

1-1 By: Darby, Lambert, Clardy H.B. No. 3301
 1-2 (Senate Sponsor - Perry, Nichols)
 1-3 (In the Senate - Received from the House May 9, 2019;
 1-4 May 10, 2019, read first time and referred to Committee on Business
 1-5 & Commerce; May 17, 2019, reported adversely, with favorable
 1-6 Committee Substitute by the following vote: Yeas 7, Nays 0;
 1-7 May 17, 2019, sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9				
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15	X			
1-16	X			
1-17			X	
1-18	X			

1-19 COMMITTEE SUBSTITUTE FOR H.B. No. 3301 By: Nichols

1-20 A BILL TO BE ENTITLED
 1-21 AN ACT

1-22 relating to merger agreements among certain hospitals; authorizing
 1-23 fees.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-25 SECTION 1. Subtitle F, Title 4, Health and Safety Code, is
 1-26 amended by adding Chapter 314A to read as follows:

1-27 CHAPTER 314A. MERGER AGREEMENTS AMONG CERTAIN HOSPITALS
 1-28 SUBCHAPTER A. GENERAL PROVISIONS

1-29 Sec. 314A.001. DEFINITIONS. In this chapter:

1-30 (1) "Attorney general" means the attorney general of
 1-31 Texas or any assistant attorney general acting under the direction
 1-32 of the attorney general of Texas.

1-33 (2) "Designated agency" means the state agency
 1-34 designated by the governor under Section 314A.004.

1-35 (3) "Hospital" means a nonpublic general hospital that
 1-36 is licensed under Chapter 241 and is not maintained or operated by a
 1-37 political subdivision of this state.

1-38 (4) "Merger agreement" or "merger" means an agreement
 1-39 among two or more hospitals for the consolidation by merger or other
 1-40 acquisition or transfer of assets by which ownership or control
 1-41 over substantially all of the stock, assets, or activities of one or
 1-42 more previously licensed and operating hospitals is placed under
 1-43 the control of another licensed hospital or hospitals or another
 1-44 entity that controls the hospitals.

1-45 (5) "State agency" means a department, commission,
 1-46 board, office, or other agency in the executive branch of state
 1-47 government that is created by the constitution or a statute of this
 1-48 state.

1-49 Sec. 314A.002. APPLICABILITY. This chapter applies only to
 1-50 a merger agreement among hospitals each of which is located within a
 1-51 county that:

1-52 (1) contains two or more hospitals; and

1-53 (2) has a population of:

1-54 (A) less than 100,000 and is not adjacent to a
 1-55 county with a population of 250,000 or more; or

1-56 (B) more than 100,000 and less than 150,000 and
 1-57 is not adjacent to a county with a population of 100,000 or more.

1-58 Sec. 314A.003. LEGISLATIVE FINDINGS AND PURPOSES; GRANT OF
 1-59 ANTITRUST IMMUNITY. (a) The legislature finds that:

1-60 (1) a merger among hospitals may benefit the public by

2-1 maintaining or improving the quality, efficiency, and
 2-2 accessibility of health care services offered to the public; and

2-3 (2) the benefits described by Subdivision (1)
 2-4 resulting from the merger may outweigh any anticompetitive effects
 2-5 of joining together competitors to address unique challenges in
 2-6 providing health care services in rural areas.

2-7 (b) The legislature believes it is in the state's best
 2-8 interest to supplant state and federal antitrust laws with a
 2-9 process for regulatory approval and active supervision by the
 2-10 designated agency as provided by this chapter. It is the intent of
 2-11 the legislature that this chapter immunize from all federal and
 2-12 state antitrust laws the execution of merger agreements approved
 2-13 under this chapter and post-merger activities supervised under this
 2-14 chapter.

2-15 (c) Nothing in this chapter affects antitrust immunity that
 2-16 may be provided through another provision of state law.

2-17 Sec. 314A.004. DESIGNATION OF SUPERVISING STATE AGENCY.

2-18 (a) The governor shall designate an appropriate state agency,
 2-19 other than the office of the attorney general, to:

2-20 (1) review and approve or deny applications submitted
 2-21 under this chapter for certificates of public advantage; and

2-22 (2) supervise as provided by Subchapter C the
 2-23 activities for which a certificate of public advantage is issued.

