

**Public Employees' Retirement System  
Board of Administration  
2019-2020 Legislative Session  
State and Federal Update  
Status as of December 3, 2019**

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**Sponsored Bills**

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**AB 672 (Cervantes)** Chaptered: 7/12/2019

CalPERS Position: Sponsor

**Restrictions on Disability Retirees who become Retired Annuitants.** Prohibits disability and industrial disability retirees from returning to a retired annuitant position similar to or closely resembling the position from which they retired for disability, or in a position which includes duties or activities they were restricted from performing at the time of their disability retirement.

*Action Taken: Implementation*

*Location: Chaptered by the Secretary of State, Chapter 98, Statutes of 2019*

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**SB 782 (Committee on Labor, Public Employment and Retirement)** Chaptered: 9/20/2019

CalPERS Position: Sponsor

**CalPERS 2019 Omnibus Bill.** Makes minor policy and technical changes to the Public Employees' Retirement Law.

*Action Taken: Implementation*

*Location: Chaptered by the Secretary of State, Chapter 330, Statutes of 2019*

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## Chaptered State Bills

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**AB 290 (Wood)** Chaptered: 10/13/2019

CalPERS Position: N/A

**Health Care Service Plans: Third-Party Payments.** Among other things, establishes reporting requirements for financially-interested third-party entities, including a chronic dialysis clinic that is operated, owned, or controlled by a parent entity or related entity that meets the definition of a large dialysis clinic organization. The bill prohibits these entities from making a premium payment unless it discloses the enrollee's name to the health care service plan in advance. If the third-party payor does not meet the disclosure requirements, it allows the health care service plan to recover 120 percent of the payment differences from the health care provider, as specified.

*Action Taken: N/A*

*Location: Chaptered by the Secretary of State, Chapter 862, Statutes of 2019*

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**AB 672 (Cervantes)** Chaptered: 7/12/2019

CalPERS Position: Sponsor

**Restrictions on Disability Retirees who become Retired Annuitants.** Prohibits disability and industrial disability retirees from returning to a retired annuitant position similar to or closely resembling the position from which they retired for disability, or in a position which includes duties or activities they were restricted from performing at the time of their disability retirement.

*Action Taken: Implementation*

*Location: Chaptered by the Secretary of State, Chapter 98, Statutes of 2019*

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**AB 731 (Kalra)** Chaptered: 10/12/2019

CalPERS Position: Support

**Health Plan Data and Rate Review.** Currently, a health care service plan or health insurer offering a contract or policy in the individual or small group market is required to file specified rate information, including total earned premiums and total incurred claims for each contract or policy form, with the appropriate department at least 120 days before implementing a rate change. The bill applies this requirement to the large group market. It also requires health plan contracts and health insurers to provide additional information such as rate review data disaggregated by benefit category and region and a comparison to Medicare prices for the same service such as hospital inpatient care or laboratory tests. Makes integrated health care delivery systems to report rates based on spending and use by type of service. Finally, if a plan or insurer fails to provide all the information required, the bill would specify that the filing is an unjustified rate. The bill specifies that it does not impair CalPERS health plan negotiation and rate setting authority.

*Action Taken: N/A*

*Location: Chaptered by the Secretary of State, Chapter 807, Statutes of 2019*

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**AB 824 (Wood)** Chaptered: 10/7/2019

CalPERS Position: Support

**Preserving Access to Affordable Prescription Drugs.** Creates a legal presumption that patent infringement settlement agreements between generic and brand-name drug manufacturers are anticompetitive. Moreover, the parties that enter these agreements are subject to a civil penalty unless they can prove by a preponderance of evidence that the agreements (1) are fair and reasonable compensation solely for goods and services the generic manufacturer has agreed to provide, or (2) generate procompetitive effects.

