

ALASKA STATE LEGISLATURE
SENATE LABOR AND COMMERCE STANDING COMMITTEE

May 1, 2024

4:02 p.m.

MEMBERS PRESENT

Senator Jesse Bjorkman, Chair

Senator Elvi Gray-Jackson

Senator Kelly Merrick

MEMBERS ABSENT

Senator Click Bishop, Vice Chair

Senator Forrest Dunbar

COMMITTEE CALENDAR

HOUSE BILL NO. 237

"An Act relating to temporary permits for nurses with lapsed licenses."

- HEARD & HELD

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 97(JUD) AM

"An Act relating to self-storage facilities for personal property, including vehicles and watercraft; distinguishing self-storage facility liens from another type of storage lien; and excluding self-storage liens from the treatment of certain unclaimed property."

- MOVED SCS CSHB 97(L&C) OUT OF COMMITTEE

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 29(JUD) AM

"An Act prohibiting certain insurance decisions based solely on a person's status as an elected official."

- MOVED SCS CSHB 29(L&C) OUT OF COMMITTEE

HOUSE BILL NO. 309

"An Act relating to the practice of optometry; and relating to the delegation of routine services of optometry."

- HEARD & HELD

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 254 (JUD) AM

"An Act relating to minors and the Internet; and relating to use of social media by minors."

- HEARD & HELD

HOUSE BILL NO. 226

"An Act relating to the Board of Pharmacy; relating to insurance; relating to pharmacies; relating to pharmacists; relating to pharmacy benefits managers; relating to patient choice of pharmacy; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

HOUSE BILL NO. 285

"An Act relating to insurance; relating to mammograms; and providing for an effective date."

- BILL HEARING CANCELED

PREVIOUS COMMITTEE ACTION

BILL: HB 237

SHORT TITLE: TEMPORARY PERMIT FOR LAPSED NURSE LICENSE

SPONSOR(S): REPRESENTATIVE(S) PRAX

01/16/24	(H)	PREFILE RELEASED 1/8/24
01/16/24	(H)	READ THE FIRST TIME - REFERRALS
01/16/24	(H)	L&C
02/02/24	(H)	L&C AT 3:15 PM BARNES 124
02/02/24	(H)	<Bill Hearing Rescheduled to 02/05/24>
02/05/24	(H)	L&C AT 3:15 PM BARNES 124
02/05/24	(H)	Heard & Held
02/05/24	(H)	MINUTE(L&C)
02/19/24	(H)	L&C AT 4:15 PM BARNES 124
02/19/24	(H)	-- MEETING CANCELED --
02/26/24	(H)	L&C AT 3:15 PM BARNES 124
02/26/24	(H)	Moved HB 237 Out of Committee
02/26/24	(H)	MINUTE(L&C)
03/01/24	(H)	L&C RPT 5DP 1NR
03/01/24	(H)	DP: CARRICK, PRAX, WRIGHT, RUFFRIDGE, SUMNER
03/01/24	(H)	NR: FIELDS
03/13/24	(H)	TRANSMITTED TO (S)
03/13/24	(H)	VERSION: HB 237
03/15/24	(S)	READ THE FIRST TIME - REFERRALS
03/15/24	(S)	L&C

05/01/24 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)

