

**MINUTES OF THE
HEALTH AND HUMAN SERVICES INTERIM COMMITTEE**
Wednesday, November 14, 2001 – 9:00 a.m. – Room 416 State Capitol

Members Present:

Sen. Terry R. Spencer, Senate Chair
Rep. Carl R. Saunders, House Chair
Sen. D. Edgar Allen
Sen. Peter C. Knudson
Rep. Patrice Arent
Rep. Trisha S. Beck
Rep. Glenn A. Donnelson
Rep. Bryan Holladay
Rep. Patricia W. Jones
Rep. David Litvack
Rep. Rebecca D. Lockhart
Rep. Carol Spackman Moss

Rep. Paul Ray
Rep. Jack A. Seitz
Rep. Mike Thompson

Members Absent:

Rep. Wayne Harper
Rep. Glenn Way

Staff Present:

Mr. Mark D. Andrews, Research Analyst
Ms. Catherine J. Dupont, Associate General Counsel
Mr. Paul W. Hess, Associate General Counsel
Ms. Sandra Wissa, Legislative Secretary

Note: A list of others present and a copy of materials can be found at <http://www.image.le.state.ut.us/imaging/history.asp> or contact the Office of Legislative Research and General Counsel.

1. Call to Order and Approval of September 12, 2001 Minutes

Chair Spencer called the meeting to order at 9:15 a.m.

MOTION: Sen. Knudson moved to approve the minutes of the October 24, 2001 meeting. The motion passed unanimously with Rep. Moss absent for the vote.

2. Genetic Privacy and Discrimination

Rep. Ray distributed and presented draft legislation "Genetic Privacy and Discrimination." He explained the changes to this bill since it was presented last month.

Mr. Cheye Calvo, Program Manager, Genetic Technologies Project, National Conference of State Legislatures, presented "Lessons from the Laboratories: State Genetics Policy and Law." He explained how genetic information may be used. He provided a short history of state genetics policy and what states have learned. He also reviewed key policy questions and answered questions from the Committee.

Ms. Tina Johnson, Chair, Legislative Coalition for People with Disabilities, spoke in favor of the legislation.

MOTION: Rep. Saunders moved to approve the draft legislation "Genetic Privacy and Discrimination." The motion passed unanimously.

3. Adult Protective Services

Mr. Hess distributed and reviewed "Proposed Technical Amendments" for draft legislation "Adult Protective Services Amendments." He explained that this bill was approved last month by this Committee. He stated that the trial by jury provision does not really fit with the type of petition to the court provided for in the bill, therefore, the amendments propose to remove that provision.

MOTION: Rep. Jones moved to approve the draft legislation "Adult Protective Services Amendments" as modified. The motion passed with Rep. Lockhart and Rep. Thompson voting in opposition. Rep. Ray was absent for the vote.

4. Child Welfare Legislative Oversight Panel Report

Rep. Throckmorton presented the report "October 31, 2001 Report by Child Welfare Legislative Oversight Panel to Health and Human Services Interim Committee." He distributed and reviewed draft legislation "Termination of Parental Rights Amendments," "Taking Minor Into Protective Custody Without Warrant," "Responsibility of Attorney General to Represent Division of Child and Family Services," and "Immunity from Liability in Child Welfare Investigations."

Committee discussion followed.

MOTION: Rep. Arent moved to amend line 22 to insert after the word "employee" the words "intentionally or knowingly" in the draft legislation "Immunity from Liability in Child Welfare Investigations." The motion passed unanimously with Rep. Ray absent for the vote.

Mr. Richard Anderson, Director, Division of Child and Family Services, expressed concern about singling out child welfare workers. He stated that there is a 56 percent turnover rate with child welfare workers because they have to make difficult decisions. He indicated that there should be the same expectations for every State employee.

Committee discussion followed.

MOTION: Rep. Seitz moved to approve draft legislation "Immunity from Liability in Child Welfare Investigations" as amended. The motion passed with Rep. Arent, Rep. Beck, Rep. Jones, and Rep. Litvack voting in opposition. Rep. Ray was absent for the vote.

5. Tobacco Subcommittee-Follow-up

Rep. Saunders distributed and reviewed draft legislation "Underage Possession of Tobacco Amendments." He explained that the bill will change the underage possession fine from \$50 to \$60 and requires participation in a court approved educational program.

Ms. Rebecca Giles, Program Manager, Tobacco Prevention Control Program, Utah Department of Health, explained the educational programs available throughout the State.

MOTION: Sen. Spencer moved to amend draft legislation "Underage Possession of Tobacco Amendments" on line 26 by removing the language "for second and subsequent offenses." The motion passed unanimously with Rep. Arent, Rep. Beck, Rep. Litvack, and Rep. Ray absent for the vote.

Mr. Kenneth Wright, Legislation Chairman, Disabled Veterans, related a story of how he started to smoke while in the armed forces.

MOTION: Rep. Saunders moved to approve draft legislation "Underage Possession of Tobacco Amendments." The motion passed unanimously with Rep. Beck and Rep. Ray absent for the vote.

Rep. Saunders distributed and reviewed draft legislation "Tobacco Amendments." He explained that this legislation removed the monetary cap for retail compliance checks.

