

**MINUTES OF THE SENATE HEALTH AND HUMAN SERVICES
STANDING COMMITTEE
JANUARY 31, 2011
ROOM 250 STATE CAPITOL COMPLEX**

Members Present: Sen. D. Chris Buttars, Chair
Sen. Allen M. Christensen
Sen. Mark B. Madsen
Sen. Stuart C. Reid
Sen. Patricia W. Jones
Sen. Luz Robles

Staff Present: Mark D. Andrews, Policy Analyst
Kathy Helgesen, Committee Secretary

Public Speakers Present: Nick Zullo, Utah Alzheimer's Association
Cory Rushton, West Valley City Council
Ryan Robinson, West Valley City Chief Prosecutor
Maryann Christensen, Secretary, Utah Eagle Forum
Dr. Tom Metcalf, Pediatrician, UHPP/UCAAP
Paul Boyden, Executive Director, Utah State Prosecutors
Libby Mill, Safety Committee, Utah PTA

A list of visitors and a copy of handouts are filed with the committee minutes.

Sen. Buttars called the meeting to order at 4:12 p.m.

Approval of Minutes

MOTION: Sen. Reid moved to approve the minutes of January 27, 2011.

The motion passed unanimously with Sen. Christensen, Sen. Jones, and Sen. Robles absent for the vote.

1. **SB0137 - Medicaid Amendments (A. Christensen)**

The bill was not considered.

2. **HB0217 - Appointment of Director of the Division of Health Care Financing (D. Clark)**

Rep. Clark presented the bill.

MOTION: Sen. Christensen moved to pass H.B. 217 out of committee with a favorable

recommendation.

The motion passed unanimously with Sen. Jones and Sen. Robles absent for the vote.

3. **SB0048 - Alzheimer's State Plan Task Force (K. Morgan)**

Sen. Morgan presented the bill.

Mr. Zullo spoke in favor of the bill.

MOTION: Sen. Jones moved to pass S.B.48 out of committee with a favorable recommendation.

The motion passed unanimously.

4. **SB0124 - Leaving a Child Unattended in a Motor Vehicle (B. McAdams)**

Sen. McAdams presented the bill.

MOTION: Sen. Jones moved to amend the bill as follows:

1. *Page 1, Lines 9 through 10:*

9 This bill amends the Utah Criminal Code by making it an infraction to leave a child
10 unattended in an enclosed compartment of a motor vehicle.

2. *Page 1, Line 16:*

16 leave a child in an enclosed compartment of a motor vehicle if:

3. *Page 1, Lines 20 through 22:*

20 ▶ provides that this bill does not apply if the person's conduct that constitutes a
21 violation of this bill is { ~~punishable as a class B misdemeanor, a class A~~
22 ~~misdemeanor, or a felony.~~ } subject to a greater penalty under another provision
of state law.

4. *Page 2, Lines 34 through 47:*

34 (1) As used in this section:

35 (a) "Child" means a person who is younger than nine years old.

(b) "Enclosed compartment" means any enclosed area of a motor vehicle,
including the passenger compartment, regardless of whether a door, window, or
hatch is left open.

36 { ~~(b)~~ } (c) "Motor vehicle" means an automobile, truck, truck tractor, bus, or

any other
37 self-propelled vehicle.
38 (2) A person who is responsible for a child is guilty of a class C misdemeanor if:
39 (a) the person intentionally, recklessly, knowingly, or with criminal negligence leaves
40 the child in ~~{a}~~ **an enclosed compartment of a** motor vehicle;
41 (b) the child is not supervised by a person who is at least 12 years old; and
42 (c) (i) the conditions present a risk to the child's health or safety;
43 (ii) the engine of the motor vehicle is running; or
44 (iii) the keys to the motor vehicle are in the passenger compartment of the motor
45 vehicle.
46 (3) This section does not apply if the person's conduct that constitutes a violation of
47 this section is ~~{punishable as a class B misdemeanor, a class A misdemeanor, or a~~
felony} **subject to a greater penalty under another provision of state law** .

The motion passed unanimously.

Mr. Rushton, and Mr. Robinson spoke in favor of the bill.

MOTION: Sen. Madsen moved to amend the bill as follows:

1. Page 1, Lines 18 through 19:

18 • the conditions present a risk to the child's health or safety ~~{, the engine is~~
running,
19 **or the keys are in the passenger compartment of the motor vehicle}** ; and

2. Page 2, Lines 42 through 45:

42 (c) ~~{(i)}~~ the conditions present a risk to the child's health or safety ~~{;}~~ **;**
43 **{(ii) the engine of the motor vehicle is running; or**
44 **(iii) the keys to the motor vehicle are in the passenger compartment of the motor**
45 **vehicle.}**

The motion passed unanimously with Sen. Jones absent for the vote.

Ms. Christensen and Dr. Metcalf spoke to the bill.

MOTION: Sen. Jones moved to pass S.B. 124, as amended, out of committee with a favorable recommendation.

The motion passed with Sen. Buttars voting in opposition.

4. **HB0014 - Catastrophic Mental Health Coverage - Sunset Act (J. Dunnigan)**

This bill was not considered.

5. **HB0015 - Controlled Substance Database - Licensing Amendments (B. Daw)**

Rep. Daw presented the bill.

MOTION: Sen. Christensen moved to pass H.B. 15 out of committee with a favorable recommendation.

The motion passed unanimously.

6. **HB0215 - Fatality Review Act Amendments (M. Newbold)**

Rep. Newbold presented the bill.

MOTION: Sen. Christensen moved to pass H.B. 215 out of committee with a favorable recommendation.

The motion passed unanimously with Sen. Madsen absent for the vote.

7. **HB0023 - Controlled Substance Modifications (G. Froerer)**

Sen. Christensen and Mr. Boyden presented the bill.

Ms. Mill spoke in favor of the bill.

MOTION: Sen. Robles moved to pass H.B. 23 out of committee with a favorable recommendation.

The motion passed unanimously with Sen. Madsen and Sen. Jones absent for the vote.

MOTION: Sen. Robles moved to adjourn.

The motion passed unanimously.

The meeting adjourned at 5:22 p.m.

Minutes reported by Kathy Helgesen, Secretary.

Sen. D. Chris Buttars, Committee Chair