BILL: HB 97

SHORT TITLE: SELF-STORAGE UNITS: LIENS; SALES

SPONSOR(S): REPRESENTATIVE(S) PRAX

03/06/23 (H) READ THE FIRST TIME - REFERRALS
03/06/23 (H) L&C, JUD
03/24/23 (H) L&C AT 3:15 PM BARNES 124
03/24/23 (H) Heard & Held
03/24/23 (H) MINUTE(L&C)
04/14/23 (H) L&C AT 3:15 PM BARNES 124
04/14/23 (H) Heard & Held
04/14/23 (H) MINUTE(L&C)
05/01/23 (H) L&C AT 3:15 PM BARNES 124
05/01/23 (H) Heard & Held
05/01/23 (H) MINUTE(L&C)
05/03/23 (H) L&C AT 3:15 PM BARNES 124
05/03/23 (H) Moved CSHB 97(L&C) Out of Committee
05/03/23 (H) MINUTE(L&C)
05/08/23 (H) L&C RPT CS(L&C) 4DP 2AM
05/08/23 (H) DP: PRAX, WRIGHT, SADDLER, RUFFRIDGE
05/08/23 (H) AM: FIELDS, CARRICK
02/05/24 (H) JUD AT 1:30 PM GRUENBERG 120
02/05/24 (H) Heard & Held
02/05/24 (H) MINUTE(JUD)
02/07/24 (H) JUD AT 1:00 PM GRUENBERG 120
02/07/24 (H) Heard & Held
02/07/24 (H) MINUTE(JUD)
02/09/24 (H) JUD AT 1:30 PM GRUENBERG 120
02/09/24 (H) <Bill Hearing Canceled>
02/14/24 (H) JUD AT 1:00 PM GRUENBERG 120
02/14/24 (H) Moved CSHB 97(JUD) Out of Committee
02/14/24 (H) MINUTE(JUD)
02/15/24 (H) JUD RPT CS(JUD) 4DP 2NR
02/15/24 (H) DP: CARPENTER, SUMNER, ALLARD, VANCE
02/15/24 (H) NR: GRAY, GROH
03/21/24 (H) TRANSMITTED TO (S)
03/21/24 (H) VERSION: CSHB 97(JUD) AM
03/22/24 (S) READ THE FIRST TIME - REFERRALS
03/22/24 (S) L&C, JUD
04/08/24 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
04/08/24 (S) Heard & Held
04/08/24 (S) MINUTE(L&C)
04/24/24 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
04/24/24 (S) Heard & Held
04/24/24 (S) MINUTE(L&C)

05/01/24 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)

BILL: HB 29

SHORT TITLE: INSURANCE DISCRIMINATION

SPONSOR(S): REPRESENTATIVE(S) MCCABE

01/19/23 (H) PREFILE RELEASED 1/9/23
01/19/23 (H) READ THE FIRST TIME - REFERRALS
01/19/23 (H) L&C, JUD
02/10/23 (H) L&C AT 3:15 PM BARNES 124
02/10/23 (H) Heard & Held
02/10/23 (H) MINUTE(L&C)
02/17/23 (H) L&C AT 3:15 PM BARNES 124
02/17/23 (H) Heard & Held
02/17/23 (H) MINUTE(L&C)
03/03/23 (H) L&C AT 3:15 PM BARNES 124
03/03/23 (H) <Bill Hearing Canceled>
03/06/23 (H) L&C AT 3:15 PM BARNES 124
03/06/23 (H) Moved CSHB 29(L&C) Out of Committee
03/06/23 (H) MINUTE(L&C)
03/08/23 (H) L&C RPT CS(L&C) 1DP 1DNP 5NR
03/08/23 (H) DP: CARRICK
03/08/23 (H) DNP: FIELDS
03/08/23 (H) NR: PRAX, WRIGHT, SADDLER, RUFFRIDGE,
SUMNER
04/28/23 (H) JUD AT 1:00 PM GRUENBERG 120
04/28/23 (H) Heard & Held
04/28/23 (H) MINUTE(JUD)
05/03/23 (H) JUD AT 1:00 PM GRUENBERG 120
05/03/23 (H) Moved CSHB 29(JUD) Out of Committee
05/03/23 (H) MINUTE(JUD)
05/08/23 (H) JUD RPT CS(JUD) NEW TITLE 3DP 1DNP 2NR
1AM
05/08/23 (H) DP: C.JOHNSON, ALLARD, VANCE
05/08/23 (H) DNP: EASTMAN
05/08/23 (H) NR: GROH, CARPENTER
05/08/23 (H) AM: GRAY
05/13/23 (H) TRANSMITTED TO (S)
05/13/23 (H) VERSION: CSHB 29(JUD) AM
05/15/23 (S) READ THE FIRST TIME - REFERRALS
05/15/23 (S) L&C, JUD
04/24/24 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
04/24/24 (S) Heard & Held
04/24/24 (S) MINUTE(L&C)
05/01/24 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)

