

**MINUTES OF THE
HOUSE HEALTH AND HUMAN SERVICES STANDING COMMITTEE
Room 30, House Office Building
February 29, 2012
(Revised March 8, 2012)**

MEMBERS PRESENT: Rep. Paul Ray, Chair
Rep. Evan J. Vickers, Vice Chair
Rep. Rebecca Chavez-Houck
Rep. Tim M. Cosgrove
Rep. Bradley M. Daw
Rep. Daniel McCay
Rep. Ronda Rudd Menlove
Rep. Dean Sanpei
Rep. Christine F. Watkins

STAFF PRESENT: Mr. Mark D. Andrews, Policy Analyst
Ms. Linda Black, House Secretary

Note: A list of visitors and copy of handouts are filed with committee minutes.

Rep. Ray called the meeting to order at 4:30 p.m.

MOTION: Rep. McCay moved to approve the minutes of February 24, and February 28, 2012. The motion passed unanimously with Rep. Menlove absent for the vote.

Chair Ray relinquished the chair to Vice Chair Vickers.

H.B. 496 Mental Health Practice Act Revisions (*Rep. P. Ray*)

Rep. Ray introduced the bill to the committee with the assistance of Mr. Brent Kelsey, Assistant Director, Division of Substance Abuse and Mental Health, Department of Human Services.

Spoke against the bill: Ms. Carol Eaquinto, licensed substance abuse counselor

Spoke for the bill: Mr. Santiago Cortez, LSAC
Mr. Pat Fleming, Salt Lake County Behavioral Health Services
Mr. Shawn McMillen, First Step House
Mr. Gray Otis, Utah Mental Health Counselors Association
Mr. Bruce Chandler, Utah Behavioral Healthcare Committee

MOTION: Rep. Daw moved to pass the bill out favorably. The motion passed unanimously with Rep. Menlove absent for the vote.

H.B. 413 Product Liability Amendments (*Rep. D. Brown*)

Rep. Brown introduced the bill to the committee with the assistance of Mr. Cary Silverman, American Tort Reform Association.

MOTION: Rep. Daw moved to amend the bill as follows:

1. *Page 1, Lines 12 through 13:*

12 ▶ provides that a manufacturer may not be liable for a product { ~~unless the~~
claimant
13 **proves** } if the claimant fails to prove by a preponderance of the evidence that the
defendant was the actual

2. *Page 2, Line 28:*

28 underlying the claim, a manufacturer may not be liable { ~~unless the claimant~~
proves } if the claimant fails to prove by a

3. *Page 2, Line 33:*

33 designed, formulated, produced, constructed, created, assembled, or rebuilt the actual
defective product

The motion passed unanimously with Rep. Menlove and Rep. Ray absent for the vote.

Spoke for the bill: Mr. Tom Bingham, Utah Manufacturers Association
 Mr. Casey Hill, Utah Civil Justice League

Spoke against the bill: Mr. Robert G. Gilchrist, Eisenberg Gilchrist & Cutt
 Mr. Mitchell Jensen, Seigfreid & Jensen

MOTION: Rep. Ray moved to pass the bill out favorably. The motion passed with Rep. Chavez-Houck and Rep. Cosgrove voting in opposition. Rep. Menlove was absent for the vote.

Chair Ray resumed the chair at 5:35 p.m.

H.B. 313 Local Health Regulation (*Rep. J. Anderson*)

Rep. Anderson presented the bill to the committee.

MOTION: Rep. Daw moved to amend the bill as follows:

1. Page 1, Line 22:

22 of the state; { ~~and~~ =
► provides that the restrictions for more stringent standards and regulations do not affect standards and regulations made under emergency rulemaking provisions or made for items not regulated by federal, law, state statute, or administrative rules; and

2. Page 2, Lines 51 through 53:

51 (b) The findings shall { ~~be accompanied by an opinion referring to and evaluating~~ } address the
52 public health information and studies contained in the record, which form the basis for the
local
53 health department's conclusion. =
(4) Nothing in the provisions of Subsection (2) or (3), shall limit the ability of a local health department to make standards and regulations in accordance with Subsection 26A-1-121(1)(a) for:
(a) emergency rules made in accordance with Section 63G-3-304; or
(b) items not regulated under federal law, state statute, or state administrative rule.