2-24 (b) After the governor designates a state agency under
 2-25 Subsection (a), the governor may designate another appropriate
 2-26 state agency under that subsection at any time.

2-27 (c) A change in the designation of a state agency made under
 2-28 this section does not affect the validity of any action taken under
 2-29 this chapter by a predecessor designated agency.

2-30 Sec. 314A.005. RULEMAKING. The designated agency shall
 2-31 adopt rules for the administration and implementation of this
 2-32 chapter.

2-33 SUBCHAPTER B. CERTIFICATE OF PUBLIC ADVANTAGE

2-34 Sec. 314A.051. REVIEW AND CERTIFICATION OF MERGER
 2-35 AGREEMENTS REQUIRED. (a) Two or more hospitals may negotiate and
 2-36 enter into a merger agreement, subject to approval by the
 2-37 designated agency as provided by this subchapter.

2-38 (b) No merger agreement shall receive immunity under this
 2-39 chapter unless the designated agency issues a certificate of public
 2-40 advantage governing the merger agreement.

2-41 Sec. 314A.052. APPLICATION. (a) One or more parties to a
 2-42 merger agreement may submit an application to the designated agency
 2-43 for a certificate of public advantage governing the merger
 2-44 agreement. The application must include a written copy of the
 2-45 merger agreement and describe the nature and scope of the merger.

2-46 (b) If an applicant believes the documents or other
 2-47 information required to be submitted with an application under
 2-48 Subsection (a) contains proprietary information that is required to
 2-49 remain confidential, the applicant shall:

2-50 (1) clearly identify the information; and

2-51 (2) submit duplicate applications, one application
 2-52 that has complete information for the designated agency's use and
 2-53 one redacted application that will be made available for public
 2-54 release.

2-55 (c) A copy of the application and copies of all additional
 2-56 related materials must be submitted to the attorney general and to
 2-57 the designated agency at the same time.

2-58 Sec. 314A.053. APPLICATION FEE. (a) The designated agency
 2-59 may assess a fee for filing an application under Section 314A.052 in
 2-60 an amount not to exceed \$75,000. The amount of the fee must be
 2-61 sufficient to cover the reasonable costs of the designated agency
 2-62 and attorney general in reviewing and approving or denying
 2-63 applications under this subchapter.

2-64 (b) Fees collected under this section may be appropriated to
 2-65 the designated agency for purposes of covering costs relating to
 2-66 the implementation and administration of this chapter, including
 2-67 the supervision of hospitals under this chapter.

2-68 Sec. 314A.054. REVIEW OF APPLICATION BY DESIGNATED AGENCY;
 2-69 GRANT OR DENIAL OF APPLICATION. (a) The designated agency shall