BILL: HB 309

SHORT TITLE: DELEGATION OF ROUTINE OPTOMETRY SERVICES
SPONSOR(s): REPRESENTATIVE(s) RUFFRIDGE

02/07/24	(H)	READ THE FIRST TIME - REFERRALS
02/07/24	(H)	HSS, L&C
03/21/24	(H)	HSS AT 3:00 PM DAVIS 106
03/21/24	(H)	Heard & Held
03/21/24	(H)	MINUTE(HSS)
03/28/24	(H)	HSS AT 3:00 PM DAVIS 106
03/28/24	(H)	Moved HB 309 Out of Committee
03/28/24	(H)	MINUTE(HSS)
04/01/24	(H)	HSS RPT 3DP 2NR
04/01/24	(H)	DP: RUFFRIDGE, MCCORMICK, PRAX
04/01/24	(H)	NR: FIELDS, MINA
04/08/24	(H)	L&C AT 3:15 PM BARNES 124
04/08/24	(H)	Heard & Held
04/08/24	(H)	MINUTE(L&C)
04/12/24	(H)	L&C AT 3:15 PM BARNES 124
04/12/24	(H)	Moved HB 309 Out of Committee
04/12/24	(H)	MINUTE(L&C)
04/15/24	(H)	L&C RPT 4DP 2NR
04/15/24	(H)	DP: PRAX, WRIGHT, RUFFRIDGE, SUMNER
04/15/24	(H)	NR: CARRICK, FIELDS
04/24/24	(H)	TRANSMITTED TO (S)
04/24/24	(H)	VERSION: HB 309
04/26/24	(S)	READ THE FIRST TIME - REFERRALS
04/26/24	(S)	L&C
05/01/24	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)

BILL: HB 254

SHORT TITLE: BLOCK PORNOGRAPHY TO MINORS; SOCIAL MEDIA
SPONSOR(s): REPRESENTATIVE(s) VANCE

01/16/24	(H)	PREFILE RELEASED 1/12/24
01/16/24	(H)	READ THE FIRST TIME - REFERRALS
01/16/24	(H)	L&C, JUD
01/31/24	(H)	L&C AT 3:15 PM BARNES 124
01/31/24	(H)	Heard & Held
01/31/24	(H)	MINUTE(L&C)
03/06/24	(H)	L&C AT 3:15 PM BARNES 124
03/06/24	(H)	Heard & Held
03/06/24	(H)	MINUTE(L&C)
03/11/24	(H)	L&C AT 3:15 PM BARNES 124
03/11/24	(H)	Moved HB 254 Out of Committee
03/11/24	(H)	MINUTE(L&C)
03/13/24	(H)	L&C RPT 1DP 1DNP 3NR 1AM
03/13/24	(H)	DP: SADDLER

03/13/24 (H) DNP: CARRICK
03/13/24 (H) NR: PRAX, WRIGHT, RUFFRIDGE
03/13/24 (H) AM: FIELDS
03/13/24 (H) JUD AT 1:00 PM GRUENBERG 120
03/13/24 (H) Heard & Held
03/13/24 (H) MINUTE(JUD)
03/15/24 (H) JUD AT 1:00 PM GRUENBERG 120
03/15/24 (H) Heard & Held
03/15/24 (H) MINUTE(JUD)
03/18/24 (H) JUD AT 1:00 PM GRUENBERG 120
03/18/24 (H) Moved CSHB 254(JUD) Out of Committee
03/18/24 (H) MINUTE(JUD)
03/20/24 (H) JUD RPT CS(JUD) 4DP 1DNP 1NR
03/20/24 (H) DP: C.JOHNSON, CARPENTER, ALLARD, VANCE
03/20/24 (H) DNP: GRAY
03/20/24 (H) NR: GROH
04/26/24 (H) TRANSMITTED TO (S)
04/26/24 (H) VERSION: CSHB 254(JUD) AM
04/29/24 (S) READ THE FIRST TIME - REFERRALS
04/29/24 (S) L&C, JUD, FIN
05/01/24 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

RILEY NYE, Staff
Representative Mike Prax
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced HB 237 on behalf of the sponsor.

SYLVAN ROBB, Director
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community and Economic Development
(DCCED)
Juneau, Alaska

POSITION STATEMENT: Answered questions during the discussion of HB 237.

ERICK CORDERO, Staff
Representative Mike Prax
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions on HB 97 on behalf of the sponsor.

KONRAD JACKSON, Staff
Senator Jesse Bjorkman

Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Explained Amendment 1 to HB 29.

JAMES SEXTON, Staff
Representative Justin Ruffridge
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced HB 309 on behalf of the sponsor.

BRADLEY CROSS, Chair
State Board of Examiners in Optometry
Soldotna, Alaska

POSITION STATEMENT: Gave invited testimony in support of HB 309.

DAMIEN DELZER, O.D., President-Elect
Alaska Optometric Association
Fairbanks, Alaska

POSITION STATEMENT: Gave invited testimony in support of HB 309.

ELIZABETH STEVENS, Executive Director
Alaska Optometric Association
Anchorage, Alaska

POSITION STATEMENT: Gave invited testimony in support of HB 309.

ROBERT BALLINGER, Staff
Representative Sarah Vance
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Introduced HB 254 on behalf of the sponsor.

RICHARD DARR, Executive Director
National Decency Coalition
Nashville, Tennessee

POSITION STATEMENT: Gave invited testimony in support of HB 254.

