

**MINUTES OF THE SENATE HEALTH AND HUMAN SERVICES
STANDING COMMITTEE**

Room 250, State Capitol

February 25, 2013

Members Present: Sen. Evan J. Vickers, Chair
 Sen. Allen M. Christensen
 Sen. Brian E. Shiozawa
 Sen. Daniel W. Thatcher

Members Excused: Sen. Luz Robles

Staff Present: Mr. Mark D. Andrews, Policy Analyst
 Ms. Nancy A. Skidmore, Committee Secretary

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

Chair Vickers called the meeting to order at 8:06 a.m.

Approval of Minutes

MOTION: Sen. Vickers moved to approve the minutes of Feb. 20, 2013. The motion passed unanimously with Sen. Thatcher absent for the vote.

1st Sub. S.B. 203 Prescription Label Information and Education Amendments (P. Jones)

Sen. Jones presented the bill to the committee.

MOTION: Sen. Vickers moved to amend 1st Sub. S.B. 203 as follows:

1. Page 4, Lines 97 through 101:

97 (2) as part of the website information, specify that information described in
 Subsection
98 (1) should not be included on the label if {
99 —(a) the prescription order does not include a refill; or
100 —(b)} the prescriber or patient indicates that the information may not be included on
 the
101 label.

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

Spoke in favor
of the bill: Captain Tony Allred, Paramedic, Salt Lake City Fire Department

Mr. Mark Brinton, General Counsel and Director of Government
Affairs, Utah Medical Association

MOTION: Sen. Shiozawa moved to pass 1st Sub. S.B. 203, as amended, out favorably. The motion passed unanimously with Sen. Thatcher absent for the vote.

S.B. 207 **Repeal of Health and Human Services Reports and Expired or Discontinued Programs (A. Christensen)**

Sen. Christensen presented the bill to the committee.

MOTION: Sen. Christensen moved to amend S.B. 207 as follows:

1. Page 2, Line 35:

35 { ~~26-7-2, as last amended by Laws of Utah 2011, Chapter 192~~ }

2. Page 2, Line 49:

49 { ~~26-52-202, as last amended by Laws of Utah 2012, Chapters 242 and 402~~ }

3. Page 2, Line 57:

57 { ~~59-14-204, as last amended by Laws of Utah 2012, Chapter 341~~ }

4. Page 15, Line 451 through Page 16, Line 488:

451 { ~~Section 7. Section 26-7-2 is amended to read:~~

452 — ~~26-7-2. Office of Health Disparities Reduction -- Duties.~~

453 — ~~(1) As used in this section:~~

454 — ~~(a) "Multicultural or minority health issue" means a health issue, including a mental~~

455 ~~and oral health issue, of particular interest to cultural, ethnic, racial, or other~~
subpopulations;

456 ~~including:~~

457 — ~~(i) disparities in:~~

458 — ~~(A) disease incidence, prevalence, morbidity, mortality, treatment, and~~
treatment

459 ~~response; and~~

460 — ~~(B) access to care; and~~

461 — ~~(ii) cultural competency in the delivery of health care.~~

462 — ~~(b) "Office" means the Office of Health Disparities Reduction created in this~~
section.

463 ~~—(2) There is created within the department the Office of Health Disparities~~
~~Reduction.~~

464 ~~—(3) The office shall:~~

465 ~~—(a) promote and coordinate the research, data production, dissemination,~~
~~education;~~

466 ~~and health promotion activities of the following that relate to a multicultural or~~
~~minority health~~

467 ~~issue:~~

468 ~~—(i) the department;~~

469 ~~—(ii) local health departments;~~

470 ~~—(iii) local mental health authorities;~~

471 ~~—(iv) public schools;~~

472 ~~—(v) community-based organizations; and~~

473 ~~—(vi) other organizations within the state;~~

474 ~~—(b) assist in the development and implementation of one or more programs to~~
~~address a~~

475 ~~multicultural or minority health issue;~~

476 ~~—(c) promote the dissemination and use of information on a multicultural or~~
~~minority~~

477 ~~health issue by minority populations, health care providers, and others;~~

478 ~~—(d) seek federal funding and other resources to accomplish the office's mission;~~

479 ~~—(e) provide technical assistance to organizations within the state seeking funding~~
~~to~~

480 ~~study or address a multicultural or minority health issue;~~

481 ~~—(f) develop and increase the capacity of the office to:~~

482 ~~—(i) ensure the delivery of qualified timely culturally appropriate translation~~
~~services~~

483 ~~across department programs; and~~

484 ~~—(ii) provide, when appropriate, linguistically competent translation and~~
~~communication~~

485 ~~services for limited English proficiency individuals; and~~

486 ~~—(g) provide staff assistance to any advisory committee created by the department~~
~~to~~

487 ~~study a multicultural or minority health issue[; and];~~

488 ~~—[(h) annually report to the Legislature on its activities and~~
~~accomplishments.];}~~

