB476	A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to establish the Georgia Health Exchange Authority; to provide for legislative intent; to provide for definitions; to provide for a board of directors; to provide for composition, terms, and officers; to provide for powers and duties of the authority; to provide for the Georgia Health Exchange and the Small Business Health Options Program (SHOP) Exchange; to provide for automatic repeal under certain conditions; to provide for a trust fund; to provide for an advisory committee; to provide for limited liability; to provide for rules and regulations; to provide for accounts and audits; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes	Smith, Richard 131s	HC: Ins SC:	Summary 03/16/11 - House Withdrawn, Recommitted	GABIO STATUS: CONSIDERATION.
HB718	A BILL to be entitled an Act to amend Chapter 7 of Title 50 of the Official Code of Georgia Annotated, relating to the Department of Economic Development, so as to create the Georgia Capital Acceleration Authority; so as to provide for legislative findings; to provide for definitions; to provide for a program administrator; to provide for the issuance of premium tax credits to insurance companies or holding companies that purchase such credits to offset liability for state insurance premium taxes; to provide for reports; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes	Peake, Allen 137t	HC: Ins SC:	Summary 01/12/12 - House Second Readers	This legislation has been introduced primarily by Rep. Allen Peake (R - Macon). It will set up a \$200 million venture capital fund by auctioning insurance tax credits. The fund would be overseen by a state authority and would invest in start-up or early growth technology companies. There are some political issues with the legislation already (it was assigned to the Insurance Committee, rather than Ways & Means initially).
HB845	A BILL to be entitled an Act to amend Chapter 1A of Title 20 of the Official Code of Georgia Annotated, relating to early care and learning, so as to require early care and education programs to provide information on the influenza vaccine; to provide for related matters; to repeal conflicting laws; and for other purposes	Watson, Ben 163r	HC: H&H S SC:	Summary 02/16/12 - House Committee Favorably Reported	(GABIO STATUS: MONITOR) Requires early childhood facilities to provide information on influenza vaccine.

HB86	A BILL to be entitled an Act to amend Code Section 48-83-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, so as to provide for an exemption regarding the sale or use of energy for manufacturing; to provide for definitions; to provide for procedures, conditions, and limitations; to provide an effective date; to repeal conflicting laws; and for other purposes.	Williams,Roger 4t	HC: W&M SC:	Summary 01/31/11 - House Second Readers	The larger tax reform issue is being revived this year. We have gotten a question from some industry people about the applicability of the tax credit to any of GABIO's research facilities. Governor Deal outlined a three part tax proposal in his State of the State address. The first part is the repeal of the sales tax on energy inputs into manufacturing; the second, a sales tax exemption for construction materials used in projects of regional significance, and the third a restructuring of Georgia's jobs tax credit program.
HB868	A BILL to be entitled an Act to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to imposition, computation, and exemptions from state income tax, so as to provide for the comprehensive revision of income tax credits for business enterprises located in less developed areas, designated by tiers, for business enterprises located in less developed areas consisting of contiguous census tracts, for existing manufacturing and telecommunications facilities located in certain tier counties, and for establishing new quality jobs or relocating quality jobs; to provide for related matters; to repeal conflicting laws; and for other purposes	Collins,Doug 27t	HC: W&M SC:	Summary 02/03/12 - House Second Readers	(GABIO STATUS: SUPPORT) Section 3 increases the amount of the R&D credit that can be taken against a company's payroll withholding if they have little or no corporate income tax liability – giving it cash value.
HB89	A BILL to be entitled an Act to enact the "Pain-Capable Unborn Child Protection Act" and regulate the performance of abortions in conformity therewith; to amend Code Section 16-12-141, relating to when abortion is legal, so as to make a conforming amendment and provide that any abortion not in conformity with the Act shall constitute a criminal offense; to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to enact the Act as a part of said title; to define terms; to state legislative findings; to require a determination of gestational age prior to abortion; to prohibit abortion after a certain gestational age; to provide for other related matters; to provide for an effective date and applicability of certain provisions; to repeal conflicting laws; and for other purposes	Peake,Allen 137t	HC: H&H S SC:	Summary 01/31/11 - House Second Readers	(GABIO STATUS: MONITOR)