ACTION NARRATIVE

[4:02:35 PM](#)

CHAIR JESSE BJORKMAN called the Senate Labor and Commerce Standing Committee meeting to order at 4:02 p.m. Present at the call to order were Senators Gray-Jackson, Merrick, and Chair Bjorkman.

HB 237-TEMPORARY PERMIT FOR LAPSED NURSE LICENSE

[4:03:40 PM](#)

CHAIR BJORKMAN announced the consideration of HOUSE BILL NO. 237 "An Act relating to temporary permits for nurses with lapsed licenses."

[4:04:02 PM](#)

RILEY NYE, Staff, Representative Mike Prax, Alaska State Legislature, Juneau, Alaska, said HB 237 would provide for temporary permits for nurses with lapsed licenses. The bill would amend AS 08.68.210, which is the temporary permits statute, to allow the Board of Nursing to issue a temporary permit to a person applying for reinstatement of a lapsed license, as long as the person meets the same requirements as a person applying for license by examination. A person with a lapsed Alaska nursing license met all of Alaska's nursing license requirements when they first applied. Those seeking license reinstatements go through the same licensing steps as a person applying for an Alaska nursing license for the first time, through the license by examination process as provided by AS 08.68.210, (b). For this reason, he said, it poses no greater risk to the public to issue a temporary permit to practice to a person seeking license reinstatement than it would to issue a temporary permit to a person applying for an Alaska nursing license for the first time. The public interest in having more nurses actively practicing the profession in Alaska is served by issuing a temporary permit to practice in either case. He noted there is broad consensus that Alaskans are currently suffering the consequences of a shortage of actively practicing nurses. He encouraged the passage of HB 237 as quickly as possible.

[4:06:01 PM](#)

CHAIR BJORKMAN invited Ms. Robb to answer questions. He asked how the process would work [under HB 237] for a nurse with a lapsed license.

[4:06:32 PM](#)

SYLVAN ROBB, Director, Division of Corporations, Business and Professional Licensing, Department of Commerce, Community and Economic Development (DCCED), Juneau, Alaska, answered that HB 237 provides a technical fix allowing nurses with lapsed licenses to obtain a temporary license while awaiting necessary documentation for permanent reinstatement. She said the process involves submitting a form, paying a fee, and then gathering and submitting the remaining required documentation. Once a subset of the required documentation is received and deemed acceptable by the board, the nurse can obtain a temporary license and start working. She noted that obtaining documentation directly from

institutions or employers may not always be a priority, which can delay the process.

[4:07:45 PM](#)

CHAIR BJORKMAN asked whether the renewal process would be available through an easy to use, online licensing portal containing the data of previously licensed nurses.

[4:08:13 PM](#)

MS. ROBB replied that it was relatively easy. All nursing applications were available online. She noted there were requirements to provide documentation of continuing education and other requirements to ensure they were prepared to practice safely.

[4:08:49 PM](#)

CHAIR BJORKMAN held HB 237 in committee.

HB 97-SELF-STORAGE UNITS: LIENS; SALES

[4:08:59 PM](#)

CHAIR BJORKMAN announced the consideration of CS FOR HOUSE BILL NO. 97(JUD) am "An Act relating to self-storage facilities for personal property, including vehicles and watercraft; distinguishing self-storage facility liens from another type of storage lien; and excluding self-storage liens from the treatment of certain unclaimed property."

[Before the committee is SCS CSHB 97, work order 33-LS0392\R.]

[4:09:56 PM](#)

CHAIR BJORKMAN drew attention to HB 97, page 2, lines 26-27, and said "default" is broadly defined. He asked for a description of the experience for a storage space renter who fails to pay the rent for the space. He asked when the owner of the storage space could deny access to a renter.

[4:10:46 PM](#)

ERICK CORDERO, Staff, Representative Mike Prax, Alaska State Legislature, Juneau, Alaska, answered that the owner could deny access after the first notice and until they receive payment. He said the owner cannot dispose of the property or sell the property until after the second notice. According to HB 97, after the first default, an owner can deny access and if the renter doesn't comply within 20 days, the owner could dispose of the property.

[4:12:00 PM](#)

CHAIR BJORKMAN asked if that would be for someone who is ten days late to pay their rent.

[4:12:05 PM](#)

MR. CORDERRO replied that ten days would be for the first notice; however, he noted this was a guideline. He said a storage facility owner can wait longer than that if they wish. He said that this was a concern expressed by a [self-storage facility] owner and he pointed out that HB 97 does not prohibit owners from extending [the time for payment to be received].

