

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

SENATE BILL 99

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
AND OPERATING EXPENSES FOR THE DEPARTMENT OF HUMAN
SERVICES - DIVISION OF MEDICAL SERVICES FOR THE
FISCAL YEAR ENDING JUNE 30, 2020; AND FOR OTHER
PURPOSES.

Subtitle

AN ACT FOR THE DEPARTMENT OF HUMAN
SERVICES - DIVISION OF MEDICAL SERVICES
APPROPRIATION FOR THE 2019-2020 FISCAL
YEAR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established
for the Department of Human Services - Division of Medical Services for the
2019-2020 fiscal year, the following maximum number of regular employees.

			Maximum Annual
			Salary Rate
Item	Class	No. of	Fiscal Year
No.	Code Title	Employees	2019-2020
(1)	N027N DHS DEPUTY DIRECTOR ADULT SERVICES	1	GRADE SE01
(2)	L016N REGISTERED PHARMACIST	4	GRADE MP05
(3)	L009C NURSE MANAGER	1	GRADE MP03
(4)	L020C NURSING SERVICES UNIT MANAGER	1	GRADE MP02
(5)	L027C REGISTERED NURSE SUPERVISOR	3	GRADE MP02



1	(6)	L038C REGISTERED NURSE	9	GRADE MP01
2	(7)	D007C INFORMATION SYSTEMS MANAGER	2	GRADE IT08
3	(8)	D030C INFORMATION SYSTEMS COORDINATOR	1	GRADE IT07
4	(9)	D038C SENIOR SOFTWARE SUPPORT ANALYST	1	GRADE IT06
5	(10)	D061C INFORMATION SYSTEMS COORDINATION SPEC	2	GRADE IT05
6	(11)	D058C COMPUTER OPERATIONS COORDINATOR	1	GRADE IT04
7	(12)	D068C INFORMATION SYSTEMS ANALYST	2	GRADE IT04
8	(13)	N016N DHS DEP DIR ADMINISTRATIVE SVCS	1	GRADE GS15
9	(14)	G286C DMS DEPUTY DIRECTOR	1	GRADE GS15
10	(15)	N142N DHS/DAAS DEPUTY DIRECTOR	1	GRADE GS14
11	(16)	N080N DHS/DMS ASSISTANT DIRECTOR - FISCAL	1	GRADE GS14
12	(17)	A010C AGENCY CONTROLLER II	1	GRADE GS13
13	(18)	A016C DHS DMS BUSINESS OPERATIONS MANAGER	8	GRADE GS12
14	(19)	N167N DHS POLICY & RESEARCH DIRECTOR	1	GRADE GS12
15	(20)	G076C ADMINISTRATIVE SERVICES MANAGER	1	GRADE GS10
16	(21)	G073C ATTORNEY	1	GRADE GS10
17	(22)	L010C DHS DMS MEDICAL ASSISTANCE MANAGER	3	GRADE GS10
18	(23)	G099C DHS PROGRAM ADMINISTRATOR	16	GRADE GS09
19	(24)	R021C BUDGET ANALYST	1	GRADE GS08
20	(25)	G152C DHS PROGRAM MANAGER	8	GRADE GS08
21	(26)	X067C HEALTH FACILITIES SURVEYOR	1	GRADE GS08
22	(27)	A081C AUDITOR	1	GRADE GS07
23	(28)	G183C DHS PROGRAM COORDINATOR	7	GRADE GS07
24	(29)	M039C MEDICAID SERVICES SUPERVISOR	1	GRADE GS07
25	(30)	P013C PUBLIC INFORMATION COORDINATOR	1	GRADE GS07
26	(31)	C037C ADMINISTRATIVE ANALYST	2	GRADE GS06
27	(32)	R027C BUDGET SPECIALIST	2	GRADE GS06
28	(33)	G198C DHS/DAAS PROGRAM SPECIALIST	1	GRADE GS06
29	(34)	G180C GRANTS ANALYST	1	GRADE GS06
30	(35)	C013C MEDICAL SERVICES REPRESENTATIVE	1	GRADE GS06
31	(36)	G178C POLICY DEVELOPMENT COORDINATOR	2	GRADE GS06
32	(37)	C050C ADMINISTRATIVE SUPPORT SUPERVISOR	1	GRADE GS05
33	(38)	L070C HEALTH CARE ANALYST	8	GRADE GS05
34	(39)	C056C ADMINISTRATIVE SPECIALIST III	10	GRADE GS04
35	(40)	A098C FISCAL SUPPORT SPECIALIST	<u>1</u>	GRADE GS04
36		MAX. NO. OF EMPLOYEES	112	

SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for the Department of Human Services - Division of Medical Services for the 2019-2020 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: ten (10) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this act for the appropriate classification.

SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated, to the Department of Human Services - Division of Medical Services, to be payable from the paying account as determined by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Department of Human Services - Division of Medical Services for the fiscal year ending June 30, 2020, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2019-2020</u>
(01) REGULAR SALARIES	\$6,251,162
(02) EXTRA HELP	201,892
(03) PERSONAL SERVICES MATCHING	2,047,934
(04) OVERTIME	2,241
(05) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	1,813,290
(B) CONF. & TRAVEL	100,099
(C) PROF. FEES	338,507
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(06) DATA PROCESSING SERVICES	<u>1,499,600</u>
TOTAL AMOUNT APPROPRIATED	<u>\$12,254,725</u>

SECTION 4. APPROPRIATION - GRANTS. There is hereby appropriated, to the Department of Human Services - Division of Medical Services, to be payable from the paying account as determined by the Chief Fiscal Officer of the State, for grant payments of the Department of Human Services - Division

of Medical Services for the fiscal year ending June 30, 2020, the following:

ITEM	FISCAL YEAR
NO.	2019-2020
(01) ARKIDS B PROGRAM	\$132,222,020
(02) HOSPITAL AND MEDICAL SERVICES	6,573,710,120
(03) PRESCRIPTION DRUGS	529,386,547
(04) PRIVATE NURSING HOME CARE	724,715,275
(05) CHILD AND FAMILY LIFE INSTITUTE	2,100,000
(06) INFANT INFIRMARY	31,985,957
(07) PUBLIC NURSING HOME CARE	<u>229,105,089</u>
TOTAL AMOUNT APPROPRIATED	<u>\$8,223,225,008</u>

SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL SERVICES - PHARMACEUTICAL DISPENSING FEE SURVEY. No more than two years prior to making any changes to the current pharmaceutical dispensing fee, the State shall conduct an independent survey utilizing generally accepted accounting principles, to determine the cost of dispensing a prescription by pharmacists in Arkansas. Only factors relative to the cost of dispensing shall be surveyed. These factors shall not include actual acquisition costs or average profit or any combination of actual acquisition costs or average profit. The survey results shall be the basis for establishing the dispensing fee paid to participating pharmacies in the Medicaid prescription drug program in accordance with Federal requirements. The dispensing fee shall be no lower than the cost of dispensing as determined by the survey. Nothing in this section shall be construed to prohibit the State from increasing the dispensing fee at any time.

The provisions of this section shall be in effect only from July 1, ~~2018~~ 2019 through June 30, ~~2019~~ 2020.

SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL SERVICES - GENERAL MEDICAID RATE METHODOLOGY PROVISIONS.

(a) Rates established by the Division of Medical Services for the services or programs covered by this Act shall be calculated by the methodologies

1 approved by the Centers for Medicare and Medicaid Services (CMS). The
2 Division of Medical Services shall have the authority to reduce or increase
3 rates based on the approved methodology. Further, the Division of Medical
4 Services shall have the authority to increase or decrease rates for good
5 cause including, but not limited to: (1) Identification of provider(s) who
6 can render needed services of equal quality at rates less than traditionally
7 charged and who meet the applicable federal and state laws, rules and
8 regulations pertaining to the provision of a particular service;
9 (2) Identification that a provider or group of providers has consistently
10 charged rates to the Arkansas Medicaid Program greater than to other
11 purchasers of medical services of similar size;
12 (3) The Division determines that there has been significant changes in the
13 technology or process by which services are provided by a provider or group
14 of providers which has affected the costs of providing services, or;
15 (4) A severe economic downturn in the Arkansas economy which has affected the
16 overall state budget of the Division of Medical Services.

17 The Division of Medical Services shall make available to requesting
18 providers, the CMS's inflationary forecasts (CMS Market Basket Index). Rates
19 established with cost of living increases based on the CMS Market Basket
20 Index or other indices will be adjusted annually except when the state budget
21 does not provide sufficient appropriation and funding to affect the change or
22 portion thereof.

23 (b) Any rate methodology changes proposed by the Division of Medical
24 Services both of a general and specific nature, shall be subject to prior
25 approval by the Legislative Council or Joint Budget Committee.

