

ALASKA STATE LEGISLATURE
HOUSE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE

March 16, 2023

8:02 a.m.

MEMBERS PRESENT

Representative CJ McCormick, Chair
Representative Kevin McCabe, Vice Chair
Representative Tom McKay
Representative Josiah Patkotak
Representative Justin Ruffridge
Representative Rebecca Himschoot
Representative Donna Mears

MEMBERS ABSENT

All members present

OTHER LEGISLATORS PRESENT

Representative George Rauscher

COMMITTEE CALENDAR

HOUSE BILL NO. 61

"An Act relating to restrictions on firearms and other weapons."

- HEARD & HELD

HOUSE BILL NO. 17

"An Act relating to insurance coverage for contraceptives and related services; relating to medical assistance coverage for contraceptives and related services; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 78

"An Act establishing September 10 as Alaska Community Health Aide Appreciation Day."

- MOVED HB 78 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 61

SHORT TITLE: LIMITATIONS ON FIREARMS RESTRICTIONS
SPONSOR(s): REPRESENTATIVE(s) TILTON

02/06/23 (H) READ THE FIRST TIME - REFERRALS
02/06/23 (H) CRA, STA
03/16/23 (H) CRA AT 8:00 AM BARNES 124

BILL: HB 17

SHORT TITLE: CONTRACEPTIVES COVERAGE;INSURE;MED ASSIST
SPONSOR(s): REPRESENTATIVE(s) CARRICK

01/19/23 (H) PREFILE RELEASED 1/9/23
01/19/23 (H) READ THE FIRST TIME - REFERRALS
01/19/23 (H) HSS, CRA, L&C, FIN
02/07/23 (H) HSS AT 3:00 PM DAVIS 106
02/07/23 (H) Heard & Held
02/07/23 (H) MINUTE(HSS)
02/18/23 (H) HSS AT 3:00 PM DAVIS 106
02/18/23 (H) -- MEETING CANCELED --
03/02/23 (H) HSS AT 3:00 PM DAVIS 106
03/02/23 (H) Moved CSHB 17(HSS) Out of Committee
03/02/23 (H) MINUTE(HSS)
03/07/23 (H) HSS AT 3:00 PM DAVIS 106
03/07/23 (H) Moved CSHB 17(HSS) Out of Committee
03/07/23 (H) MINUTE(HSS)
03/08/23 (H) HSS RPT CS(HSS) 3DP 2NR
03/08/23 (H) DP: RUFFRIDGE, SUMNER, MINA
03/08/23 (H) NR: SADDLER, PRAX
03/16/23 (H) CRA AT 8:00 AM BARNES 124

BILL: HB 78

SHORT TITLE: AK COMMUNITY HEALTH AIDE APPRECIATION DAY
SPONSOR(s): REPRESENTATIVE(s) MCCORMICK

02/20/23 (H) READ THE FIRST TIME - REFERRALS
02/20/23 (H) CRA
03/14/23 (H) CRA AT 8:00 AM BARNES 124
03/14/23 (H) Heard & Held
03/14/23 (H) MINUTE(CRA)
03/16/23 (H) CRA AT 8:00 AM BARNES 124

WITNESS REGISTER

REPRESENTATIVE CATHY TILTON
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, presented HB 61.

STEVE ST. CLAIR, Staff
Representative Cathy Tilton
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: On behalf of Representative Tilton, prime sponsor, gave the sectional analysis for HB 61 and presented the PowerPoint, titled "HB 61 An Act Relating to the Restriction of Firearms and Other Weapons."

AOIBHEANN CLINE, Northwest Regional Director
National Rifle Association
Fairfax, Virginia

POSITION STATEMENT: Testified in support of HB 61.

REPRESENTATIVE ASHLEY CARRICK
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, presented HB 17.

CHERIE BOWMAN, Staff
Representative Ashley Carrick
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Gave the sectional analysis for HB 17 on behalf of Representative Carrick, prime sponsor.