[4:12:30 PM](#)

CHAIR BJORKMAN solicited a motion.

[4:12:37 PM](#)

SENATOR GRAY-JACKSON moved to report SCS CSHB 97, work order 33-LS0392\R, from committee with individual recommendations and attached zero fiscal note(s).

[4:12:54 PM](#)

CHAIR BJORKMAN found no objection and SCS CSHB 97(L&C) was reported from the Senate Labor and Commerce Standing Committee.

[4:13:04 PM](#)

At ease.

HB 29-INSURANCE DISCRIMINATION

[4:15:17 PM](#)

CHAIR BJORKMAN reconvened the meeting and announced the consideration of CS FOR HOUSE BILL NO. 29(JUD) am "An Act prohibiting certain insurance decisions based solely on a person's status as an elected official."

[4:15:43 PM](#)

CHAIR BJORKMAN opened public testimony on HB 29; finding none, he closed public testimony.

[4:16:34 PM](#)

CHAIR BJORKMAN solicited a motion.

[4:16:36 PM](#)

SENATOR GRAY-JACKSON moved to adopt Amendment 1, work order 33-LS0272\U.A.1.

33-LS0272\U.A.1

AMENDMENT 1

OFFERED IN THE SENATE
TO: CSHB 29(JUD) am

Page 2, line 7, following "governor,":
Insert "a member of the state's congressional
delegation,"

[4:16:46 PM](#)

CHAIR BJORKMAN objected for purposes of explanation.

[4:16:58 PM](#)

KONRAD JACKSON, Staff, Senator Jesse Bjorkman, Alaska State Legislature, Juneau, Alaska, said U.A.1 corrects an oversight by adding "a member of the state's congressional delegation" to the definition of elected officials.

[4:17:37 PM](#)

CHAIR BJORKMAN removed his objection. He found no further objection, and Amendment 1 was adopted.

[4:17:57 PM](#)

CHAIR BJORKMAN solicited the will of the committee.

[4:17:59 PM](#)

SENATOR GRAY-JACKSON moved to report CSHB 29(JUD) am, work order 33-LS0272\U.A, as amended, from committee with individual recommendations and attached fiscal note(s).

[4:18:16 PM](#)

CHAIR BJORKMAN found no objection and SCS CSHB 29(L&C) was reported from the Senate Labor and Commerce Standing Committee.

[4:18:26 PM](#)

At ease.

HB 309-DELEGATION OF ROUTINE OPTOMETRY SERVICES

[4:20:18 PM](#)

CHAIR BJORKMAN announced the consideration of HOUSE BILL NO. 309 "An Act relating to the practice of optometry; and relating to the delegation of routine services of optometry."

[4:20:55 PM](#)

JAMES SEXTON, Staff, Representative Justin Ruffridge, Alaska State Legislature, Juneau, Alaska, gave a brief overview of HB 309 and it's beneficial impacts on optometry practices.

[Original punctuation provided.]

MR. SEXTON moved to slide 2, and explained that a review of optometric practices revealed that there was not statutory language allowing delegation of optometric tasks.

Issue

- Optometric practices do not have current statute language to allow the Board of Examiners of Optometry to regulate delegation of routine tasks to Optometric Technicians and Assistants
- Delegation of basic routine tasks are standard practice in other health professions licensed in Alaska, as well as optometric practices nationwide
- Without this authority, Optometrists would be required to perform all preliminary and ancillary testing on each patient, which would greatly restrict access to care.

[4:22:16 PM](#)

MR. SEXTON moved to slide 3, and discussed a partial list of occupations whose boards grant them the ability, through statute, to delegate routine tasks. He noted that the field of ophthalmology was granted the ability to delegate routine tasks, but somehow optometry was not included in statute regarding routine medical duties.

[Original punctuation provided.]

Other Healthcare professions in Alaska:

- Professions in Alaska that have solved this problem with incorporating delegation authority include:
- Medical Doctors, Doctor of Osteopathic Medicine, Podiatry, Physician Assistants (08.64.106)

- Dental (08.32.346)
- Veterinary (08.98.050 (9,B))
- Pharmacy (08.80.030,(9))
- Chiropractic (08.20.168)

[4:22:52 PM](#)

MR. SEXTON moved to slide 4, and discussed the tasks optometrists routinely delegate, noting that the optometrists do not delegate the reading and interpretation of test results to support staff and that HB 309 would not absolve the optometrist of their responsibilities.

[Original punctuation provided.]