3. Page 3, Lines 76 through 78:

76 (ii) The findings shall { ~~be accompanied by an opinion referring to and evaluating~~ } address the
77 public health information and studies contained in the record, which form the basis for the
78 board's conclusion.

4. Page 4, Line 110:

110 (h) A further appeal may be taken to the Court of Appeals under Section
78A-4-103. =
(3) Nothing in the provisions of Subsection (1)(b)(ii) or (c), shall limit the ability of a local health department board to make standards and regulations in accordance with Subsection (1)(a) for:
(a) emergency rules made in accordance with Section 63G-3-304; or
(b) items not regulated under federal law, state statute, or state administrative rule.

The motion passed unanimously with Rep. Menlove absent for the vote.

Spoke for the bill: Ms. Melva Sine, Utah Restaurant Association

Spoke to the bill: Mr. Gary Edwards, Salt Lake Valley Health Department

MOTION: Rep. McCay moved to pass the bill out favorably. The motion passed with Rep. Daw voting in opposition. Rep. Vickers was absent for the vote.

S.B. 258 Underage Drinking Prevention Campaign (*Sen. L. Hillyard*)

Sen. Hillyard presented the bill to the committee.

Spoke for the bill: Mr. Wade Faraway, Utah Office of the Attorney General
Mr. Art Brown, MADD

MOTION: Rep. Cosgrove moved to pass the bill out favorably. The motion passed unanimously with Rep. McCay and Rep. Vickers absent for the vote.

S.B. 267 Tribal Health Information (*Sen. K. Van Tassell*) (Rep. J. Draxler)

Rep. Draxler presented the bill to the committee. (handout)

MOTION: Rep. Watkins moved to pass the bill out favorably. The motion passed unanimously with Rep. Menlove and Rep. Vickers absent for the vote.

MOTION: Rep. Cosgrove moved to place S.B. 267 on the Consent Calendar. The motion passed unanimously with Rep. Menlove and Rep. Vickers absent for the vote.

S.J.R. 21 Joint Resolution Recognizing Pregnancy Care Centers (*Sen. J. S. Adams*)

Sen. Adams presented the bill to the committee.

Spoke to the bill: Ms. Chris Kimball, United Women Forum

MOTION: Rep. Daw moved to pass the bill out favorably. The motion passed unanimously with Rep. Chavez-Houck and Rep. McCay absent for the vote.

MOTION: Rep. Menlove moved to place S.J.R. 21 on the Consent Calendar. The motion passed unanimously with Rep. Chavez-Houck and Rep. McCay absent for the vote.

S.B. 161S5 Pharmacy Practice Act Revisions (*Sen. C. Bramble*)

Sen. Bramble presented the bill to the committee.

MOTION: Rep. Daw moved to replace S.B. 161 5th Substitute with S.B. 161 6th Substitute. The motion passed unanimously with Rep. Chavez-Houck and Rep. McCay absent for the vote.

Spoke to the bill: Mr. Reid Barker, Utah Pharmacists Association

Spoke for the bill: Ms. Debra Berry
Mr. Casey Hill, Utah Medical Association
Dr. Nitin Chandramouli, Oncologist

Spoke against the bill: Ms. Missy Duke, Utah Society of Health System Pharmacists
Mr. Scott Silverstein, Pharmacist
Mr. Kavish Choudhary, Pharmacist

MOTION: Rep. Vickers moved to pass the bill out favorably. The motion passed unanimously.

MOTION: Rep. Daw moved to adjourn the meeting. The motion passed unanimously.

Chair Ray adjourned the meeting at 6:40 p.m.

Rep. Paul Ray, Chair