26 Determining the maximum number of employees and the maximum amount of
27 appropriation and general revenue funding for a state agency each fiscal year
28 is the prerogative of the General Assembly. This is usually accomplished by
29 delineating such maximums in the appropriation act(s) for a state agency and
30 the general revenue allocations authorized for each fund and fund account by
31 amendment to the Revenue Stabilization law. Further, the General Assembly has
32 determined that the Department of Human Services – Division of Medical
33 Services may operate more efficiently if some flexibility is provided to the
34 Department of Human Services – Division of Medical Services authorizing broad
35 powers under this section. Therefore, it is both necessary and appropriate
36 that the General Assembly maintain oversight by requiring prior approval of

1 the Legislative Council or Joint Budget Committee as provided by this
 2 section. The requirement of approval by the Legislative Council or Joint
 3 Budget Committee is not a severable part of this section. If the requirement
 4 of approval by the Legislative Council or Joint Budget Committee is ruled
 5 unconstitutional by a court of competent jurisdiction, this entire section is
 6 void.

7 The provisions of this section shall be in effect only from July 1, ~~2018~~
 8 2019 through June 30, ~~2019~~ 2020.

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 10 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
 12 USAGE AUTHORIZED. The Arkansas Children's Hospital may request the Department
 13 of Human Services - Division of Medical Services to retain in the Department
 14 of Human Services Grant Fund account an amount not to exceed \$2,100,000 from
 15 funds made available by this Act in the Child and Family Life Institute line
 16 item of the Grants appropriation to be used to match federal funds used for
 17 supplemental Medicaid payments to Arkansas Children's Hospital. These
 18 retained funds shall not be recovered to transfer to the General Revenue
 19 Allotment Reserve Fund.

20 The provisions of this section shall be in effect only from July 1, ~~2018~~
 21 2019 through June 30, ~~2019~~ 2020.

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 23 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATE
 25 PLAN. The State Plan must include the provision of EPSDT services as those
 26 services are defined in 42 U.S.C. §1396d(r). See 42 U.S.C. §§
 27 1396a(a)(10)(A), 1396d(a)(4)(B); see also 1396a(a)(43). Section 1396d(r)
 28 lists in detail the screening services, vision services, dental services, and
 29 hearing services that the State Plan must expressly include, but with regard
 30 to treatment services, it states that EPSDT means "[s]uch other necessary
 31 health care, diagnostic services, treatment, and other measures described in
 32 subsection (a) of this section to correct or ameliorate defects and physical
 33 and mental illnesses and conditions discovered by the screening services,
 34 whether or not such services are covered under the State Plan." 42 U.S.C. §
 35 1396d(r)(5) (emphasis added). Reading 42 U.S.C. § 1396a, 42 U.S.C. §
 36 1396d(a), and 42 U.S.C. § 1396d(r) together, we believe that the State Plan

1 need not specifically list every treatment service conceivably available
2 under the EPSDT mandate.

3 The State Plan, however, must pay part or all of the cost of treatments to
4 ameliorate conditions discovered by the screening process when those
5 treatments meet the definitions set forth in 42 U.S.C. § 1396a. See 42 U.S.C.
6 § 1396d(r)(5); see also 42 U.S.C. §§ 1396a(a)(10), 1396a(a)(43), and
7 1396d(a)(4)(B). The Arkansas State Plan states that the "State will provide
8 other health care described in [42 U.S.C. 1396d(a)] that is found to be
9 medically necessary to correct or ameliorate defects and physical and mental
10 illnesses and conditions discovered by the screening services, even when such
11 health care is not otherwise covered under the State Plan." See State Plan
12 Under Title XIX of the Social Security Act, State Of Arkansas at §4.b. This
13 provision meets the EPSDT mandate of the Medicaid Act.

14 We affirm the district court's decision to the extent that it holds that a
15 Medicaid-Eligible individual has a federal right to early intervention day
16 treatment when a physician recommends such treatment. Section 1396d(r)(5)
17 states that EPSDT includes any treatments or measures outlined in 42 U.S.C.
18 §1396d(a). There are twenty-seven sub-parts to 42 U.S.C. §1396d(a), and we
19 find that sub-part (a)(13), in particular, when read with the other sections
20 of the Medicaid Act listed above, mandates that early intervention day
21 treatment be provided when it is prescribed by a physician. See 42 U.S.C.
22 §1396d(a)(13) (defining medical assistance reimbursable by Medicaid as "other
23 diagnostic, screening, preventive, and rehabilitative services, including any
24 medical or remedial services recommended by a physician...for the maximum
25 reduction of physical and mental disability and restoration of an individual
26 to the best possible functional level"). Therefore, after CHMS clinic staff
27 perform a diagnostic evaluation of an eligible child, if the CHMS physician
28 prescribes early intervention day treatment as a service that would lead to
29 the maximum reduction of medical and physical disabilities and restoration of
30 the child to his or her best possible functional level, the Arkansas State
31 Plan must reimburse the treatment. Because CHMS clinics are the only
32 providers of early intervention day treatment, Arkansas must reimburse those
33 clinics.

