

**MINUTES OF THE
HEALTH AND HUMAN SERVICES INTERIM COMMITTEE**
Wednesday, November 17, 2010 – 2:30 p.m. – Room 250 State Capitol

Members Present:

Rep. Paul Ray, House Chair
Sen. Allen M. Christensen
Sen. David P. Hinkins
Sen. Patricia W. Jones
Sen. Luz Robles
Rep. Trisha S. Beck
Rep. Joel K. Briscoe
Rep. Tim M. Cosgrove
Rep. Bradley M. Daw
Rep. Kay L. McIff
Rep. Ronda Rudd Menlove
Rep. Phil Riesen
Rep. Dean Sanpei
Rep. Evan J. Vickers

Members Absent:

Sen. J. Stuart Adams
Sen. D. Chris Butters, Senate Chair
Rep. Eric K. Hutchings
Rep. Stephen E. Sandstrom

Staff Present:

Mr. Mark D. Andrews, Policy Analyst
Ms. Cathy Dupont, Associate General Counsel
Mr. Thomas R. Vaughn, Associate General Counsel
Ms. Joy L. Miller, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Ray called the meeting to order at 5:20 p.m.

MOTION: Sen. Christensen moved to approve the minutes of the October 20, 2010 meeting. The motion passed unanimously. Sen. Robles, Rep. Briscoe, and Rep. McIff were absent for the vote.

2. Pharmacy Benefits Manager Act

Rep. Vickers briefly explained 2011 General Session draft legislation, "Pharmacy Benefits Manager Act" (2011FL-0118/012). He indicated that he has been working on issues addressed by the bill for about 10 years at the national level and that 17 states have either passed or are considering similar legislation.

Mr. Frank Pignanelli, Medco, stated that Medco is still concerned the bill would be a government mandate for a pharmacy benefits manager to disclose its business model and profit.

MOTION: Rep. Riesen moved to pass 2011 General Session draft legislation, "Pharmacy Benefits Manager Act" (FL-0118/012), with a favorable recommendation. The motion passed unanimously. Sen. Robles was absent for the vote.

3. Medicaid Autism Waiver

MOTION: Chair Ray moved to refer Medicaid Autism Waiver to a standing committee during the 2011 General Session. The motion passed unanimously.

4. Controlled Substances Advisory Committee

Dr. David N. Sundwall, Executive Director, Utah Department of Health, and chair of the Controlled Substances Advisory Committee, distributed a written report from the Controlled Substances Advisory Committee. He said the Committee recommends that synthetic cannabinoid substances found in Spice should not be placed on the controlled substance schedule in the Utah Controlled Substances Act. However, he said, the act should be amended to include "listed controlled substances" and that synthetic cannabinoids found in Spice should be included on the list. He indicated that the Committee is not recommending regulation of salvia divinorum, and that it will consider in the future whether tramadol should be added to the state's list of controlled substances.

5. Spice

Rep. Froerer discussed 2011 General Session draft legislation, "Controlled Substance Modifications" (FL-0283/003), which was included in the mailing packet. He stated that municipalities are enacting ordinances on Spice on almost a weekly basis. He discussed how much it costs to produce Spice and stated that it is a profit-driven business.

Mr. Paul Boyden, Statewide Association of Prosecutors, explained that the bill lists Spice as a controlled substance rather than putting it in a particular schedule. He indicated that the idea of listing it is to discourage people from making it commercially available. Mr. Boyden stated the bill contains the same penalties for Spice as for marijuana.

Mr. Dan Duel, Ogden resident, pointed out that he was an organizer of a community rally in Ogden. He stated that within two weeks of the rally, the city had researched Spice, written an ordinance, and banned it. He encouraged the Committee to support the bill.

MOTION: Rep. Beck moved to pass 2011 General Session draft legislation, "Controlled Substance Modifications" (FL-0283/003), as a committee bill. The motion passed unanimously.

6. Sports-related Concussions

Due to lack of time, this item was not discussed.

7. Medical Consent by Certain Minors

Rep. Jennifer Seelig presented 2011 General Session draft legislation, "Immunizations for Teen Mothers" (2011FL-0054/003). She explained that the purpose of the bill is to allow a teen mother to lawfully provide consent for vaccinations to protect her health and the health of her infant.

Mr. Gary Edwards, Salt Lake Valley Health Department, pointed out that the draft legislation is supported by all local health departments. He said that most vaccinations cannot be administered to the youngest and most vulnerable immediately after birth and stressed the need to ensure that caregivers are vaccinated. He indicated that one of the best ways for a mother to protect her infant is to be vaccinated herself.

The Committee discussed the various ways the vaccine could be paid for. Committee members also discussed whether the HPV vaccine would be included in the list of vaccinations for which the mother could provide consent.

Dr. Robert Rolfs, State Epidemiologist, Utah Department of Health, indicated that HPV, if acquired by a pregnant woman, could be acquired by an infant during childbirth.

Dr. Rolfs and Dr. Sundwall indicated their support for the intent of the bill.

MOTION: Rep. Menlove moved to pass 2011 General Session draft legislation, "Immunizations for Teen Mothers" (FL-0054/003), with a favorable recommendation, as a committee bill. The motion passed unanimously.

8. Cigarette and Tobacco Penalties

Due to lack of time, this item was not discussed.

9. Cigarette License Revocation

Due to lack of time, this item was not discussed.

10. Office of Recovery Services

Due to lack of time, this item was not discussed.

11. Other Items / Adjourn

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

Chair Ray adjourned the meeting at 6:15 p.m.