*Action Taken: N/A*

*Location: Chaptered by the Secretary of State, Chapter 531, Statutes of 2019*

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**AB 1320 (Nazarian)** Chaptered: 10/2/2019

CalPERS Position: Oppose

**Divestment from Turkish Investment Vehicles.** Requires the California Public Employees' Retirement System and the California State Teachers' Retirement System to divest from any investment vehicle in Turkey that is owned by the government of Turkey, upon the passage of a federal law imposing sanctions on the government of Turkey for failure to acknowledge the Armenian Genocide, as specified.

*Action Taken: Implementation*

*Location: Chaptered by the Secretary of State, Chapter 459, Statutes of 2019*

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**SB 343 (Pan)** Chaptered: 9/5/2019

CalPERS Position: Support

**Health Plan Data Disclosure.** Removes an exemption from current law for health plan data disclosure, which has permitted Kaiser Permanente to disclose data differently than other health plans in California. As such, the bill subjects Kaiser Permanente to the same disclosure requirements as other health plans.

*Action Taken: N/A*

*Location: Chaptered by the Secretary of State, Chapter 247, Statutes of 2019*

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**SB 600 (Portantino)** Chaptered: 10/12/2019

CalPERS Position: N/A

**Health Care Coverage for Fertility Preservation.** Clarifies that health plan contracts or health insurers that cover hospital, medical or surgical expenses include coverage for standard fertility preservation treatments for enrollees or insureds who undergo medically necessary treatments such as chemotherapy, radiation, and certain surgeries may directly or indirectly cause iatrogenic fertility.

*Action Taken: N/A*

*Location: Chaptered by the Secretary of State, Chapter 853, Statutes of 2019*

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**SB 782 (Committee on Labor, Public Employment and Retirement)** Chaptered: 9/20/2019

CalPERS Position: Sponsor

**CalPERS 2019 Omnibus Bill.** Makes minor policy and technical changes to the Public Employees' Retirement Law.

*Action Taken: Implementation*

*Location: Chaptered by the Secretary of State, Chapter 330, Statutes of 2019*

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## Vetoed State Bills

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**AB 1212 (Levine)** Vetoed: 10/9/2019

CalPERS Position: N/A

**Investments into State Infrastructure Projects.** Requires specified state agencies that are responsible for infrastructure projects to develop a list of priority projects to provide to CalPERS and CalSTRS for investment consideration. It also requires these state agencies to provide additional information to a board, upon request, to the boards to determine if the project is a suitable investment. This bill is limited to the Department of Transportation and the Department of Water Resources.

Governor's Veto Message: *I am returning Assembly Bill 1212 without my signature. The bill would require the Department of Transportation and the Department of Water Resources to develop a list of priority infrastructure projects to provide to the California Public Employees' Retirement System, the California State Teachers Retirement System, and county retirement systems. The reporting requirements that this bill proposes are unnecessary, as existing law already encourages public retirement systems to invest in state infrastructure.*

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**SB 163 (Portantino)** Vetoed: 10/12/2019

CalPERS Position: N/A

**Behavioral Health Treatment Coverage for Pervasive Developmental Disorder or Autism.** Among other things, this bill expands the definition of behavioral health treatment for autism to require the services and treatment programs provided to be based on behavioral, developmental, relationship-based, or other evidence-based models. It also prohibits health plans and insurers from denying or reducing medically necessary behavioral health treatment based solely on the setting, location, or time of treatment, or on a lack of parent or caregiver participation, when clinically appropriate. It also expands the definition of qualified autism service professionals and requires they undergo background checks.