34 The provisions of this section shall be in effect only from July 1, ~~2018~~
35 2019 through June 30, ~~2019~~ 2020.

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1 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MEDICAL
3 SERVICES - STATE MEDICAID PROGRAM/PERSONAL CARE PROGRAM.

4 (a) It is the legislative intent that the Department of Human Services in
5 its administration of the Arkansas Medicaid Program set forth Medicaid
6 provider participation requirements for "personal care providers" that will
7 insure sufficient available providers to meet the required needs of all
8 eligible recipients, to include insuring available in home services twenty-
9 four (24) hours a day and seven (7) days a week for personal care.

10 (b) For the purposes of this section, "private care agencies" are defined
11 as those providers licensed by the Department of Labor, certified as
12 ~~ElderChoices~~ Home and Community Based Services Providers and who furnish in
13 home staffing services for respite, chore services, and homemaker services,
14 and are covered by liability insurance of not less than one million dollars
15 (\$1,000,000) covering their employees and independent contractors while they
16 are engaged in providing services, such as personal care, respite, chore
17 services, and homemaker services.

18 (c) The purpose of this section is to allow the private care agencies
19 defined herein to be eligible to provide Medicaid reimbursed personal care
20 services seven (7) days a week, and does not supercede Department of Human
21 Services rules establishing monthly benefit limits and prior authorization
22 requirements.

23 (d) The availability of providers shall not require the Department of
24 Human Services to reimburse for twenty-four (24) hours per day of personal
25 care services.

26 (e) The Arkansas Department of Human Services, Medical Services Division
27 shall take such action as required by the Centers for Medicare and Medicaid
28 Services to amend the Arkansas Medicaid manual to include private care
29 agencies as qualified entities to provide Medicaid reimbursed personal care
30 services.

31 (f) The private care agencies shall comply with rules and regulations
32 promulgated by the Arkansas Department of Health which shall establish a
33 separate licensure category for the private care agencies for the provision
34 of Medicaid reimbursable personal care services seven (7) days a week.

35 (g) The Arkansas Department of Health shall supervise the conduct of the
36 personal care agencies defined herein.

1 (h) The purpose of this section is to insure the care provided by the
2 private care agencies is consistent with the rules and regulations of the
3 Arkansas Department of Health.

4 The provisions of this section shall be in effect only from July 1, ~~2018~~
5 2019 through June 30, ~~2019~~ 2020.

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7 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
9 WORKS AND ARKANSAS HEALTH INSURANCE MARKETPLACE RESTRICTIONS. (a) As used in
10 this section, "Arkansas Works" means Arkansas Works established under the
11 Arkansas Works Act of 2016, Arkansas Code § 23-61-1001 et seq.

12 (b)(1) Determining the maximum number of employees, the maximum amount
13 of appropriation, for what purposes an appropriation is authorized, and
14 general revenue funding for a state agency each fiscal year is the
15 prerogative of the General Assembly.

16 (2) The purposes of subdivision (b)(1) of this section are
17 typically accomplished by:

18 (A) Identifying the purpose in the appropriation act;

19 (B) Delineating such maximums in the appropriation act for
20 a state agency; and

21 (C) Delineating the general revenue allocations authorized
22 for each fund and fund account by amendment to the Revenue Stabilization Law,
23 Arkansas Code § 19-5-101 et seq.

24 (3) It is both necessary and appropriate that the General
25 Assembly restrict the use of appropriations authorized in this act.

26 (c)(1) Except as provided in this subsection, the Department of Human
27 Services shall not allocate, budget, expend, or utilize any appropriation
28 authorized by the General Assembly for the purpose of advertisement,
29 promotion, or other activities designed to promote or encourage enrollment in
30 the Arkansas Health Insurance Marketplace or Arkansas Works, including
31 without limitation:

32 (A) Unsolicited communications mailed to potential
33 recipients;

34 (B) Television, radio, or online commercials;

35 (C) Billboard or mobile billboard advertising;

36 (D) Advertisements printed in newspapers, magazines, or

1 other print media; and

2 (E) Internet websites and electronic media.

3 (2) This subsection does not prohibit the department from:

4 (A) Direct communications with:

5 (i) Licensed insurance agents; and

6 (ii) Persons licensed by the department;

7 (B) Solicited communications with potential recipients;

8 (C)(i) Responding to an inquiry regarding the coverage for
9 which a potential recipient might be eligible, including without limitation
10 providing educational materials or information regarding any coverage for
11 which the individual might qualify.