3-1 review an application for a certificate of public advantage in
3-2 accordance with the standard prescribed by Section 314A.056(a)(1).
3-3 (b) The designated agency shall grant or deny the
3-4 application not later than the 120th day after the date of the
3-5 filing of the application. The designated agency's decision must:
3-6 (1) be in writing;
3-7 (2) specify the basis for the decision; and
3-8 (3) provide a copy of the decision to the applicants on
3-9 the date of the decision.
3-10 Sec. 314A.055. REVIEW OF APPLICATION BY ATTORNEY GENERAL.
3-11 (a) The attorney general shall review an application for a
3-12 certificate of public advantage and all supporting documents and
3-13 information provided by the applicants. On completion of the
3-14 review and subject to Subsection (b), the attorney general shall
3-15 advise the designated agency whether:
3-16 (1) the proposed merger agreement would likely benefit
3-17 the public by maintaining or improving the quality, efficiency, and
3-18 accessibility of health care services offered to the public; and
3-19 (2) the likely benefits resulting from the proposed
3-20 merger agreement outweigh any disadvantages attributable to a
3-21 reduction in competition that may result from the proposed merger.
3-22 (b) The attorney general shall review an application for a
3-23 certificate of public advantage as soon as practicable, taking into
3-24 consideration the deadline prescribed by Section 314A.054.
3-25 (c) If the attorney general advises the designated agency to
3-26 deny an application, the attorney general shall state the basis and
3-27 reasons for the recommended denial.
3-28 Sec. 314A.056. ISSUANCE OF CERTIFICATE OF PUBLIC ADVANTAGE.
3-29 (a) The designated agency, after reviewing the application and
3-30 consulting with the attorney general in accordance with Section
3-31 314A.055, shall issue a certificate of public advantage for a
3-32 merger agreement if:
3-33 (1) the designated agency determines under the
3-34 totality of the circumstances that:
3-35 (A) the proposed merger would likely benefit the
3-36 public by maintaining or improving the quality, efficiency, and
3-37 accessibility of health care services offered to the public; and
3-38 (B) the likely benefits resulting from the
3-39 proposed merger agreement described by Paragraph (A) outweigh any
3-40 disadvantages attributable to a reduction in competition that may
3-41 result from the proposed merger; and
3-42 (2) the application:
3-43 (A) provides specific evidence showing that the
3-44 proposed merger would likely benefit the public as described by
3-45 Subdivision (1)(A);
3-46 (B) explains in detail how the likely benefits
3-47 resulting from the proposed merger agreement outweigh any
3-48 disadvantages attributable to a reduction in competition as
3-49 described by Subdivision (1)(B); and
3-50 (C) sufficiently addresses the factors listed in
3-51 Subsection (b) and any other factor the designated agency may
3-52 require based on the circumstances specific to the application.
3-53 (b) In making the determination under Subsection (a)(1),
3-54 the designated agency shall consider the effect of the merger
3-55 agreement on the following nonexclusive list of factors:
3-56 (1) the quality and price of hospital and health care
3-57 services provided to citizens of this state;
3-58 (2) the preservation of sufficient hospitals within a
3-59 geographic area to ensure public access to acute care;
3-60 (3) the cost efficiency of services, resources, and
3-61 equipment provided or used by the hospitals that are a party to the
3-62 merger agreement;
3-63 (4) the ability of health care payors to negotiate
3-64 payment and service arrangements with hospitals proposed to be
3-65 merged under the agreement; and
3-66 (5) the extent of any reduction in competition among
3-67 physicians, allied health professionals, other health care
3-68 providers, or other persons providing goods or services to, or in
3-69 competition with, hospitals.

4-1 (c) The designated agency may include terms or conditions of
4-2 compliance in connection with a certificate of public advantage
4-3 issued under this subchapter if necessary to ensure that the
4-4 proposed merger likely benefits the public as specified in
4-5 Subsection (a)(1).

4-6 Sec. 314A.057. RECORDS. The designated agency shall
4-7 maintain records of all merger agreements the designated agency has
4-8 approved under this chapter, including any terms or conditions of
4-9 issuing a certificate of public advantage that are imposed by the
4-10 designated agency.

4-11 Sec. 314A.058. TERMINATION OF CERTIFICATE OF PUBLIC
4-12 ADVANTAGE BY HOSPITAL. A hospital resulting from a merger
4-13 agreement approved under this chapter may voluntarily terminate its
4-14 certificate of public advantage by giving the designated agency
4-15 notice at least 30 days before the date of the termination.

4-16 Sec. 314A.059. ANNUAL REVIEW OF CERTIFICATE. (a) The
4-17 designated agency shall annually review an approved certificate of
4-18 public advantage.

4-19 (b) The attorney general may annually review an approved
4-20 certificate of public advantage.

4-21 (c) The designated agency may not complete its annual review
4-22 of an approved certificate of public advantage under this section
4-23 until:

4-24 (1) the attorney general informs the designated agency
4-25 whether the attorney general intends to conduct any review of the
4-26 certificate of public advantage as authorized under this section;
4-27 and

4-28 (2) if the attorney general informs the designated
4-29 agency of the attorney general's intent to conduct a review of an
4-30 entity's approved certificate of public advantage, the attorney
4-31 general has had the opportunity to conduct the review.

4-32 SUBCHAPTER C. SUPERVISION OF MERGED HOSPITALS UNDER APPROVED
4-33 MERGER AGREEMENT

4-34 Sec. 314A.101. SUPERVISION OF MERGED HOSPITALS. The
4-35 designated agency shall supervise in the manner provided by this
4-36 subchapter each hospital operating under a certificate of public
4-37 advantage issued under this chapter to ensure that the immunized
4-38 conduct of a merged entity furthers the purposes of this chapter.