Governor's Veto Message: *I am returning Senate Bill 163 without my signature. This bill seeks to change the qualification standards necessary to be a qualified autism service professional or paraprofessional. When the Legislature enacted SB 946 (Steinberg, Chapter 650, Statutes of 2011), it clearly anticipated subsequent action to develop a comprehensive structure to license providers of behavioral health treatment to individuals with autism spectrum disorder. A formal licensing scheme that includes clinical expertise and administrative oversight is a more appropriate venue to address qualification standards for practitioners, ensure quality of care, and provide effective consumer protection. I encourage the Legislature to complete the work begun by SB 946. In addition, by removing the health plan coverage exemption for contracts in the Medi-Cal program, this bill inadvertently creates conflicting requirements within the Medi-Cal program that could result in unintentional delays in access to care and jeopardizes continued receipt of federal financial participation for behavioral health treatment.*

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**SB 184 (Moorlach)** Vetoed: 10/13/2019

CalPERS Position: N/A

**Judges' Retirement System II: Deferred Retirement.** Allows a member of the Judges' Retirement System II age 60 years or older with a minimum of five years of service, or who accrues a minimum of 20 years of service, to leave the bench and to elect to receive a monthly defined benefit allowance upon attaining the existing age and service requirements of age 65 with at least 20 years of service, or age 70 with at least five years of service.

Governor's Veto Message: *This bill would lower the minimum age at which a judge who is a member of the Judges' Retirement System (JRS) II can retire from judicial service and still maintain eligibility for full pension benefits. Specifically, SB 184 would allow a judge to leave the bench at age 60, retire, and defer receiving a monthly defined benefit allowance until the judge reaches age 65 (with at least 20 years of service) or age 70 (with at least five years of service) - as long as all other current requirements for receiving retirement benefits are met. The costs of modifying the current rules on judicial retirement as proposed in SB 184 are steep and would in some cases result in a judge receiving more generous benefits than what the same judge can currently receive. These concerns are not new and have been raised in previous iterations of this bill. It is also difficult to overlook the possibility that current rules may in some cases incentivize judges who are in poor health to prolong their service rather than retire and care for themselves or others. I encourage the Legislature to work collaboratively with my Administration as well as the California Public Employees' Retirement System on a more narrow solution to these issues.*

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## 2 Year State Bills

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**AB 33 (Bonta)** Introduced: 12/3/2018

CalPERS Position: Oppose

**Private Prison Divestment.**

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**AB 287 (Voepel)** Introduced: 1/28/2019

CalPERS Position: N/A

**Retirement System Annual Investment Report.**

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**AB 312 (Cooley)** Introduced: 1/29/2019

CalPERS Position: N/A

**State Agency Regulatory Reform.**

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**AB 598 (Bloom)** Amended: 9/6/2019

CalPERS Position: N/A

**Hearing Aids for Minors.**

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**AB 844 (Irwin)** Amended: 3/5/2019

CalPERS Position: N/A

**Financial Impacts on Mandated Hospital Services and Activities.**

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**AB 979 (Reyes)** Introduced: 2/21/2019

CalPERS Position: N/A

**Judges' Retirement System II: Deferred Retirement.**

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**AB 1198 (Stone, Mark)** Amended: 3/21/2019

CalPERS Position: N/A

**PEPRA Exceptions: Transit Employees.**

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**AB 1332 (Bonta)** Amended: 4/29/2019

CalPERS Position: N/A

**Sanctuary State Contracting Act.**

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**AB 1611 (Chiu)** Amended: 6/27/2019

CalPERS Position: N/A

**Emergency Care Costs.**

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**SB 266 (Leyva)** Amended: 9/3/2019

CalPERS Position: N/A

**Administration of Reportable Compensation.**

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**SB 341 (Morrell)** Introduced: 2/19/2019

CalPERS Position: N/A

**Public Retirement Systems: Actuarial and Investment Reporting.**

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**SB 430 (Wieckowski)** Amended: 5/17/2019

CalPERS Position: N/A

**PEPRA Exemption for New Judges.**

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**SB 746 (Bates)** Amended: 5/30/2019

CalPERS Position: N/A

**Coverage for Anticancer Medical Devices.**

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## Federal Bills

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**H.R. 3 – Pallone, Frank (D-NJ) Introduced: 9/19/2019**