MOTION: Rep. Arent moved to approve draft legislation "Tobacco Amendments." The motion passed with Chair Spencer voting in opposition and Rep. Moss and Rep. Ray absent for the vote.

Rep. Saunders distributed and reviewed draft legislation "Minimum Fines for Providing Tobacco to Underage Persons." He explained he spoke with members of the Sentencing Commission as requested in the last October meeting and they are reviewing the bill.

Chair Spencer turned the chair over to Chair Saunders.

Rep. Karen Morgan distributed and reviewed draft legislation "Technical Amendments to Tobacco Settlement Trust Fund." She explained that this makes a technical change that was brought to her by the finance department.

Ms. Dupont indicated that this bill is necessary to comply with the Utah Constitution.

MOTION: Sen. Allen moved to approve the draft legislation "Technical Amendments to Tobacco Settlement Trust Fund." The motion passed with Sen. Spencer voting in opposition and Rep. Arent and Rep. Moss absent for the vote.

Chair Saunders returned the chair position to Chair Spencer.

6. Physical Activity and Nutrition Subcommittee--Follow-up

Rep. Jones distributed and reviewed draft legislation "Nutritional Foods in School." She explained that there are contracts set up with soft drink companies in schools and the revenue stream can be significant. Rep. Jones stated that the number of soft drink machines in schools is climbing. She highlighted that this

bill is to help mitigate the problem by requiring schools to provide a minimum number of healthy choices within each machine.

Dr. Robin Bowden, Principal, Syracuse Jr. High School, and Mr. David Tanner, Assistant Principal, Syracuse Jr. High School, stated that their school has made the choice to provide only foods with minimal nutritional value in vending machines. Mr. Tanner explained that there has been a small increase in revenue since the change. Dr. Bowden explained that most principals do not know that they have the right to designate what food choices are provided in the vending machines.

Mr. Scott Tennis, Principal, Viewmont High School, addressed the committee. He stated that this should be a local decision and not mandated by the State. He said that it is not unreasonable to allow high school aged children to make their own food choices. He explained that high school aged children will buy soft drinks off campus if they are not available on campus and he would rather they stay on campus.

Ms. Julie Meadows, Chief Clinical Dietician, Primary Children's Medical Center, explained that her job is to teach families, and especially children, to make healthy choices. She stated that it is difficult to teach children to make healthy choices from vending machines because healthy choices are not available. She highlighted that healthy choices are not extremely restrictive.

Dr. Dan Jackson, Primary Children's Medical Center, explained that there is evidence that children are not making healthy choices and those choices do make a difference.

MOTION: Rep. Ray moved to proceed to the next item on the agenda.

SUBSTITUTE MOTION: Rep. Saunders moved to approve the draft legislation "Nutritional Foods in School." The motion failed in the Senate with Chair Spencer, Sen. Knudson, Rep. Donnelson, Rep. Lockhart, Rep. Ray, and Rep. Seitz voting in opposition and Rep. Holladay and Rep. Moss absent for the vote.

SUBSTITUTE MOTION: Sen. Knudson moved to ask the chairs to communicate with the State Office of Education and ask them: (1) to inform schools throughout Utah that there is a growing concern among members of the Legislature regarding healthy choices, and (2) to ask schools to look at their contracts and work with their vendors—using Syracuse Jr. High School as an example—and to follow through with changing the choices. The motion passed unanimously with Rep. Holladay and Rep. Moss absent for the vote.

7. Access to Health Care Task Force Report

Sen. Knudson and Rep. Lockhart, chairs of the Access to Health Care and Coverage Task Force, distributed and reviewed "Access to Health Care and Coverage Task Force Report." Rep. Lockhart explained that the Task Force makes the following recommendations: (1) reauthorize the Task Force, (2) continue to monitor the progress of the Department of Health's project dealing with covering the

uninsured, and (3) monitor the Department of Health's medicaid waiver proposal. Rep. Lockhart also distributed and reviewed draft legislation "Access to Health Care and Coverage Task Force."

MOTION: Rep. Lockhart moved to approve draft legislation "Access to Health Care and Coverage Task Force" for another year. The motion passed unanimously with Rep. Holladay, Rep. Jones, Rep. Moss, and Rep. Ray absent for the vote.

8. Requirement to Provide Services to DUI Offenders

Rep. Ray distributed and presented draft legislation "Local Substance Abuse Authority Amendments." He stated that this bill was proposed by the Utah Division of Substance Abuse. He also distributed the handout "Governor's Council on Driving Under the Influence, 2002 Legislative Session, Recommendations for Legislation."

Mr. Patrick Flemming, Director, Division of Substance Abuse, Department of Human Services, stated that this draft legislation modifies the Utah Code so that money assessed on a DUI case is used by local authorities to provide assessment, education, and treatment programs to persons convicted of DUI.

MOTION: Rep. Ray moved to approve the draft legislation "Local Substance Abuse Authority Amendments." The motion passed unanimously.

9. Other Business

No other business was discussed.

10. Adjourn

MOTION: Rep. Seitz moved to adjourn the meeting. The motion passed unanimously with Rep. Arent, Rep. Beck, Rep. Holladay, and Rep. Moss absent for the vote.

Chair Spencer adjourned the meeting at 12:10 p.m.