LORI WING-HEIER, Director
Division of Insurance
Department of Commerce, Community, and Economic Development
Anchorage, Alaska

POSITION STATEMENT: Answered questions on HB 17.

CALLAN CHYTHLOOK-SIFSOF, Staff
Representative CJ McCormick
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Reviewed HB 78 on behalf of Representative McCormick, prime sponsor.

NANCY BALE, School Nurse
Anchorage School District
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 78.

ACTION NARRATIVE

[8:02:42 AM](#)

CHAIR CJ MCCORMICK called the House Community and Regional Affairs Standing Committee meeting to order at 8:02 a.m. Representatives McKay, Ruffridge, Himschoot, McCabe, and McCormick were present at the call to order. Representatives Patkotak, and Mears arrived as the meeting was in progress.

HB 61-LIMITATIONS ON FIREARMS RESTRICTIONS

[8:04:11 AM](#)

CHAIR MCCORMICK announced that the first order of business would be HOUSE BILL NO. 61, "An Act relating to restrictions on firearms and other weapons."

[8:04:55 AM](#)

The committee took an at-ease from 8:04 a.m. to 8:05 a.m.

[8:05:20 AM](#)

REPRESENTATIVE CATHY TILTON, Alaska State Legislature, as prime sponsor, explained that HB 61 would address situations, such as during the time of the COVID-19 pandemic, where orders were made by local governments to close stores selling firearms and ammunition. She said HB 61 would reaffirm the Second Amendment to the United States Constitution by stipulating that the state and municipalities may not implement new restrictions to access firearms, ammunition, firearms accessories, or shooting ranges resulting from disaster declarations. She turned the presentation over to her staff.

[8:07:17 AM](#)

STEVE ST. CLAIR, Staff, Representative Cathy Tilton, Alaska State Legislature, on behalf of Representative Tilton, prime sponsor, gave the sectional analysis for HB 61 [copy included in the committee packet], which read as follows [original punctuation provided]:

Section 1 - Prohibits the State, municipalities, and other instrumentalities from restricting the following under a disaster declaration:

1. Possession, use or transfer of a firearm, firearm accessory, or ammunition;

2. Ordering the seizure of the above-referenced items;
3. Limiting the quantity or other restrictions on the sales and services of those items;
4. Closing or limiting the hours of operation for retail establishments that sell and service those items unless the closure or limitation applies to all other forms of commerce within the jurisdiction;
5. Closing or limiting the hours of operation for shooting ranges;
6. Suspending or revoking a concealed carry permit outside of current statutory provisions;
7. Refusing to accept an application for a concealed carry permit;
8. Provides for civil action as relief for a violation of the above-referenced prohibitions;
9. Provides definitions for "firearm" and "firearm accessory";

Section 2 - Repeals a previous definition of "firearm accessory" found under the Alaska Firearms Freedom Act.

MR. ST. CLAIR emphasized item 4 by stating that this is about equity and commerce. He clarified that if a disaster declaration states everything is to be closed, then gun stores would close too.

[8:10:16 AM](#)

MR. ST. CLAIR gave the PowerPoint presentation, titled "HB 61 an Act Relating to the Restriction of Firearms and Other Weapons" [hard copy included in the committee packet]. He moved to slide 2 and explained that HB 61 is critical to the Alaskan way of life, which includes subsistence, protection, and the constitution. He proceeded to slide 3, which highlighted the definition of subsistence and pointed out that rural communities in Alaska rely heavily on wild foods. He continued to slide 4, which highlighted the impact of restrictions on firearms, and he brought up examples of gun protection during animal attacks. He continued to slide 5, titled "Firearm Restrictions and Constitution," which read as follows [original punctuation provided]:

- In January 2022 a federal appeals court ruled that two California counties that shut down gun stores as

nonessential businesses in 2020 due to the coronavirus pandemic, violated the Constitution's Second Amendment.

- The Second Amendment to the U.S. Constitution guarantees "the right of the people to keep and bear arms." In 2008, the U.S. Supreme Court ruled in *District of Columbia v. Heller* that this is an individual right, not requiring participation in a militia.