CalPERS Position: N/A

**Lower Drug Costs Now Act of 2019.** Among other things, requires the Centers for Medicare & Medicaid Services (CMS) to negotiate maximum prices for insulin products and at least 25 single source, brand name drugs that do not have generic competition and that are among the 125 drugs that account for the greatest national spending or spending under the Medicare prescription drug benefit and Medicare Advantage (MA). The negotiated prices must be offered under Medicare and MA, and may also be offered under private health insurance unless the insurer opts out. It requires the negotiated maximum price to not exceed 120 percent of the average price in Australia, Canada, France, Germany, Japan, and the United Kingdom; or if such information is not available, 85 percent of the U.S. average manufacturer price. In addition, the bill requires drug manufacturers to issue rebates to the CMS for covered drugs that cost \$100 or more and for which the average manufacturer price increases faster than inflation. It also reduces the Medicare prescription drug benefit annual out-of-pocket beneficiary spending threshold, and eliminates beneficiary cost-sharing above the threshold.

*Action Taken: Monitoring*

*Status: 10/22/2019 - Passed the House Committee on Ways and Means. Previously passed the House Committees on Education and Labor and on Energy and Commerce.*

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**H.R. 141 – Davis, Rodney (R-IL) Introduced: 1/3/2019**

CalPERS Position: N/A

**Social Security Fairness Act of 2019.** Repeals the Government Pension Offset and the Windfall Elimination Provision from the Social Security Act, which impacts state and local government retirees that have earned pensions through employment not coordinated with Social Security.

*Action Taken: Monitoring*

*Status: 1/31/2019 - Referred to the House Committee on Ways and Means, Subcommittee on Social Security.*

*Note: S. 521 (Brown D-OH) is companion legislation that was introduced on February 14, 2019. Staff is monitoring this companion legislation.*

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**H.R. 624 – Waters, Maxine (D-CA) Introduced: 1/16/2019**

CalPERS Position: Support

**Promoting Transparent Standards for Corporate Insiders Act.** Requires the Securities and Exchange Commission (SEC) to study and report on possible revisions to regulations regarding Rule 10b5-1 trading plans. Such plans allow certain employees of publicly traded corporations to sell their shares without violating prohibitions on insider trading. The bill requires the study and report to address multiple trading plans, the timing of trades under trading plans, the timing of trade plan modifications and cancellations, and the disclosure of trade plan adoptions, amendments, terminations and transactions. It also requires the SEC to revise regulations consistent with the results of the study.

*Action Taken: Sent a letter to House Financial Services Chairwoman Waters and Ranking Member McHenry expressing support for H.R. 624 on January 22, 2019.*

*Status: 1/29/2019 - Referred to the Senate Committee on Banking, Housing, and Urban Affairs.*

*Note: S. 573 (Van Hollen D-MD) is companion legislation that was introduced on February 27, 2019. Staff is monitoring this companion legislation.*

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**H.R. 748 – Courtney, Joe (D-CT) Introduced: 1/24/2019**

CalPERS Position: N/A

**Middle Class Health Benefits Tax Repeal Act of 2019.** Repeals the excise tax on employer-sponsored health care coverage for which there is an excess benefit (high-cost plans). The repeal applies to taxable years beginning after December 31, 2019.

*Action Taken: Monitoring*

*Status: 7/22/2019 - Placed on Senate Legislative Calendar under General Orders.*

*Note: S. 684 (Heinrich D-NM) is companion legislation that was introduced on March 6, 2019. Staff is monitoring this companion legislation.*

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**H.R. 978 – Matsui, Doris (D-CA) Introduced: 2/5/2019**

CalPERS Position: N/A

**Clean and Efficient Cars Act of 2019.** Codifies the Department of Transportation (DOT) and Environmental Protection Agency (EPA) standards established in 2012 for light-duty vehicle greenhouse gas emissions and Corporate Average Fuel Economy (CAFE) for model years 2021 through 2025. It also prohibits the DOT and EPA from establishing loopholes in those standards.

