

**MINUTES OF THE
HEALTH AND HUMAN SERVICES STANDING COMMITTEE
ROOM 223, STATE CAPITOL BUILDING
February 6, 2004**

MEMBERS PRESENT: Rep. Mike Thompson, Chair
 Rep. Steven R. Mascaro, Vice-Chair
 Rep. Calvin G. Bird
 Rep. Judy Ann Buffmire
 Rep. D. Gregg Buxton
 Rep. Marda Dillree
 Rep. Patricia W. Jones
 Rep. David Litvack
 Rep. Rebecca D. Lockhart

MEMBERS ABSENT: Rep. Bradley G. Last

STAFF PRESENT: Mark Andrews, Policy Analyst
 Joseph Wade, Policy Analyst
 Sylvia Newton, House Secretary

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

Rep. Thompson called the meeting to order at 2:10 p.m.

MOTION: Rep. Buffmire moved to approve the minutes of the February 4, 2004 meeting. The motion passed unanimously with Rep. Dillree absent for the vote.

H.B. 120 Child Welfare Funding for In-home Services (Rep. M. Thompson)

Rep. Thompson announced that H.B.120 would not be heard at this meeting.

H.B. 90 Access to Child Welfare Hearings (Rep. M. Morley)

Rep. Morley introduced H.B. 90 and explained it to the committee.

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

1. Page 2, Lines 36 through 37:

36 (ii) The court ~~[[may]]~~ **shall** admit **reasonable numbers of** persons
 requested by the parent or legal guardian to be present
37 if persons are present to support the family.

The motion to amend the bill passed unanimously.

Spoke to the bill: Mark May, Attorney General's Office
Adam Trupp, Division of Child and Family Services

Spoke in favor of the bill: Karen Clark, Utah Families Association (handout)
Joyce Kinmont, Utah Families Association
Sandra Lucas, Citizens' Commission on Human Rights
Matt Throckmorton, former representative

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

Page 2, Line 31: After "July 1," delete "2005" and insert "2004"

SUBSTITUTE

MOTION: Rep. Lockhart moved to pass the bill out favorably as previously amended. The motion passed unanimously.

H.B. 249 Nursing Care Facility Medicaid Certification Amendments (*Rep. R. Lockhart*)

Rep. Lockhart introduced H.B. 249 and explained it to the committee. She was assisted by Dirk Anjewierden, Executive Director of Utah Health Care Association.

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

1st Sub. S.B. 69 Partial Birth Abortion Amendments (*Sen. C. Bramble*)

Sen. Bramble introduced 1st Sub. S.B. 69 and discussed the issues in the bill and potential substitute bills.

MOTION: Rep. Dillree moved to delete in title and body 1st Sub. S.B. 69 and replace it with 2nd Sub. S.B. 69. The motion passed unanimously with Rep. Mascaro absent for the vote.

Spoke to the bill: Stacey Snyder, Associate General Counsel
Gay Taylor, General Counsel
Jerrold Jensen, Attorney General's Office

Copies of 3rd Sub. S.B. 69 were distributed to the committee members and discussed.

MOTION: Rep. Jones moved to amend 2nd Sub. S.B. 69 as follows:

1. Page 4, Line 117 through Page 5, Line 122:

117 **76-7-326. Partial birth abortions prohibited.**

118 Any physician who knowingly performs a partial birth abortion and thereby kills a
119 human fetus shall be fined or imprisoned, or both, as provided under this part. This
section

120 does not apply to a partial birth abortion ~~[[that is necessary to save the life of a mother~~
~~whose life~~

121 ~~is endangered by a physical disorder, physical illness, or physical injury, including a~~
~~life~~

122 ~~endangering physical condition caused by or arising from the pregnancy~~

~~itself.~~] of a pregnancy caused by rape or incest, or when the life or health of the
woman is adjudged by competent medical authority to be in serious jeopardy.

2. Page 5, Lines 134 through 143:

134 **76-7-328. Hearing to determine necessity of physician's conduct.**

135 (1) A physician accused of an offense under Section 76-7-326 may seek a hearing
136 before the Physicians Licensing Board created in Section 58-67-201, or the Osteopathic
137 Physician and Surgeon's Licensing Board created in Section 58-68-201 on whether the
138 physician's conduct ~~[[was necessary to save the life of the mother whose life was~~
~~endangered by~~

139 ~~a physical disorder, physical illness, or physical injury, including a life endangering~~
~~physical~~

140 ~~condition caused by or arising from the pregnancy itself.~~] complied with Section
76-7-326.

141 (2) The findings on that issue are admissible on that issue at the trial of the physician.

142 Upon a motion from the physician, the court shall delay the beginning of the trial for not
more

143 than 30 days to permit such a hearing to take place.

The motion to amend the bill failed with Rep. Buffmire, Rep. Jones, and Rep. Litvack voting in favor of the motion.

Spoke in opposition to the bill: Mary Carlson, former representative
Karrie Galloway, Planned Parenthood (handout)

Spoke in favor of the bill: Karen Clark, Eagle Forum
Charlene Bootz, citizen
VeAnn Bean, Concerned Women of America
Mark Towner, health care administrator
Gayle Ruzicka, Eagle Forum

MOTION: Rep. Litvack moved to delete in title and body 2nd Sub. S.B. 69 and replace it with 3rd Sub. S.B. 69.

SUBSTITUTE

MOTION: Rep. Lockhart moved to pass 2nd Sub. S.B. 69 out favorably. The motion passed with Rep. Buffmire, Rep. Jones, and Rep. Litvack voting in opposition to the motion.

MOTION: Rep. Litvack moved to adjourn. The motion passed unanimously. The meeting was adjourned at 4:40 p.m.

Rep. Mike Thompson
Committee Chair