- In 2010, the high court ruled in *McDonald v. Chicago* that the right to keep and bear arms is a fundamental right that also applies to the states through the Fourteenth Amendment, which bars any state from denying liberty to any person without due process of law.

[8:14:16 AM](#)

MR. ST. CLAIR moved to slide 6, which featured four states that adopted similar legislation in 2021: South Dakota, Georgia, West Virginia, and North Dakota. He continued to the final slide, titled "Conclusion," which read as follows [original punctuation provided]:

- Firearms, firearm accessories, and ammunition are a part of the Alaskan culture and way of life.
- Firearms facilitate feeding families and food security.
- Firearms allow Alaskan's and visitors to safely explore our beautiful state.
- The Second Amendment grants citizens the right to bear arms.
- Bi Partisan support (SB 136 / HB 179, 2022)

[8:15:47 AM](#)

CHAIR MCCORMICK thanked the presenters for spotlighting the importance of subsistence hunting in Alaska communities.

[8:16:00 AM](#)

REPRESENTATIVE MCCABE commented that gun stores do not only sell guns. They also sell many items essential for subsistence. He expressed the opinion that the proposed legislation is not so much a Second Amendment issue, rather it is an issue essential and critical to Alaska and a free market economy.

REPRESENTATIVE TILTON reiterated the proposed bill would not create any new law or change laws already here for protection, but it would allow that in a crisis, like the COVID-19 pandemic, there would be equity, and these stores would remain open.

[8:18:53 AM](#)

REPRESENTATIVE HIMSCHOOT questioned whether this would add firearms to the list of essential businesses.

MR. ST. CLAIR responded no, as the bill is about equity.

REPRESENTATIVE HIMSCHOOT asked what the difference is between equity and equality.

MR. ST. CLAIR expressed the belief that the words have the same meaning.

[8:21:33 AM](#)

REPRESENTATIVE MEARS commented on the number of emails concerning the proposed legislation she has received from both sides. She pointed out that many of these protections already exist.

REPRESENTATIVE TILTON explained that the bill would ensure firearm stores remain open as essential, being that [the use of firearms] is "such a way of life" in Alaska.

[8:23:06 AM](#)

REPRESENTATIVE RUFFRIDGE echoed Representative Mears' comment on the number of emails received, and he said he strongly agrees with keeping stores open and having equity for each individual store owner. He requested clarification on carrying weapons.

MR. ST. CLAIR responded that the proposed legislation would reinforce a person's ability to carry a firearm where it is now currently authorized; therefore, it would not be restrictive.

[8:27:49 AM](#)

REPRESENTATIVE MCCABE commented on the former mayor of New Orleans and the limitation and confiscation of firearms after Hurricane Katrina. He stated that this was a concern in comments he received regarding the bill.

MR. ST. CLAIR responded that what occurred in New Orleans was found to be unconstitutional. If a person is legally authorized to carry a firearm, that weapon cannot be confiscated unless the individual has lost this ability because of certain circumstances.

REPRESENTATIVE MCCABE expressed the opinion that an armed society with the ability to protect itself is generally "polite."

MR. ST. CLAIR concurred.

[8:30:26 AM](#)

REPRESENTATIVE MCKAY asked how long the lockdown had lasted in Anchorage by former Mayor Ethan Berkowitz. He commented on the inability to buy shells and ammunition.

MR. ST. CLAIR replied that the lockdown had lasted 10 days.

REPRESENTATIVE MCKAY expressed the opinion that it would not matter if the lockdown and store closure had been 10 minutes or 10 days, and he expressed support for HB 61.

[8:31:33 AM](#)

CHAIR MCCORMICK welcomed invited testimony.

[8:31:52 AM](#)

AOIBHEANN CLINE, Northwest Regional Director, National Rifle Association (NRA), expressed support of HB 61 on behalf of the "NRA's tens of thousands of members in Alaska." She argued that the proposed bill would protect citizens from government infringement under the declaration of an emergency disaster. She explained that the bill would provide an effective approach to balance economic rights and local control.