Examples of routine tasks

- Initial patient medical history and reason for visit
- Initial assessment of vision and current prescription verification
- Blood pressure screenings and automated measurements of the eye
- Ocular photography and digital imaging for review by the doctor
- Assisting in medication refills
- Performing peripheral vision testing for interpretation by the doctor

[4:23:24 PM](#)

MR. SEXTON moved to slide 5 and said HB 309 seeks to correct the omission of delegation authority for optometrists in statutory language in order to maintain efficiency and effectiveness of normal optometric office visits.

[Original punctuation provided.]

Current challenges

- In the absence of the ability to delegate tasks, Optometry will be less efficient and effective at meeting the demand of patient care that exists in the state currently.
- Optometry is projected to grow in the future.
- Adding a logistical and financial burden to current and future Optometrists may contribute to the shortage of healthcare professionals.

[4:23:38 PM](#)

MR. SEXTON moved to slide 6 and discussed the expected impacts of HB 309.

[Original punctuation provided.]

HB 309 impacts

- This bill will have no impact on billing practices and will not increase costs to the patient population.
- The impact of passing this bill will be to ensure that patients continue to receive appropriate and effective care supervised by licensed Optometric Physicians in Alaska.

[4:23:57 PM](#)

MR. SEXTON moved to slide 7 and described support for HB 309, which would allow delegation of routine tasks for optometry as is statutorily supported for other health professions.

[Original punctuation provided.]

Support

- The Alaska Optometric Association supports this legislative approach and action.
- HB 309 brings Optometrists in line with other health related professions in Alaska.

[4:24:30 PM](#)

CHAIR BJORKMAN announced invited testimony for HB 309.

[4:24:41 PM](#)

BRADLEY CROSS, Chair, State Board of Examiners in Optometry, Soldotna, Alaska, gave invited testimony in support of HB 309. He said optometry was responsible for the majority of primary eye care in the state of Alaska, and optometrists have grown as a profession to accommodate the needs of Alaskans, urban and rural. He said remote eye care necessitated skilled practitioners who have a scope of practice that ensured adequate care. He stated that the optometric profession, the state board, the state association, and state legislators, understand and believe that statement and that Optometry had shown itself to be economically beneficial to our population, [as well as] safe, sustainable and directly accountable to the State Board, who, in turn, is accountable to the legislature.

DR. CROSS said the need for an addition to the State Board [of Examiners in Optometry] statutes was discovered during a 2023 regulation project relating to telehealth. He acknowledged the help of Representative Ruffridge and staff to create a simple and clear solution. HB 309 will spell out that an optometrist can delegate ancillary testing to an assistant or a technician. He compared HB 309 with similar legislation for dentistry, medicine, chiropractic, veterinary medicine and others. He said it was commonplace in optometry practices across the country to utilize technicians in the daily patient flow allowing for more efficient use of resources within the practice thereby improving access to care. He noted that the population in Alaska was aging, and the number of providers was decreasing; HB 309 would allow optometrists to practice at an efficient level. He said this was more important than ever before; with our older population, more diseases were present requiring more imaging, more visual field testing and more frequent visits than a younger population would demand. He said the inclusion of HB 309 will ensure that optometrists have the backing of state statutes to provide a high level of care for the patient base that is in most need of these services. As training and demographics change over time, optometrists practice more and more medical eye care. He said to catch up with the change in the dynamic of how optometry is functioning, it's time to specifically delegate these tasks to optometric technicians in our statutes. On behalf of the Board of Examiners in Optometry he thanked the committee for considering HB 309.

[4:27:40 PM](#)

DAMIEN DELZER, O.D., President-Elect, Alaska Optometric Association, Fairbanks, Alaska, gave invited testimony in support of HB 309. He said the bill was requested by the board

of examiners and optometry due to a recent research opinion by the Department of Law. The opinion was that the statute needed clarification regarding ongoing delegation of routine pretesting by optometric assistants. He explained that Optometry has utilized assistants as standard of care and as an industry standard practice for decades, preceding his graduate professional education. He said he utilized assistants for the entirety of his 30 years plus career in Alaska, as well as previously in the armed forces. He said many states recognized this long standing industry standard and the use of assistants is a foregone conclusion in the delivery of eye care, not requiring any specific statute language. In many states, including other states where he held licenses, such as North Dakota and Montana, it was an implied practice, much like we have done here for many decades in Alaska. He pointed out that assistants improve access to all types of medical care, as was earlier presented and specific Alaska statutes addressed this across nearly all healthcare fields. He said the utilization of optometric assistants is universal throughout optometric practices in all states, helping to decrease costs and improve patient access. He noted optometric assistants will often perform routine pre-testing tasks under the supervision of a licensed doctor. These tasks include things such as visual acuity, like you might have done at the Department of Motor Vehicles, glasses, measurements, documentation and medical issues, current and past, as well as medications, allergies, photography and other non-invasive tests. Assistants receive nearly all their training on-the-job under the careful supervision of licensed professionals as well as seasoned and experienced supervisors, similar to most trades. As the assistant demonstrates their safety and proficiency, their responsibilities slowly expand, while always remaining subject to continuous oversight of the licensed doctor.