5. Page 36, Line 1100 through Page 38, Line 1165:

- 1100 { ~~Section 21. Section 26-52-202 is amended to read:~~
- 1101 ~~—26-52-202. Autism Treatment Account Advisory Committee -- Membership --~~
- 1102 ~~Time limit.~~
- 1103 ~~—(1)(a) There is created an Autism Treatment Account Advisory Committee~~
- 1104 ~~consisting~~
- 1105 ~~of six members appointed by the governor to two-year terms of office as follows:~~
- 1106 ~~—(i) one person holding a doctorate degree who has experience in treating persons~~
- 1107 ~~with~~
- 1108 ~~an autism spectrum disorder;~~
- 1109 ~~—(ii) one person who is a board certified behavior analyst;~~
- 1110 ~~—(iii) one person who is a physician licensed under Title 58, Chapter 67, Utah~~
- 1111 ~~Medical~~
- 1112 ~~Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, who~~
- 1113 ~~has~~
- 1114 ~~completed a residency program in pediatrics;~~
- 1115 ~~—(iv) one person who is employed in the Department of Health; and~~
- 1116 ~~—(v) two persons from the community who are familiar with autism spectrum~~
- 1117 ~~disorders~~
- 1118 ~~and their effects, diagnosis, treatment, rehabilitation, and support needs, including:~~
- 1119 ~~—(A) family members of a person with an autism spectrum disorder;~~
- 1120 ~~—(B) representatives of an association which advocates for persons with an autism~~
- 1121 ~~spectrum disorder; and~~
- 1122 ~~—(C) specialists or professionals who work with persons with autism spectrum~~
- 1123 ~~disorders.~~
- 1124 ~~—(b) Notwithstanding the requirements of Subsection (1)(a), the governor shall, at~~
- 1125 ~~the~~
- 1126 ~~time of appointment or reappointment, adjust the length of terms to ensure that the~~
- 1127 ~~terms of~~
- 1128 ~~committee members are staggered so that approximately half of the committee is~~
- 1129 ~~appointed~~
- 1130 ~~every year.~~
- 1131 ~~—(c) If a vacancy occurs in the committee membership for any reason, a~~
- 1132 ~~replacement~~
- 1133 ~~may be appointed for the unexpired term.~~
- 1134 ~~—(2) The department shall provide staff support to the committee.~~
- 1135 ~~—(3)(a) The committee shall elect a chair from the membership on an annual~~

- basis:
- 1126 ~~—(b) A majority of the committee constitutes a quorum at any meeting, and, if a~~
~~quorum~~
- 1127 ~~exists, the action of the majority of members present shall be the action of the~~
~~committee:~~
- 1128 ~~—(c) The executive director may remove a committee member:~~
- 1129 ~~—(i) if the member is unable or unwilling to carry out the member's assigned~~
1130 ~~responsibilities; or~~
- 1131 ~~—(ii) for good cause:~~
- 1132 ~~—(4) The committee may, in accordance with Title 63G, Chapter 3, Utah~~
~~Administrative~~
- 1133 ~~Rulemaking Act, make rules governing the committee's activities, which rules shall:~~
- 1134 ~~—(a) comply with the requirements of this title; and~~
- 1135 ~~—(b) include:~~
- 1136 ~~—(i) qualification criteria and procedures for selecting children who may qualify~~
~~for~~
- 1137 ~~assistance from the account;~~
- 1138 ~~—(ii) qualifications, criteria, and procedures for evaluating the services and~~
~~providers to~~
- 1139 ~~include in the program, which shall include at least:~~
- 1140 ~~—(A) applied behavior analysis provided by or supervised by a board certified~~
~~behavior~~
- 1141 ~~analyst or a licensed psychologist with equivalent university training and supervised~~
1142 ~~experience;~~
- 1143 ~~—(B) collaboration with existing telehealth networks to reach children in rural~~
~~and~~
- 1144 ~~under-served areas of the state; and~~
- 1145 ~~—(C) methods to engage family members in the treatment process; and~~
- 1146 ~~—(iii) provisions to address and avoid conflicts of interest that may arise in~~
~~relation to the~~
- 1147 ~~committee's work:~~
- 1148 ~~—(5) The committee shall meet as necessary to carry out its duties and shall meet~~
~~upon a~~
- 1149 ~~call of the committee chair or a call of a majority of the committee members:~~
- 1150 ~~—(6) The committee shall comply with the procedures and requirements of:~~
- 1151 ~~—(a) Title 52, Chapter 4, Open and Public Meetings Act; and~~
- 1152 ~~—(b) Title 63G, Chapter 2, Government Records Access and Management Act.~~

1153 ~~—(7) Committee members shall receive no compensation or per diem allowance~~
for their
1154 services.
1155 ~~—(8) (a) Not later than November 30 of each year, the committee shall provide a~~
written
1156 report summarizing the activities of the committee to[~~:(i)] the executive director [of~~
the
1157 department;]~~;~~
1158 ~~—[(ii) the Legislature's Health and Human Services Interim Committee; and]~~
1159 ~~—[(iii) the Legislature's Social Services Appropriations Subcommittee.]~~
1160 ~~—(b) The report under Subsection (8)(a) shall include:~~
1161 ~~—(i) the number of children diagnosed with autism spectrum disorder who are~~
receiving
1162 services under this chapter;
1163 ~~—(ii) the types of services provided to children under this chapter; and~~
1164 ~~—(iii) results of any evaluations on the effectiveness of treatments and services~~
provided
1165 under this chapter. }