HB952	A BILL to be entitled an Act to amend Code Section 26-4-5 of the Official Code of Georgia Annotated, relating to definitions applicable to pharmacists and pharmacies, so as to provide for definitions of certain opioid drugs; to amend Code Section 26-4-28 of the Official Code of Georgia Annotated, relating to powers, duties, and authority of the State Board of Pharmacy, so as to authorize the State Board of Pharmacy to approve and designate certain opioid products that utilize tamper resistance technologies; to amend Code Section 26-4-81 of the Official Code of Georgia Annotated, relating to substitution of generic drugs for brand name drugs, so as to provide for instructions from physicians to pharmacists relating to the use of tamper resistant technologies; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.	Neal, Jay 1s	HC: H&H S SC:	Summary 02/15/12 - House Second Readers	(GABIO STATUS: MONITORING)
HB954	A BILL to be entitled an Act to amend Article 5 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to abortion, so as to change certain provisions relating to criminal abortion; to change certain provisions relating to when abortion is legal; to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to define certain terms; to require a determination of gestational age prior to abortion; to provide for certain reporting requirements with respect to performance of abortions; to state legislative findings; to provide for other related matters; to provide effective dates; to repeal conflicting laws; and for other purposes	McKillip, Doug 115t	HC: Jud NC SC:	Summary 02/15/12 - House Second Readers	(GABIO POSITION: MONITOR)
HR153	A RESOLUTION creating the House Study Committee on Tenth Amendment Enforcement; and for other purposes	Setzler, Ed 35t	HC: GAff SC:	Summary 04/14/11 - House Withdrawn, Recommitted	GABIO STATUS: CONSIDERATION.
SB111	A BILL to be entitled an Act to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to provide certain requirements for any electronic transmission mechanism used to transmit an electronic data prescription drug order to a pharmacist; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes	Carter, Earl Buddy 1s	SC: H&H SHC :	Summary 02/22/11 - Senate Read and Referred	(GABIO STATUS: MONITOR)
SB111	A BILL to be entitled an Act to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to provide certain requirements for any electronic transmission mechanism used to transmit an electronic data prescription drug order to a pharmacist; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes	Carter, Earl Buddy 1s	SC: H&H SHC :	Summary 02/22/11 - Senate Read and Referred	

SB165	A BILL to be entitled an Act to amend Article 3 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to parental notification, so as to provide for maintenance of forensic samples from abortions performed on children under 16 years of age; to provide for civil cause of action under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes	McKoon, Joshua 29t	SC: JUD YHC:	Summary 02/28/11 - Senate Read and Referred	(GABIO STATUS: CONSIDERATION)
SB177	A BILL to be entitled an Act to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to adopt the Health Care Compact; to provide for related matters; to repeal conflicting laws; and for other purposes	Bethel, Charlie 54t	SC: I&LH C: Ins	Summary 04/12/11 - House Passed/Adopted	(GABIO STATUS: MONITOR)
SB180	A BILL to be entitled an Act to amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled substances, so as to authorize the use of remote automated medication systems; to provide for legislative findings; to provide for definitions; to provide for requirements; to provide for the establishment of rules and regulations by the State Board of Pharmacy; to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to authorize pharmacists to dispense prescriptions through a remote automated medication system; to provide that a remote automated medication system shall not be considered a vending machine for certain purposes; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes	Carter, Earl Buddy 1s	SC: H&H SHC:	Summary 03/02/11 - Senate Read and Referred	(GABIO STATUS: MONITOR)
SB209	A BILL to be entitled an Act to enact the "Pain-Capable Unborn Child Protection Act" and regulate the performance of abortions in conformity therewith; to amend Code Section 16-12-141, relating to when abortion is legal, so as to make a conforming amendment and provide that any abortion not in conformity with the Act shall constitute a criminal offense; to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to enact the Act as a part of said title; to define terms; to state legislative findings; to require a determination of gestational age prior to abortion; to prohibit abortion after a certain gestational age; to provide for exceptions under certain circumstances; to repeal conflicting laws; and for other purposes	Loudermilk, Barry 52n	SC: RUL ESHHC :	Summary 03/04/11 - Senate Read and Referred	(GABIO STATUS: MONITOR)
SB210	A BILL to be entitled an Act to amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions regarding torts, so as to provide for liability for violations of laws relating to abortion; to provide for definitions; to provide for the wrongful death of an unborn child; to provide for immunity under certain circumstances; to provide for witness testimony and evidence; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes	Loudermilk, Barry 52n	SC: RUL ESHHC : Judy	Summary 03/22/11 - House Second Readers	(GABIO STATUS: CONSIDERATION)