4-39 Sec. 314A.102. RATE REVIEW. (a) A change in rates for
4-40 hospital services by a hospital operating under a certificate of
4-41 public advantage issued under this chapter may not take effect
4-42 without prior approval of the designated agency as provided by this
4-43 section.

4-44 (b) At least 90 days before the implementation of any
4-45 proposed change in rates for inpatient or outpatient hospital
4-46 services and, if applicable, at least 60 days before the execution
4-47 of a reimbursement agreement with a third party payor, a hospital
4-48 operating under a certificate of public advantage shall submit to
4-49 the designated agency:

4-50 (1) any proposed change in rates for inpatient and
4-51 outpatient hospital services;

4-52 (2) if applicable, any change in reimbursement rates
4-53 under a reimbursement agreement with a third party payor;

4-54 (3) for an agreement with a third party payor, other
4-55 than an agreement described by Subdivision (4) or in which rates are
4-56 set under the Medicare or Medicaid program, information showing:

4-57 (A) that the hospital and the third party payor
4-58 have agreed to the proposed rates;

4-59 (B) whether the proposed rates are less than the
4-60 corresponding amounts in the producer price index published by the
4-61 Bureau of Labor Statistics of the United States Department of Labor
4-62 relating to the hospital services for which the rates are proposed
4-63 or a comparable price index chosen by the designated agency if the
4-64 producer price index described by this paragraph is abolished; and

4-65 (C) if the proposed rates are above the
4-66 corresponding amounts in the producer price index as described by
4-67 Paragraph (B), a justification for proposing rates above the
4-68 corresponding amounts in the producer price index;

4-69 (4) to the extent allowed by federal law, for an

5-1 agreement with a managed care organization that provides or
 5-2 arranges for the provision of health care services under the
 5-3 Medicare or Medicaid program, information showing:

5-4 (A) whether the proposed rates are different from
 5-5 rates under an agreement that was in effect before the date the
 5-6 applicable merger agreement took effect;

5-7 (B) whether the proposed rates are different from
 5-8 the rates most recently approved by the designated agency for the
 5-9 applicable hospital, if the designated agency has previously
 5-10 approved rates for the applicable hospital following the issuance
 5-11 of the certificate of public advantage under this chapter that
 5-12 governs the hospital; and

5-13 (C) if the proposed rates exceed rates described
 5-14 by Paragraph (A) or (B), a justification for proposing rates in
 5-15 excess of those rates; and

5-16 (5) any information concerning costs, patient volume,
 5-17 acuity, payor mix, and other information requested by the
 5-18 designated agency.

5-19 (c) After reviewing the proposed change in rates submitted
 5-20 under Subsection (b), the designated agency shall approve or deny
 5-21 the proposed rate change. The designated agency shall approve the
 5-22 proposed rate change if the designated agency determines that:

5-23 (1) the proposed rate change likely benefits the
 5-24 public by maintaining or improving the quality, efficiency, and
 5-25 accessibility of health care services offered to the public; and

5-26 (2) the proposed rate does not inappropriately exceed
 5-27 competitive rates for comparable services in the hospital's market
 5-28 area.

5-29 (d) If the designated agency determines that the proposed
 5-30 rate change does not satisfy Subsection (c)(1) or (2), the
 5-31 designated agency shall deny or modify the proposed rate change.

5-32 (e) The designated agency shall notify the hospital in
 5-33 writing of the agency's decision to approve, deny, or modify the
 5-34 proposed rate change not later than the 30th day before the
 5-35 implementation date of the proposed change.

5-36 Sec. 314A.103. ANNUAL REPORT. Each hospital operating
 5-37 under a certificate of public advantage shall submit an annual
 5-38 report to the designated agency. The report must include:

5-39 (1) information about the extent of the benefits
 5-40 attributable to the issuance of the certificate of public
 5-41 advantage;

5-42 (2) if applicable, information about the hospital's
 5-43 actions taken:

5-44 (A) in furtherance of any commitments made by the
 5-45 parties to the merger; or

5-46 (B) to comply with terms imposed by the
 5-47 designated agency as a condition for approval of the merger
 5-48 agreement;

5-49 (3) a description of the activities conducted by the
 5-50 hospital under the merger agreement;

5-51 (4) information relating to the price, cost, and
 5-52 quality of and access to health care for the population served by
 5-53 the hospital; and

5-54 (5) any other information required by the designated
 5-55 agency to ensure compliance with this chapter, including
 5-56 information relating to compliance with any terms or conditions for
 5-57 issuance of the certificate of public advantage.