6. Page 49, Line 1495 through Page 50, Line 1538:

{~~1495~~ ~~— Section 29. Section 59-14-204 is amended to read:~~
1496 ~~— 59-14-204. Tax basis -- Rate -- Future increase -- Cigarette Tax Restricted~~
1497 ~~Account -- Appropriation and expenditure of revenues.~~
1498 ~~—(1) Except for cigarettes described under Subsection 59-14-210(3), there is levied~~
a tax
1499 upon the sale, use, storage, or distribution of cigarettes in the state.
1500 ~~—(2) The rates of the tax levied under Subsection (1) are, beginning on July 1,~~
2010:
1501 ~~—(a) 8.5 cents on each cigarette, for all cigarettes weighing not more than three~~
pounds
1502 per thousand cigarettes; and
1503 ~~—(b) 9.963 cents on each cigarette, for all cigarettes weighing in excess of three~~
pounds
1504 per thousand cigarettes.
1505 ~~—(3) Except as otherwise provided under this chapter, the tax levied under~~
Subsection
1506 (1) shall be paid by any person who is the manufacturer, jobber, importer,

distributor;

1507 wholesaler, retailer, user, or consumer.

1508 ~~—(4) The tax rates specified in this section shall be increased by the commission by~~
the

1509 same amount as any future reduction in the federal excise tax on cigarettes.

1510 ~~—(5) (a) There is created within the General Fund a restricted account known as~~
the

1511 "Cigarette Tax Restricted Account."

1512 ~~—(b) The Cigarette Tax Restricted Account consists of:~~

1513 ~~—(i) the first \$7,950,000 of the revenues collected from a tax under this section;~~
and

1514 ~~—(ii) any other appropriations the Legislature makes to the Cigarette Tax~~
Restricted

1515 Account.

1516 ~~—(c) For each fiscal year beginning with fiscal year 2011-12 and subject to~~
appropriation

1517 by the Legislature, the Division of Finance shall distribute money from the Cigarette
Tax

1518 Restricted Account as follows:

1519 ~~—(i) \$250,000 to the Department of Health to be expended for a tobacco~~
prevention and

1520 control media campaign targeted towards children;

1521 ~~—(ii) \$2,900,000 to the Department of Health to be expended for tobacco~~
prevention;

1522 reduction, cessation, and control programs;

1523 ~~—(iii) \$2,000,000 to the University of Utah Health Sciences Center for the~~
Huntsman

1524 Cancer Institute to be expended for cancer research; and

1525 ~~—(iv) \$2,800,000 to the University of Utah Health Sciences Center to be expended~~
for

1526 medical education at the University of Utah School of Medicine.

1527 ~~—(d) In determining how to appropriate revenue deposited into the Cigarette Tax~~
1528 Restricted Account that is not otherwise appropriated under Subsection (5)(c), the
Legislature

1529 shall give particular consideration to enhancing Medicaid provider reimbursement
rates and

1530 medical coverage for the uninsured.

- 1531 ~~—[(c) Any program or entity that receives funding under Subsection (5)(c) shall provide~~
- 1532 ~~an annual report to the Health and Human Services Interim Committee no later than~~
- 1533 ~~1 of each year. The report shall include:]~~
- 1534 ~~—[(i) the amount funded;]~~
- 1535 ~~—[(ii) the amount expended;]~~
- 1536 ~~—[(iii) a description of the effectiveness of the program; and]~~
- 1537 ~~—[(iv) if the program is a tobacco cessation program, the report required in~~
- 1538 ~~Section 51-9-203.}]~~

The motion passed unanimously.

MOTION: Sen. Christensen moved to pass S.B. 207, as amended, out favorably. The motion passed unanimously.

H.B. 198 Aging and Adult Services Amendments (*B. Last*)

Rep. Last presented the bill to the committee.

MOTION: Sen. Thatcher moved to pass H.B. 198 out favorably. The motion passed unanimously.

MOTION: Sen. Thatcher moved that H.B. 198 be placed on the Consent Calendar. The motion passed unanimously.

S.J.R. 15 Joint Resolution Regarding the Impact of Adult Images on Children's Development (*T. Weiler*)

Sen. Weiler and Sen. Thatcher presented the bill to the committee.

Spoke in favor
of the bill:

Dr. Jennifer Brown
Ms. Pamela Atkinson, Chair, Utah Coalition Against Pornography

MOTION: Sen. Christensen moved to pass S.J.R. 15 out favorably. The motion passed unanimously.

MOTION: Sen. Christensen moved to adjourn the meeting. The motion passed unanimously.

Chair Vickers adjourned the meeting at 8:47 a.m.

Minutes reported by Ms. Nancy A. Skidmore, Secretary.

Sen. Evan J. Vickers, Committee Chair