*Action Taken: Monitoring*

*Status: 2/5/2019 - Referred to the House Committee on Energy and Commerce.*

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**H.R. 2534 – Himes, James A. (D-CT) Introduced: 5/7/2019**

CalPERS Position: Support

**Insider Trading Prohibition Act.** Makes it unlawful for a person to trade on material, nonpublic information when the information was wrongfully obtained, or when the use of such information to make a trade would be deemed wrongful and makes it unlawful to communicate that information to another person when it is reasonable that the person is likely to trade on that information.

*Action Taken: Sent a letter to Speaker Pelosi and Minority Leader McCarthy expressing support for H.R. 2534 on December 3, 2019.*

*Status: 9/27/2019 - Passed the House Committee on Financial Services.*

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**H.R. 2923 – Lee, Barbara (D-CA) Introduced: 5/22/2019**

CalPERS Position: N/A

**Inclusive Prosperity Act of 2019.** Imposes a “financial transaction tax” on trades of stocks, bonds, and derivatives at the following rates: 0.5 percent for stocks, 0.1 percent for bonds, and 0.005 percent for derivatives.

*Action Taken: Monitoring*

*Status: 5/22/2019 - Referred to the House Committee on Ways and Means.*

*Note: S. 1587 (Sanders I-VT) is companion legislation that was introduced on May 22, 2019. Staff is monitoring this companion legislation.*

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**H.R. 3279 – Maloney, Carolyn B. (D-NY) Introduced: 6/13/2019**

CalPERS Position: Support

**Diversity in Corporate Leadership Act of 2019.** Requires public companies to disclose, in any proxy or consent solicitation material for an annual shareholders meeting, the gender, racial, and ethnic composition of its board of directors and nominees for board membership. It also requires the SEC to establish a Diversity Advisory Group, composed of government, academic, and private-sector representatives, to study strategies for increasing gender, racial, and ethnic diversity among the members of public companies' boards of directors.

*Action Taken: Monitoring*

*Status: 7/11/2019 - Passed the House Committee on Financial Services.*

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**H.R. 3623 – Casten, Sean (D-IL) Introduced: 7/5/2019**

CalPERS Position: Support

**Climate Risk Disclosure Act of 2019.** Requires public companies to report on (1) financial impacts related to risks posed to them by climate change, (2) their corporate governance processes to identify and manage climate-related risks, and (3) actions they are taking to mitigate those climate-related risks. It also requires the SEC to issue rules that (1) establish climate-related risk disclosure guidance and (2) require public companies to report risk management actions that companies are taking to address identified risks.

*Action Taken: CalPERS testified in support of H.R. 3623 at the July 10, 2019 hearing of the House Committee on Financial Services.*

*Status: 7/16/2019 - Passed the House Committee on Financial Services.*

*Note: S. 2075 (Warren D-MA) is companion legislation that was introduced on July 10, 2019. Staff is monitoring this companion legislation.*

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**H.R. 4329 – Vargas, Juan (D-CA) Introduced: 9/13/2019**

CalPERS Position: Support

**ESG Disclosure Simplification Act of 2019.** Expresses Congress's sense that Environmental, Social, and Governance (ESG) disclosures are material for the SEC's disclosure purposes and requires the SEC to define ESG metrics and, in turn, require public companies to disclose their ESG metrics and views on the link between their ESG metrics and long-term business strategy. It also requires the SEC to establish a "Sustainable Finance Advisory Committee" that would make recommendations about what ESG metrics the SEC should require issuers to disclose. The bill would also require this Committee to submit a report to the SEC that identifies challenges and opportunities for investors associated with sustainable finance, and recommends policy changes to facilitate the flow of capital towards sustainable investments, and especially to environmentally sustainable investments.