12 (ii) Educational materials and information
13 distributed under subdivision (c)(2)(C)(i) of this section shall contain only
14 factual information and shall not contain subjective statements regarding the
15 coverage for which the potential recipient might be eligible; and

16 (D) Using an Internet website for the exclusive purpose of
17 enrolling individuals in the Arkansas Health Insurance Marketplace or
18 Arkansas Works.

19 (d) The Department of Human Services shall not apply for or accept any
20 funds, including without limitation federal funds, for the purpose of
21 advertisement, promotion, or other activities designed to promote or
22 encourage enrollment in the Arkansas Health Insurance Marketplace or Arkansas
23 Works.

24 (e)(1) Except as provided in subdivision (e)(2) of this section, the
25 Department of Human Services shall not:

26 (A)(i) Except as provided in subdivision (e)(1)(A)(ii) of
27 this section, allocate, budget, expend, or utilize an appropriation
28 authorized by the General Assembly for the purpose of funding activities of
29 navigators, guides, certified application counselors, and certified licensed
30 producers under the Arkansas Health Insurance Marketplace Navigator, Guide,
31 and Certified Application Counselors Act, Arkansas Code § 23-64-601 et seq.

32 (ii) Subdivision (e)(1)(A)(i) of this section does
33 not apply to regulatory and training responsibilities related to navigators,
34 guides, certified application counselors, and certified licensed producers;
35 and

36 (B) Apply for or accept any funds, including without

1 limitation federal funds, for the purpose of funding activities of
2 navigators, guides, certified application counselors, and certified licensed
3 producers under the Arkansas Health Insurance Marketplace Navigator, Guide,
4 and Certified Application Counselors Act, Arkansas Code § 23-64-601 et seq.

5 (2) Subdivision (e)(1) of this section does not apply to
6 certified application counselors at health related institutions, including
7 without limitation the University of Arkansas for Medical Sciences.

8 (f) An appropriation authorized by the General Assembly shall not be
9 subject to the provisions allowed through reallocation of resources or
10 transfer of appropriation authority for the purpose of transferring an
11 appropriation to any other appropriation authorized for the Department of
12 Human Services to be allocated, budgeted, expended, or utilized in a manner
13 prohibited by this section.

14 (g) The provisions of this section are severable, and the invalidity
15 of any subsection or subdivision of this section shall not affect other
16 provisions of the section that can be given effect without the invalid
17 provision.

18 (h) This section expires on June 30, ~~2019~~ 2020.

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20 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
22 SEVERABILITY. If any provisions of this act or the application of this act
23 to any person or circumstance is held invalid, such invalidity shall not
24 affect other provisions or applications of the act which can be given effect
25 without the invalid provision or application, and to this end the provisions
26 of this act are declared to be severable.

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28 SECTION 12. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
29 authorized by this act shall be limited to the appropriation for such agency
30 and funds made available by law for the support of such appropriations; and
31 the restrictions of the State Procurement Law, the General Accounting and
32 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
33 Procedures and Restrictions Act, or their successors, and other fiscal
34 control laws of this State, where applicable, and regulations promulgated by
35 the Department of Finance and Administration, as authorized by law, shall be
36 strictly complied with in disbursement of said funds.

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2 SECTION 13. LEGISLATIVE INTENT. It is the intent of the General
3 Assembly that any funds disbursed under the authority of the appropriations
4 contained in this act shall be in compliance with the stated reasons for
5 which this act was adopted, as evidenced by the Agency Requests, Executive
6 Recommendations and Legislative Recommendations contained in the budget
7 manuals prepared by the Department of Finance and Administration, letters, or
8 summarized oral testimony in the official minutes of the Arkansas Legislative
9 Council or Joint Budget Committee which relate to its passage and adoption.
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11 SECTION 14. EMERGENCY CLAUSE. It is found and determined by the
12 General Assembly, that the Constitution of the State of Arkansas prohibits
13 the appropriation of funds for more than a one (1) year period; that the
14 effectiveness of this Act on July 1, 2019 is essential to the operation of
15 the agency for which the appropriations in this Act are provided, and that in
16 the event of an extension of the legislative session, the delay in the
17 effective date of this Act beyond July 1, 2019 could work irreparable harm
18 upon the proper administration and provision of essential governmental
19 programs. Therefore, an emergency is hereby declared to exist and this Act
20 being necessary for the immediate preservation of the public peace, health
21 and safety shall be in full force and effect from and after July 1, 2019.
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