SB215	A BILL to be entitled an Act to amend Title 49 of the Official Code of Georgia Annotated, relating to social services, so as to convert Medicaid and the PeachCare for Kids Program funds to premium assistance to allow low-income families to participate in private sector health insurance plans; to provide for definitions; to provide for an amended state plan for Medicaid and PeachCare; to designate qualified health benefit plans; to provide for enrollment in a qualified health benefit plan; to provide for premium assistance; to provide for premiums and cost sharing; to provide for an individual incentive program; to provide for employer and group health plan requirements; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes	Hill, Judson 32n	SC:H&H SHC:	Summary 03/07/11 - Senate Read and Referred	(GABIO STATUS: UNDER CONSIDERATION)
SB219	A BILL to be entitled an Act to amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to adopt the "Interstate Compact on Educational Opportunity for Military Children"; to provide for a short title; to provide for the purpose and policy of said compact; to define the terminology used in said compact; to provide for applicability; to provide for educational records and enrollment; to provide for placement and attendance; to provide for eligibility; to provide for graduation; to provide for state coordination services; to create the Interstate Commission on Educational Opportunity for Military Children; to repeal conflicting laws; and for other purposes	Harbison, Ed 15t	SC:VM&H SHC:Ed	Summary 03/22/11 - House Second Readers	(GABIO STATUS: MONITOR)
SB346	A BILL to be entitled an Act to amend Code Section 26-4-60 of the Official Code of Georgia Annotated, relating to grounds for suspension, revocation, or refusal to grant licenses by the State Board of Pharmacy, so as to change certain provisions relating to selling, distributing, and delivering prescription drugs by mail or other common carriers; to provide for related matters; to repeal conflicting laws; and for other purposes	Balfour, Don 9t	SC:H&H SHC:	Summary 02/17/12 - Senate Read Second Time	
SB370	A BILL to be entitled an Act to amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled substances, so as to change certain provisions relating to Schedule I and V controlled substances; to change certain provisions relating to the definition of "dangerous drug"; to provide an effective date; to repeal conflicting laws; and for other purposes	Carter, Earl Buddy 1s	SC:H&H SHC:Jud yNC	Summary 02/23/12 - House First Readers	This legislation passed the Senate on Tuesday of this week.
SB378	A BILL to be entitled an Act to amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled substances, so as to revise a definition; to provide for certain changes to the definition of written prescriptions for dangerous drugs; to add to provisions concerning unlawful offering or selling of certain drugs; to provide for increase of penalties for violation of certain laws; to provide for related matters; to repeal conflicting laws; and for other purposes	Carter, Earl Buddy 1s	SC:H&H SHC:	Summary 02/23/12 - Senate Passed/Adopted	This legislation passed the Senate on Thursday of this week.

SB401	A BILL to be entitled an Act to amend Article 1 of Chapter 3 of Title 46 of the Official Code of Georgia Annotated, relating to generation and distribution of electricity generally, so as to change certain provisions relating to "The Georgia Cogeneration and Distributed Generation Act of 2001"; to provide for declaration of policy; to provide for definitions; to provide for the financing of distributed generation through leases, power purchase agreements, and other financing mechanisms; to change certain provisions relating to rates and fees of electric service providers; to change certain provisions relating to the purchase of energy from customer generators; to provide for related matters; to repeal conflicting laws; and for other purposes	Carter,Earl Buddy 1s	SC: NR&EHC :	Summary 02/08/12 - Senate Read and Referred	(GABIO POSITION: MONITORING)
SB417	A BILL to be entitled an Act to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to provide certain requirements for any electronic transmission mechanism used to transmit an electronic data prescription drug order to a pharmacist; to provide for related matters; to repeal conflicting laws; and for other purposes	Carter,Earl Buddy 1s	SC: H&H SHC :	Summary 02/15/12 - Senate Read and Referred	(GABIO POSITION: MONITOR)
SB418	A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to establish the Georgia Health Insurance Marketplace Authority; to provide for legislative intent; to provide for definitions; to provide for a board of directors; to provide for composition, terms, and officers; to provide for powers and duties of the authority; to provide for the Georgia Health Consumer Marketplace and the Small Business Health Insurance Marketplace; to provide for a trust fund; to provide for advisory committees; to provide for limited liability; to provide for rules and regulations; to provide for accounts and audits; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes	Orrock,Nan 36t	SC: I&LH C :	Summary 02/15/12 - Senate Read and Referred	(GABIO POSITION: MONITOR)