

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
Friday, January 22, 2016 – 9:00 a.m. – Room 445 State Capitol

Members Present:

Sen. Howard A. Stephenson, Senate Chair
Rep. Curtis Oda, House Chair
Sen. J. Stuart Adams
Sen. Jim Dabakis
Sen. Gene Davis
Sen. Mark B. Madsen
Rep. Mark A. Wheatley
Rep. Carol Spackman Moss

Rep. R. Curt Webb

Members Absent:

Rep. LaVar Christensen

Staff Present:

Mr. Arthur L. Hunsaker, Policy Analyst
Ms. Christine R. Gilbert, Associate General Counsel
Ms. Tracey Fredman, Legislative Assistant

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 Oda called the meeting to order at 9:20 a.m. Rep. Christensen was excused from the meeting.

MOTION: Rep. Webb moved to approve the minutes of the January 12, 2016, meeting. The motion passed unanimously. Sen. Adams and Sen. Dabakis were absent for the vote.

2. R384-415 Electronic-Cigarette Substance Standards

Mr. Aaron Frazier, Executive Director, Utah Smoke-Free Association, distributed "Administrative Rule 63G-3-301.6-7" and "HB0415 Fiscal Note" and discussed the negative fiscal impact of both rules on small businesses. He concluded that the rules need further consideration and discussion.

Dr. Robert Rolfs, Deputy Director, Department of Health, responded to Mr. Frazier's concerns and indicated that the department is willing to look at the impact on small businesses. Dr. Rolfs stated that discussion continues on issues related to labeling, recordkeeping, and concentration and amount of substance in the vials. He indicated that the department's foremost concern is safety and that the department is willing to continue discussion in an effort to arrive at a safe compromise that addresses the concerns of the department and small businesses.

Ms. Janae Duncan, Manager, Tobacco Prevention and Control Program, Department of Health, noted that in addition to the small businesses represented by the Utah Smoke-Free Association, other businesses impacted by the rules include many convenience stores, manufacturers, and retailers locally and nationally.

Mr. Dave Davis, President, Utah Merchants Association and Utah Food Industry Association, commented on the rulemaking process, which he described as reasonable, open, and fair. He highlighted some of the compromises made by the department on bottle sizes and tamper proof safeguards. Mr. Davis acknowledged that there are some things that still need to be worked out, but overall he spoke in support of the rules.

Sen. Stephenson asked Dr. Rolfs to look at the fiscal impact of the R384-415 Electronic-Cigarette Substance Standards again and to report back to the committee noting that at the time the law was passed legislators were told the impact would be much less than what is being reported by Mr. Frazier.

Dr. Rolfs said the department would comply. No action was taken on this item.

3. Draft Bill, Reauthorization of Administrative Rules

Mr. Hunsaker briefed committee members on the provisions of draft legislation "Reauthorization of Administrative Rules" (2016FL-0566/006), which was distributed in the mailing packet.

MOTION: Sen. Stephenson moved that the committee recommend draft legislation "Reauthorization of Administrative Rules" as a committee bill.

SUBSTITUTE MOTION: Sen. Davis moved to remove the water heater rule from the bill and that the committee recommend draft legislation "Reauthorization of Administrative Rules," with the proposed amendment, as a committee bill. The motion failed with Sen. Davis, Rep. Moss, and Rep. Wheatley voting in favor. Sen. Adams and Sen. Dabakis were absent for the vote.

Chair Oda called for a vote on the original motion. The original motion passed with Sen. Davis and Rep. Webb voting in opposition. Sen. Adams and Sen. Dabakis were absent for the vote.

4. Draft Bill, Administrative Rulemaking Act Modifications

Committee staff distributed draft legislation "Administrative Rulemaking Act Modifications" (2016FL-1074/005).

Ms. Gilbert reviewed provisions of the bill that would, under certain circumstances, exempt the State Board of Education from public hearing requirements described in the Utah Administrative Rulemaking Act.

Ms. Jennifer Johnson, Second Vice Chair, State Board of Education, responded to committee members' questions and noted that the legislation would not decrease opportunities for public input in the rulemaking process.

MOTION: Sen. Stephenson moved to recommend draft legislation "Administrative Rulemaking Act Modifications" as a committee bill. The motion passed unanimously. Sen. Dabakis, Sen. Davis, and Rep. Moss were absent for the vote.

5. Committee Business

Rep. Oda noted a need for further discussion about the fiscal note for 2016 General Session H.B. 103, "Department of Administrative Services Amendments."

Mr. Ken Hansen, Deputy Director, Department of Administrative Services, briefed committee members on the issue.

Committee staff distributed a sample letter from the committee to the Health and Human Services Interim Committee regarding the draft of the Autism Spectrum Disorder Related Services for EPSDT Eligible Individuals Utah Medicaid Provider Manual, which was discussed in the January 12, 2016, meeting. There was no discussion about the letter.

The next meeting was scheduled for Tuesday, April 12, 2016, at 9 a.m.

6. Adjournment

MOTION: Rep. Wheatley moved to adjourn the meeting. The motion passed unanimously. Sen. Davis, Sen. Dabakis, and Rep. Moss were absent for the vote.

Chair Oda adjourned the meeting at 11:00 a.m.