*Action Taken: CalPERS testified in support of H.R. 4329 at the July 10, 2019 hearing of the House Committee on Financial Services.*

*Status: 9/20/2019 - Passed the House Committee on Financial Services.*

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**H.R. 4527 – Malinowski, Tom (D-NJ) Introduced: 9/26/2019**

CalPERS Position: N/A

**Expanding Health Care Options for Early Retirees Act.** Provides an option for specified first responders age 50 to 64 who are separated from service due to disability or retirement to buy into Medicare Part A, B, and D benefits or an MA Plan. The bill directs the Secretary of the Health and Human Services (HHS) Agency to determine monthly premiums for enrolled first responders by estimating the average, annual per capita amount for benefits and administrative expenses for all estimated enrollees under this section.

*Action Taken: Monitoring*

*Status: 9/26/2019 - Referred to the House Committee on Ways and Means and to the House Committee on Energy and Commerce.*

*Note: S. 2552 (Brown D-OH) is companion legislation that was introduced on September 26, 2019. Staff is monitoring this companion legislation.*

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**H.R. 4540 – Neal, Richard (D-MA) Introduced: 9/27/2019**

CalPERS Position: N/A

**Public Servants Protection and Fairness Act.** Creates a new, more proportional Windfall Elimination Provision formula. For those who are first eligible to receive Social Security before 2022 – the new formula does not apply. They get a monthly additional payment (a “rebate”). For those who are first eligible to receive Social Security starting in 2022 – they can use the current formula or the new formula, whichever is higher.

*Action Taken: Monitoring*

*Status: 9/27/2019 - Referred to the House Committee on Ways and Means.*

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**H.R. 5084 – Meeks, Gregory (D-NY) Introduced: 11/14/2019**

CalPERS Position: Support

**Improving Corporate Governance Through Diversity Act of 2019.** Requires public companies to disclose the racial, ethnic, and gender composition of their boards of directors and executive officers (based on voluntary self-identification), as well as the status of any of those directors and officers as a veteran. It also requires the disclosure of any plan to promote racial, ethnic, and gender diversity among these groups. It also requires the Securities and Exchange Commission (SEC) to establish a Diversity Advisory Group to report on strategies to increase gender, racial, and ethnic diversity among board members.

*Action Taken: Sent a letter to Senators Crapo and Brown expressing support for H.R. 5084 on December 6, 2019.*

*Status: 11/20/2019 - Referred to the Senate Committee on Banking, Housing, and Urban Affairs.*

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**H.R. 5133 – Cicilline, David N. (D-RI) Introduced: 11/18/2019**

CalPERS Position: N/A

**Affordable Prescriptions for Patients Through Promoting Competition Act of 2019.** Authorizes the Federal Trade Commission to prosecute pharmaceutical manufacturers that create non-substantive changes to prescriptions simply to extend their exclusive holds over parts of the pharmaceutical market.

*Action Taken: Monitoring*

*Status: 11/21/2019 - Passed the House Committee on the Judiciary.*

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**S. 64 – Klobuchar, Amy (D-MN) Introduced: 1/9/2019**

CalPERS Position: Support

**Preserve Access to Affordable Generics and Biosimilars Act.** Prohibits brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market and prohibits biological product manufacturers from compensating biosimilar and interchangeable companies to delay the entry of biosimilar biological products and interchangeable biological products.

*Action Taken: Sent a letter to Senator Klobuchar expressing support for S. 64 on July 8, 2019.*

*Status: 1/9/2019 - Referred to the Senate Committee on the Judiciary.*

*Note: H.R. 2375 (Nadler D-NY) is companion legislation that was introduced on April 29, 2019. Staff is monitoring this companion legislation.*

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**S. 80 – Barrasso, John (R-WY) Introduced: 1/10/2019**

CalPERS Position: N/A

**Jobs and Premium Protection Act.** Repeals the annual fee on health insurance providers enacted by the Patient Protection and Affordable Care Act.

*Action Taken: Monitoring*

*Status: 1/10/2019 - Referred to the Senate Committee on Finance.*

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**S. 172 – Gardner, Cory (R-CO) Introduced: 1/16/2019**

CalPERS Position: N/A

**Health Insurance Tax Relief Act of 2019.** Delays the reimposition of the annual fee on health insurance providers until after 2021.