5-58 Sec. 314A.104. CORRECTIVE ACTION PLAN. (a) The designated
 5-59 agency shall require a hospital operating under a certificate of
 5-60 public advantage to adopt a plan to correct a deficiency in the
 5-61 hospital's activities if the designated agency determines that an
 5-62 activity of the hospital:

5-63 (1) does not benefit the public as described by
 5-64 Section 314A.056(a)(1)(A); or

5-65 (2) no longer meets the standard prescribed by Section
 5-66 314A.056(a)(1).

5-67 (b) The corrective action plan must include each provision
 5-68 required by the designated agency and must be submitted at the
 5-69 agency's direction.

6-1 Sec. 314A.105. SUPERVISION FEE. (a) The designated agency
6-2 may assess an annual supervision fee in an amount that is at least
6-3 \$75,000 but not more than \$200,000 against each hospital operating
6-4 under a certificate of public advantage under this chapter. The
6-5 amount of the fee imposed on hospitals under this subsection must be
6-6 based on the assessment by the designated agency of the amount
6-7 needed to cover the reasonable costs incurred by the designated
6-8 agency in supervising hospitals under this subchapter and in
6-9 implementing and administering this chapter.

6-10 (b) Fees collected under this section may be appropriated to
6-11 the designated agency for purposes of covering costs relating to
6-12 the implementation and administration of this chapter, including
6-13 the supervision of hospitals under this chapter.

6-14 SUBCHAPTER D. ENFORCEMENT AUTHORITY BY DESIGNATED AGENCY

6-15 Sec. 314A.151. INVESTIGATION; REVOCATION OF CERTIFICATE.
6-16 With respect to each hospital resulting from a merger agreement for
6-17 which the designated agency issued a certificate of public
6-18 advantage under this chapter, and to ensure that the hospital's
6-19 activities continue to benefit the public under the standard
6-20 prescribed by Section 314A.056(a)(1) and the purposes of this
6-21 chapter, the designated agency may:

6-22 (1) investigate the hospital's activities; and

6-23 (2) require the hospital to perform a certain action
6-24 or refrain from a certain action or revoke the hospital's
6-25 certificate of public advantage, if the designated agency
6-26 determines that:

6-27 (A) the hospital is not complying with this
6-28 chapter or a term or condition of compliance with the certificate of
6-29 public advantage governing the hospital's immunized activities;

6-30 (B) the designated agency's approval and
6-31 issuance of the certificate of public advantage was obtained as a
6-32 result of material misrepresentation;

6-33 (C) the hospital has failed to pay any fee
6-34 required under this chapter; or

6-35 (D) the benefits resulting from the approved
6-36 merger no longer outweigh the disadvantages attributable to the
6-37 reduction in competition resulting from the approved merger.

6-38 Sec. 314A.152. JUDICIAL REVIEW OF DESIGNATED AGENCY ACTION.

6-39 (a) A person aggrieved by a decision of the designated agency in
6-40 granting, denying, or refusing to act on an application for a
6-41 certificate of public advantage submitted under Subchapter B or
6-42 revoking a certificate of public advantage issued under this
6-43 chapter may appeal the final order by filing a petition for judicial
6-44 review in a district court of Travis County.

6-45 (b) The filing of a petition for judicial review of a
6-46 decision by the designated agency to revoke a certificate of public
6-47 advantage stays enforcement of the agency's decision.

6-48 (c) Not later than the 45th day after the date a person files
6-49 a petition for judicial review under this section, the designated
6-50 agency shall submit to the district court the original copy or a
6-51 certified copy of the entirety of the agency's record regarding the
6-52 decision under review. By stipulation of all parties, the record
6-53 may be shortened. The district court may require or permit later
6-54 corrections or additions to the record. The district court may
6-55 extend the period prescribed by this subsection for submitting the
6-56 agency's record to the court.

6-57 (d) The district court shall conduct the review sitting
6-58 without a jury.