[8:35:47 AM](#)

REPRESENTATIVE MCCABE, as heard in the sectional analysis, pointed out that gun store owners do not want to be singled out, but request equity in their treatment with other businesses. He pointed out an unnamed gun rights activist group that is in opposition to HB 61 because of this item, and he asked for confirmation that NRA is in support of HB 61 because it is a

"holistic" bill; it does not single out or give preferential treatment to gun stores.

MS. CLINE replied that is correct, as the bill reinforces that the firearms industry would not be singled out from other forms of commerce.

[8:37:53 AM](#)

REPRESENTATIVE RUFFRIDGE pointed out page 1, line 8 of the bill, which referenced forbidding the possession, use, or transfer of firearms. He requested that Ms. Cline speak on this prohibition during a disaster.

[8:38:34 AM](#)

MS. CLINE explained that the bill would not change current state law. She continued that in an emergency it would allow [local governments] to not add new "colors of control" and change where firearms cannot be carried.

[8:40:36 AM](#)

REPRESENTATIVE HIMSCHOOT referenced the COVID-19 shutdown in Anchorage and asked for clarity on whether gun sale facilities should be added to the list of essentials.

MR. ST. CLAIR replied there should not be a list, as "it is either all or nothing." In response to a follow-up question, he stated that emergency services should be open regardless. He continued that there is a difference between government services and private industry.

[8:42:23 AM](#)

[HB 61 was held over.]

[8:42:51 AM](#)

The committee took an at-ease from 8:42 a.m. to 8:46 a.m.

HB 17-CONTRACEPTIVES COVERAGE;INSURE;MED ASSIST

[8:46:55 AM](#)

CHAIR MCCORMICK announced that the next order of business would be HOUSE BILL NO. 17, "An Act relating to insurance coverage for

contraceptives and related services; relating to medical assistance coverage for contraceptives and related services; and providing for an effective date." [Before the committee was CSHB 17(HSS).]

[8:47:12 AM](#)

REPRESENTATIVE ASHLEY CARRICK, Alaska State Legislature, as prime sponsor, presented CSHB 17(HSS). She stated that currently there are 28 states which require health insurance plans regulated by the state to cover contraceptive prescription drugs and devices, as laid out in the 2010 Affordable Care Act. As recommended by the Institute of Medicine and defined by the U.S. Health Resources and Services Administration, she stated that women's preventative services include all contraceptives approved by the Federal Drug Administration. Preventative services also include patient education and counseling, as prescribed by a health care provider. She stated that this is collectively referred to as contraceptive services, which are required to be covered by health insurance by federal law.

REPRESENTATIVE CARRICK stated that furthermore, 22 states and the District of Columbia allow women to receive a 12-month extended supply of contraception at one time. She stated that the proposed legislation would put language into statute which aligns with the federal contraceptive coverage guarantee. It also allows up to a 12-month supply of prescription contraceptives. She explained that this would allow women in rural communities and those who work extended shifts in remote locations a continuous supply of contraception. She stated that studies show providing a one-year supply of prescription contraceptives, compared to a 3-month supply, reduces unintended pregnancies by 30 percent and drops the likelihood of abortion by 46 percent.

REPRESENTATIVE CARRICK argued that the proposed legislation would also save the state money, pointing out that a prior fiscal note had estimated an annual savings of \$1.35 million because of the reduction in unplanned pregnancies. She continued that currently obtaining contraception can be time consuming; however, she maintained that improved access would mean improved health for women and families. She stated that the proposed legislation would take away insurance coverage as a barrier to access. She added that the bill could also protect women in the presence of domestic violence, in terms of contraceptive cohesion. She argued the benefits of

contraception for family and societal health and urged support for the bill.