*Action Taken: Monitoring*

*Status: 1/16/2019 - Referred to the Senate Committee on Finance.*

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**S. 340 – Leahy, Patrick J. (D-VT) Introduced: 2/5/2019**

CalPERS Position: Support

**Creating and Restoring Equal Access to Equivalent Samples Act of 2019.** Promotes competition in the market for drugs and biological products by facilitating the timely entry of lower-cost generic and biosimilar versions of those drugs and biological products.

*Action Taken: Sent a letter to Senator Leahy expressing support for S. 340 on July 8, 2019.*

*Status: 2/6/2019 - Placed on Senate Legislative Calendar under General Orders.*

*Note: H.R. 965 (Cicilline D-RI) is companion legislation that was introduced on February 5, 2019. Staff is monitoring this companion legislation.*

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**S. 592 – Reed, Jack (D-RI) Introduced: 2/28/2019**

CalPERS Position: N/A

**Cybersecurity Disclosure Act of 2019.** Requires the Securities and Exchange Commission (SEC) to issue final rules requiring publicly traded companies to disclose whether any member of its governing body has expertise or experience in cybersecurity in its mandatory annual report or annual proxy statement. If no member has such expertise or experience, the company must describe what other company cybersecurity steps were taken into account by the persons responsible for identifying and evaluating nominees for the governing body.

*Action Taken: Monitoring*

*Status: 6/11/2019 - Referred to the Senate Committee on Banking, Housing, and Urban Affairs. Hearings held.*

*Note: H.R. 1731 (Himes D-CT) is companion legislation that was introduced on March 13, 2019. Staff is monitoring this companion legislation.*

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**S. 647 – Schatz, Brian (D-HI) Introduced: 3/5/2019**

CalPERS Position: N/A

**Wall Street Tax Act of 2019.** Taxes the sale of stocks, bonds, and derivatives at 0.1 percent. The tax would apply to the fair market value of equities and bonds, and the payment flows under derivatives contracts. Initial public offerings and short-term debt (with a maturity of less than 100 days) would be exempted.

*Action Taken: Monitoring*

*Status: 3/5/2019 - Referred to the Senate Committee on Finance.*

*Note: H.R. 1516 (DeFazio D-OR) is companion legislation that was introduced on March 5, 2019. Staff is monitoring this companion legislation.*

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**S. 1140 – Smith, Tina (D-MN) Introduced: 4/11/2019**

CalPERS Position: Support

**Protecting Access to Biosimilars Act of 2019.** Subjects insulin to the Food and Drug Administration's (FDA's) biosimilar pathway intended to bring low-cost, generic insulin products to market. It ensures these products adhere to requirements that prevent the ability of insulin manufacturers to game the exclusivity system and keep their market share; and ensures older insulin products that are now regulated as biologics do not suddenly receive the 12-year exclusivity granted to newly-licensed biologics.

*Action Taken: Sent a letter to Senator Smith expressing support for S. 1140 on July 18, 2019.*

*Status: 4/11/2019 - Referred to the Senate Committee on Health, Education, Labor and Pensions.*

*Note: H.R. 2011 (DeGette D-CO) is companion legislation that was introduced on April 1, 2019. Staff is monitoring this companion legislation.*

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**S. 1169 – Gardner, Cory (R-CO) Introduced: 4/11/2019**

CalPERS Position: Support

**Ensuring Timely Access to Generics Act of 2019.** Specifies factors that the Secretary of the Food and Drug Administration (FDA) must consider when determining whether citizen petitions have been submitted for the primary purpose of delaying approval of an application for biosimilar or generic drug manufacture. It also requires publication of such citizen petitions and requires referral of specified matters to the Federal Trade Commission (FTC).