6-59 (e) The district court may reverse a decision by the
6-60 designated agency regarding revocation of a certificate of public
6-61 advantage if the court finds that the decision is:

6-62 (1) in violation of a constitutional or statutory
6-63 provision;

6-64 (2) in excess of the agency's statutory authority;

6-65 (3) made through unlawful procedure;

6-66 (4) arbitrary or capricious or characterized by abuse
6-67 of discretion or clearly unwarranted exercise of discretion; or

6-68 (5) unsupported by substantial and material evidence
6-69 in light of the record as a whole.

7-1 (f) Under Subsection (e)(5), in determining the
7-2 substantiality of the evidence, the district court:

7-3 (1) shall consider other evidence that detracts from
7-4 the substantiality; and

7-5 (2) may not substitute its judgment for the judgment
7-6 of the designated agency on the weight of the evidence as to a
7-7 question of fact.

7-8 (g) The district court shall issue a written decision
7-9 setting forth the court's findings of fact and conclusions of law.
7-10 The designated agency shall add the court's decision to the agency's
7-11 record.

7-12 SUBCHAPTER E. ATTORNEY GENERAL INVESTIGATION AND ENFORCEMENT
7-13 AUTHORITY

7-14 Sec. 314A.201. CIVIL INVESTIGATIVE DEMAND. (a) The
7-15 attorney general, at any time after an application is filed under
7-16 Section 314A.052 and before the designated agency makes a
7-17 determination on the application, or in connection with the
7-18 agency's annual review of a certificate of public advantage under
7-19 Section 314A.059, may require by civil investigative demand the
7-20 attendance and testimony of witnesses and the production of
7-21 documents in Travis County or the county in which the applicants are
7-22 located for the purpose of investigating whether the merger
7-23 agreement satisfies or, after issuance of the certificate of public
7-24 advantage, continues to satisfy the standard prescribed by Section
7-25 314A.056(a)(1).

7-26 (b) All nonpublic documents produced for and testimony
7-27 given to the attorney general under Subsection (a) are subject to
7-28 the prohibitions on disclosure and use under Section 15.10(i),
7-29 Business & Commerce Code.

7-30 (c) The attorney general may seek an order from the district
7-31 court compelling compliance with a civil investigative demand
7-32 issued under this section.

7-33 Sec. 314A.202. ACTION TO REVOKE CERTIFICATE OF PUBLIC
7-34 ADVANTAGE FOLLOWING CHANGED CIRCUMSTANCES. (a) If, following an
7-35 annual review of a certificate of public advantage, the attorney
7-36 general determines that as a result of changed circumstances the
7-37 benefits resulting from a certified merger agreement as described
7-38 by Section 314A.056(a)(1)(A) no longer outweigh any disadvantages
7-39 attributable to a reduction in competition resulting from the
7-40 merger agreement, the attorney general may bring an action in a
7-41 district court in Travis County seeking to revoke the certificate
7-42 of public advantage in accordance with the procedures prescribed by
7-43 this section.

7-44 (b) Except as provided by Subsection (c), in an action
7-45 brought under this section, the attorney general has the burden of
7-46 establishing by clear and convincing evidence that as a result of
7-47 changed circumstances the benefits resulting from the certified
7-48 merger agreement and the unavoidable costs of revoking the
7-49 certificate of public advantage are outweighed by disadvantages
7-50 attributable to a reduction in competition resulting from the
7-51 merger agreement.

7-52 (c) In any action brought under this section, if the
7-53 attorney general first establishes by clear and convincing evidence
7-54 that the designated agency's certification was obtained as a result
7-55 of material misrepresentation to the designated agency or the
7-56 attorney general or as the result of coercion, threats, or
7-57 intimidation directed toward any party to the merger agreement,
7-58 then the parties to the merger agreement bear the burden of
7-59 establishing by clear and convincing evidence that despite changed
7-60 circumstances the benefits resulting from the certified merger
7-61 agreement and the unavoidable costs of revoking the certificate of
7-62 public advantage are not outweighed by disadvantages attributable
7-63 to a reduction in competition resulting from the merger agreement.

7-64 SECTION 2. As soon as practicable after the effective date
7-65 of this Act, the governor shall designate a state agency under
7-66 Section 314A.004, Health and Safety Code, as added by this Act.

7-67 SECTION 3. This Act takes effect September 1, 2019.

7-68 * * * * *