[8:51:59 AM](#)

CHERIE BOWMAN, Staff, Representative Ashley Carrick, Alaska State Legislature, on behalf of Representative Carrick, prime sponsor, gave the sectional analysis on CSHB 17(HSS) [included in the committee packet], which read as follows [original punctuation provided]:

Section 1

AS 21.42.427. Coverage for contraceptives. Amends AS 21.42 by adding a new section which (1) requires a health care insurer to provide coverage for prescription contraceptives and medical services necessary for those products or devices (including over-the-counter emergency contraception that was obtained without a prescription); (2) requires reimbursement to a health care provider or dispensing entity for dispensing prescription contraceptives intended to last for a 12-month period for subsequent dispensing; (3) prevents an insurer from offsetting the costs of compliance; (4) prevents an insurer from restricting or delaying coverage for contraceptives; (5) if the provider recommends a particular service or FDA-approved item based on a determination of medical necessity, the plan or issuer must cover that service or item without cost sharing; and (6) exempts religious employers if certain criteria are met.

Section 2

AS 29.10.200. Limitation of home rule powers. Amends AS 29.10.200 by adding a provision applying to home rule municipalities.

Section 3

AS 29.20.420. Health insurance policies. Amends AS 29.20 by adding a new section clarifying that municipal health care insurance plans that are self-insured are subject to the requirements of sec. 1.

Section 4

AS 39.30.090. Procurement of group insurance. Clarifies that a group health insurance policy covering employees of a participating governmental unit is subject to the requirements of sec. 1.

Section 5

AS 39.30.091. Authorization for self-insurance and excess loss insurance. Clarifies that a self-insured group medical plan covering active state employees provided under this section is subject to the requirements of sec. 1.

Section 6

AS 47.07.065. Payment for prescribed drugs. Requires the Department of Health to pay for prescription contraceptives intended to last for a 12-month period for subsequent dispensing for eligible recipients of medical assistance, if prescribed to and requested by the recipient, as well as medical services necessary for those products or devices. Distributed by the Office of Representative Ashley Carrick 1.25.2023 2 The Department of Health must also provide coverage for over-the-counter emergency contraception that was obtained without a prescription.

Section 7

Uncodified law - applicability Requires the Department of Health to immediately amend and submit for federal approval a state plan for medical assistance coverage consistent with sec. 6 of this Act.

Section 8

Uncodified law - applicability Makes sec. 6 of the Act conditional on the approval required under sec. 7 of the Act.

Section 9

If, under sec. 8 of this Act, sec. 6 of this Act takes effect, it takes effect on the day after the date the revisor of statutes receives notice from the commissioner of health under sec. 8 of this Act.

[8:56:17 AM](#)

REPRESENTATIVE MCCABE advised that women have expressed concerns that during a 12-month prescription, birth control may become ineffective, as body chemistry could change.

REPRESENTATIVE CARRICK responded that medical providers have full control over what is believed to be the right prescription for the individual. She expressed the opinion that most

providers would prescribe only a few months and then conduct a follow-up.

[8:58:04 AM](#)

REPRESENTATIVE MCCABE reiterated the concern that had been relayed to him and asked Representative Ruffridge, who has a background in pharmacy, to address this.

REPRESENTATIVE RUFFRIDGE explained that oral contraception is never 100 percent effective, and low dose versions are rigid in how they must be taken. He confirmed there are very few alterations to body chemistry which would affect contraception in general. He advised that CSHB 17(HSS) could help cover gaps because, in the pharmacy setting, some of the emergency prescriptions are for women who did not realize a refill was needed. This could result in the possibility of a skip in the low dose medication.

[9:01:21 AM](#)

REPRESENTATIVE MCKAY expressed the understanding that currently if a female explains an extended absence to the doctor, and she requests a 12-month prescription, the insurance will not pay for it.

REPRESENTATIVE CARRICK responded that this is the gap the proposed legislation would fix. Women would be allowed extended prescriptions, as opposed to shorter prescriptions, and the prescriptions would be covered under insurance.

[9:03:27 AM](#)

REPRESENTATIVE MEARS commented on her own prescriptions and having them filled before coming to Juneau for the duration of the legislative session. Her perception of the bill is that it would bring contraceptives on par with other medications.