*Action Taken: Sent a letter to Senator Gardner expressing support for S. 1169 on July 18, 2019.*

*Status: 4/11/2019 - Referred to the Senate Committee on Health, Education, Labor and Pensions.*

*Note: H.R. 2455 (Joyce R-PA) is companion legislation that was introduced on May 1, 2019 and H.R. 2374 (Jeffries D-NY), H.R. 2387 (Levin D-MI), and S. 1224 (Klobuchar D-MN) are related legislation that staff is monitoring.*

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**S. 1209 – Cassidy, Bill (R-LA) Introduced: 4/11/2019**

CalPERS Position: N/A

**Reforming Evergreening and Manipulation that Extends Drug Years Act.** Amends the Abbreviated New Drug Application (ANDA) process used by the Food and Drug Administration (FDA) to review and approve generic prescription drugs listed in its Approved Drug Products with Therapeutic Equivalence Evaluations (Orange Book). Among other things, it allows generic manufacturers to enter the market based on their assessment of the secondary patent validity and the risk of legal action by a brand-name drug manufacturer once its drug substance patent and all exclusivities expire.

*Action Taken: Monitoring*

*Status: 4/11/2019 - Referred to the Senate Committee on Health, Education, Labor and Pensions.*

*Note: H.R. 3812 (McKinley R-WV) is companion legislation that was introduced on July 17, 2019. Staff is monitoring this companion legislation.*

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**S. 1895 – Alexander, Lamar (R-TN) Introduced: 6/19/2019**

CalPERS Position: N/A

**Lower Health Care Costs Act.** Bipartisan health care reform legislation that, among other things, would end surprise medical billing by protecting patients against out-of-network deductibles in emergencies. This legislation would reduce prescription drug prices by ensuring timely access to generics and protecting access to biological products as well as improve transparency in health care by designating a nongovernmental, nonprofit entity to help ensure higher quality and lower cost health care. Additionally, this legislation would improve public health and the exchange of health information by improving early disease prevention, innovation and integrated services and requiring health insurers to make health claims, network, and cost information readily available to patients.

*Action Taken: Monitoring*

*Status: 7/8/2019 - Placed on Senate Legislative Calendar under General Orders.*

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**S. 2155 – Warren, Elizabeth (D-MA) Introduced: 7/17/2019**

CalPERS Position: N/A

**Stop Wall Street Looting Act.** Holds private funds jointly and severally liable for debt incurred by a target firm, prohibits target firms from making a capital distribution during the 24 months following a leveraged buyout transaction, applies a 100% tax on “monitoring” and “transaction” fees paid by target firms to private fund managers, classifies severance pay owed to employees as administrative expenses for the purposes of Chapter 11 bankruptcy priority claims, taxes carried interest at income tax rates as opposed to at capital gains rates, and amends the Employee Retirement Income Security Act of 1974 (ERISA) to require private fund managers to have a fiduciary duty to pension plans whose assets they manage.

*Action Taken: Monitoring*

*Status: 7/17/2019 - Referred to the Senate Committee on Finance.*

*Note: H.R. 3848 (Pocan D-WI) is companion legislation that was introduced on July 18, 2019. Staff is monitoring this companion legislation.*

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**S. 2791 – Rubio, Marco (R-FL) Introduced: 11/6/2019**

CalPERS Position: N/A

**Taxpayers and Savers Protection Act.** Prohibits the Federal Retirement Thrift Investment Board from investing Thrift Savings Plan funds in securities listed on mainland Chinese exchanges. It prohibits investment in issuers listed on foreign securities exchanges where the Public Company Accounting and Oversight Board (PCAOB) has not issued an audit inspection and where the PCAOB is prevented from conducting such inspections.

*Action Taken: Monitoring*

*Status: 11/6/2019 - Referred to the Committee on Homeland Security and Governmental Affairs.*

*Note: H.R. 5018 (Meadows R-NC) is companion legislation that was introduced on November 8, 2019. Staff is monitoring this companion legislation.*

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