[4:30:10 PM](#)

DR. DELZER said this thoughtful and simple legislation will provide the statute clarification as recommended by the Department of Law to allow the crafting of regulatory language by the board to carefully regulate this ongoing delegation of safe, supervised, non-invasive assistance for busy practices, which in turn continues to improve access for the residents of Alaska to much needed eye care. Fortunately, the simple legislation would accomplish this in a manner that is recommended by Director Robb at no cost to the state, nor cost to the patients or their insurers. He said the Alaska Optometric Association and its membership fully support HB 309 and remain grateful to the sponsor, Representative Ruffridge, and to this

distinguished committee for the opportunity to promptly address this issue.

[4:31:25 PM](#)

ELIZABETH STEVENS, Executive Director, Alaska Optometric Association, Anchorage, Alaska, gave invited testimony in support of HB 309. She appreciated the opportunity to testify on behalf of over 100 optometric physicians who provide the majority of primary eye care statewide in both rural and urban communities. The Alaska Optometric Association strongly and enthusiastically supports HB 309 which would grant the Alaska Board of Examiners in Optometry the authority to draft regulations regarding the delegation of routine optometric services.

[4:32:29 PM](#)

CHAIR BJORKMAN held HB 309 in committee.

[4:32:35 PM](#)

At ease.

HB 254-BLOCK PORNOGRAPHY TO MINORS; SOCIAL MEDIA

[4:33:38 PM](#)

CHAIR BJORKMAN announced the consideration of CS FOR HOUSE BILL NO. 254(JUD) am "An Act relating to minors and the Internet; and relating to use of social media by minors."

[4:34:04 PM](#)

ROBERT BALLINGER, Staff, Representative Sarah Vance, Alaska State Legislature, Juneau, Alaska, introduced HB 254 on behalf of the sponsor.

[4:34:20 PM](#)

At ease.

[4:37:45 PM](#)

CHAIR BJORKMAN reconvened the meeting.

[4:38:02 PM](#)

MR. BALLINGER delivered a slideshow presentation titled "Prohibit Pornography to Minors". He said HB 254 began with a vision to limit access of minors to the worst material on the internet. He noted that several states have passed similar legislation that held up to challenges in federal court.

[4:38:31 PM](#)

MR. BALLINGER moved to slide 2, which listed letters of endorsement for HB 254:

- Ricky Darr on behalf of National Decency Coalition"
- Donna Rice Hughes on behalf of "Enough is Enough - Making the Internet Safer for Children and Families"
- Dr. Gail Dines on behalf of "Culture Reframed"

[4:38:42 PM](#)

MR. BALLINGER moved to slide 3, listing organizations that have conducted studies on Pornography:

- American Bar Association (ABA)
- American College of Pediatricians
- National Human Trafficking Hotline

[4:39:06 PM](#)

MR. BALLINGER moved to slide 4, highlighting the conclusions of two studies:

- American College of Pediatricians
 - Conclusions: Children suffer many negative effects due to modern society's exposure to and acceptance of pornography. These negative effects include mental disturbance and unrest for the young school age child, including acting out and violent behavior.
- American Bar Association:
 - Conclusion: Exposure to pornography harms children and youth by normalizing sexual violence, creating unrealistic expectations for intimate partners and relationships, and increasing the risk of addiction.

[4:39:46 PM](#)

MR. BALLINGER moved to slide 5, titled "Intersections between Pornography and Human Trafficking: Training Ideas and Implications" which highlighted the following findings:

- Pornography is the driving force behind the international sex trafficking industry. (MacKinnon, 2005)
- Traffickers are smart about their recruitment strategies and play on a person's "psychological variables" or vulnerabilities (Lutya, 2012, Ch. 5). Specifically, children and young teens have specific desires for acceptance, love, recognition and money, which makes them an easy target (Sager, 2012). Recruitment strategies often incorporate use of the Internet. For example, *cybergrooming* is a form of

grooming done online, with the intent to sexually exploit an individual (Wachs, et al., 2016). A predator no longer must physically lure and kidnap a teen, they are able to sit behind the comfort of a keyboard and exploit anyone available online (Humphreys, 2017).