REPRESENTATIVE CARRICK replied that this is correct.

[9:04:40 AM](#)

LORI WING-HEIER, Director, Division of Insurance, Department of Commerce, Community, and Economic Development, clarified that insurance would not "get in the middle" of a provider, and the provider would not be stopped from having responsibility to a patient. She expressed the understanding that the proposed

legislation would allow that, once a contraceptive is prescribed, the patient would have the ability to get a 12-month supply. She advised that it would be a convenience for women to get prescriptions for longer periods in relation to extended absences because of work, travel, or other reasons. She noted there have been no rebuttals from insurance companies over CSHB 17(HSS).

[9:07:07 AM](#)

REPRESENTATIVE HIMSCHOOT commented that the bill is decades overdue, and, for example, it would help the women in Southeast Alaska who go out on extended fishing trips.

[9:07:45 AM](#)

REPRESENTATIVE MEARS echoed the sentiments of Representative Himschoot.

[9:08:03 AM](#)

REPRESENTATIVE CARRICK described CSHB 17(HSS) as an insurance bill at its core, as it would not change contraception coverage or the relationship with the provider; however, it would change what happens at the pharmacy once a patient has a prescription. She alluded to opposition to the bill and encouraged these people to speak with her and her staff on the purpose of this legislation.

[9:09:17 AM](#)

[CSHB 17(HSS) was held over.]

[9:09:42 AM](#)

The committee took an at-ease from 9:09 a.m. to 9:15 a.m.

HB 78-AK COMMUNITY HEALTH AIDE APPRECIATION DAY

[9:15:03 AM](#)

CHAIR MCCORMICK announced that the final order of business would be HOUSE BILL NO. 78, "An Act establishing September 10 as Alaska Community Health Aide Appreciation Day."

[9:15:32 AM](#)

CALLAN CHYTHLOOK-SIFSOF, Staff, Representative CJ McCormick, Alaska State Legislature, on behalf of Representative McCormick, prime sponsor, reviewed HB 78 and reiterated that the role of health aides in Alaska is immense and cannot be understated. Their jobs are 24 hours a day and they provide medical treatment and coordinate with doctors and nurses to provide all aspects of health care.

[9:16:55 AM](#)

CHAIR MCCORMICK opened public testimony on HB 78.

[9:17:16 AM](#)

NANCY BALE, School Nurse, Anchorage School District, testified in support of HB 78 and provided her background. She explained that the community health aides perform many functions of a school nurse; they are unsung heroes who are never off [of work], and this is something very much worth appreciating.

[9:19:23 AM](#)

CHAIR MCCORMICK, after ascertaining that there was no one else who wished to testify, closed public testimony on HB 78.

[9:20:40 AM](#)

REPRESENTATIVE MCCABE moved to report HB 78 out of committee with individual recommendations and the attached zero fiscal note. [The motion was made to move HB 78, "as amended;" however there were no amendments passed on the legislation.]

[9:20:56 AM](#)

REPRESENTATIVE RUFFRIDGE objected for the purpose of discussion. He commented that it is important to know about others' lives and the places they live.

REPRESENTATIVE RUFFRIDGE withdrew his objection.

[9:21:36 AM](#)

REPRESENTATIVE MCCABE thanked Chair McCormick for bringing the bill forward, as it raises awareness.

[9:22:26 AM](#)

REPRESENTATIVE HIMSCHOOT commented on her mother, who was a registered nurse, and she related that the highlight of her mother's career was training village health aides.

[9:23:20 AM](#)

REPRESENTATIVE RUFFRIDGE withdrew his objection. There being no further objection, HB 78 was reported out of the House Community and Regional Affairs Standing Committee.

[9:23:54 AM](#)

The committee took an at-ease from 9:23 a.m. to 9:26 a.m.

[9:26:59 AM](#)

CHAIR MCCORMICK thanked his staff and discussed upcoming agendas.

[9:27:49 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Community and Regional Affairs Standing Committee was adjourned at 9:28 a.m.