[4:41:01 PM](#)

MR. BALLINGER moved to slide 6, titled "National Human Trafficking Hotline Data Report, Report 2021 - 12/31/2021", highlighting that pornography was the top-listed venue or industry of potential trafficking reported that year, with 7,499 situations reported, which was 72 percent of the total reports.

[4:41:15 PM](#)

MR. BALLINGER moved to slide 7, a map of the United States highlighting the 17 states that had pornography age limit laws similar to HB 254 already in place.

MR. BALLINGER noted that law suits had been filed challenging the age verification legislation in Louisiana, Utah and Texas. He said the suits in Louisiana and Utah were dismissed because of "lack of standing," but the Texas law was litigated and had reached the Supreme Court, which returned the case to the district court in Texas and the law was upheld there. He explained that HB 254 targets pornography that is "obscene material" which is not subject to First Amendment protections.

[4:42:49 PM](#)

MR. BALLINGER moved to slide 8, a map of the United States displaying the 16 additional states where legislation similar to HB 254 is under consideration.

[4:42:53 PM](#)

MR. BALLINGER moved to slide 9 displaying a Pornhub gateway for age verification required by the state of Louisiana and said the Louisiana legislation requires "a commercial, reasonable age verification system". He explained there were a number of ways to do this; most systems use an internet-based system accessing information available online. It may be necessary to upload an ID to provide age verification.

[4:43:47 PM](#)

MR. BALLINGER concluded the presentation and provided a brief overview of HB 254. He said there were three parts to HB 254:

- Age verification requirements to access pornography. A website whose content is one third or more pornography will

be required to use a commercially available age verification system. HB 254 would establish civil penalties for non-compliance.

- A grant to provide \$100 for parents to purchase and implement parental control software to limit minors' access to pornography. He noted the \$100 fee seemed high, but that was the maximum out there, and the fee would create a fiscal note that could stop HB 254 from passing. He said if the committee liked the grant feature, the sponsor would be willing to try to advance the bill with the grant attached.
- Protection for young teens (14 and under) by removing access to set up and maintain social media accounts or to access social media with parent permission (15 and older). He noted support for this feature of HB 254 and said it was from a Florida bill. He acknowledged that more material may be necessary for consistency of the application of age verification requirements.

[4:46:33 PM](#)

SENATOR GRAY-JACKSON sought clarification about how the age verification portal would work.

[4:46:39 PM](#)

MR. BALLINGER explained that age verification systems [proposed by HB 254] are similar to those used for online gambling or wine of the Month Clubs, where users must prove they are of legal age. He said the systems involve software providers that collect data from various sources to verify age, without the need for users to upload IDs and when ID is required, it can be uploaded securely and there are many software companies who offer these age verification services. He acknowledged the importance of protecting children's data.

[4:49:21 PM](#)

CHAIR BJORKMAN announced invited testimony on HB 254.

[4:49:34 PM](#)

RICHARD DARR, Executive Director, National Decency Coalition, Nashville, Tennessee, said HB 254 had great history, having passed in Louisiana in 2022 and survived court challenges. He noted 17 states had passed the bill. He said the problem right now is that children typically have access all the time to online pornography and according to the Kaiser Family Foundation, one in 10 sites remain accessible even when parental controls are in place. And according to [software company] Covenant Eyes, only 39 percent of parents actually utilize filtering software, which leaves 61 percent of children [with

internet access] exposed. He said all the data on first exposure [suggests it occurs] between the ages of eight and 12 years old.

MR. DARR spoke about continuing development and improvement of age verification software in states that passed similar legislation.

MR. DARR concluded that legislation like HB 254 was doing well against legal challenges and it was successfully allowing lawsuits against non-compliant pornographers in Texas. He affirmed the importance of the provision for investigative action by the state's attorney general to strengthen the bill's effectiveness. He encouraged the committee's support for HB 254.

[4:52:23 PM](#)

CHAIR BJORKMAN said the original intent of HB 254 was a good idea and a good way to ensure that the only people accessing porn on the Internet are adults. He said time was limited, and he wanted to focus on 'the possible' as the committee considers the bill.

CHAIR BJORKMAN held HB 254 in committee.

[4:53:48 PM](#)

There being no further business to come before the committee, Chair Bjorkman adjourned the Senate Labor and Commerce Standing Committee meeting at 4:53 p.m.