



# MINUTES

## HOUSE BUSINESS AND LABOR STANDING COMMITTEE

LEGISLATURE

Tuesday, February 26, 2019 | 4:00 p.m. | 445 State Capitol

**Members Present:**

Rep. James A. Dunnigan, Chair  
Rep. A. Cory Maloy, Vice Chair  
Rep. Brady Brammer  
Rep. Susan Duckworth  
Rep. Craig Hall  
Rep. Brian S. King  
Rep. John Knotwell  
Rep. Michael K. McKell  
Rep. Calvin R. Musselman

Rep. Tim Quinn  
Rep. Marc K. Roberts  
Rep. Mike Schultz  
Rep. Casey Snider  
Rep. Mark A. Wheatley  
Rep. Mike Winder

**Staff Present:**

Mr. Adam J. Sweet, Policy Analyst  
Ms. An Bradshaw, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

Chair Dunnigan called the meeting to order at 4:07 p.m.

**1 . H.B. 323 Impact Fees Amendments (Wilde, L.)**

Rep. Wilde presented the bill to the committee with the assistance of Mr. Randall Knight, Garden City Fire District.

Mr. Taz Biesenger, Utah Home Builders Association, spoke in opposition to the bill.

**MOTION:** Rep. Roberts moved to hold H.B. 323. The motion passed with a vote of 11 - 1 - 3.

Yeas-11

Rep. S. Duckworth  
Rep. J. Dunnigan  
Rep. C. Hall  
Rep. B. King  
Rep. J. Knotwell  
Rep. A. Maloy  
Rep. M. McKell  
Rep. C. Musselman  
Rep. M. Roberts  
Rep. C. Snider  
Rep. M. Wheatley

Nays-1

Rep. M. Winder

Absent-3

Rep. B. Brammer  
Rep. T. Quinn  
Rep. M. Schultz

Rep. Roberts assumed the chair.

**2 . H.B. 366 Health Care Amendments (Dunnigan, J.)**

Rep. Dunnigan presented the bill to the committee with the assistance of Ms. Emma Chacon, Operations Director, Division of Medicaid and Health Financing, Department of Health, and Mr. Andy Cohen, President, Utah Association of Addiction Providers and CEO, Odyssey House.

Mr. Chris Mackintosh, CEO, Turning Point Centers, and Legislative Chair of Utah Association of Addiction Treatment Providers, spoke in support of the bill.

Ms. Rebecca Brown, Valley Behavioral Health, spoke in support of the bill.

Mr. Jake Shoff, CEO, Phoenix Recovery and Counseling Center, and Vice President of Utah Association of Addiction Treatment Providers, spoke in support of the bill.

Ms. Jesse Mendel, Voices for Utah Children, spoke in support of the bill.

**MOTION:** Rep. McKell moved to replace H.B. 366 with 1st Substitute H.B. 366. The motion passed with a vote of 10 - 0 - 5.

Yeas-10

Rep. S. Duckworth  
Rep. J. Dunnigan  
Rep. C. Hall  
Rep. B. King  
Rep. J. Knotwell  
Rep. M. McKell  
Rep. C. Musselman  
Rep. M. Roberts  
Rep. M. Wheatley  
Rep. M. Winder

Nays-0

Absent-5

Rep. B. Brammer  
Rep. A. Maloy  
Rep. T. Quinn  
Rep. M. Schultz  
Rep. C. Snider

**MOTION:** Rep. McKell moved to pass 1st Substitute H.B. 366 out favorably. The motion passed with a vote of 10 - 0 - 5.

Yeas-10

Rep. S. Duckworth  
Rep. J. Dunnigan  
Rep. C. Hall  
Rep. B. King  
Rep. J. Knotwell  
Rep. M. McKell  
Rep. C. Musselman  
Rep. M. Roberts  
Rep. M. Wheatley  
Rep. M. Winder

Nays-0

Absent-5

Rep. B. Brammer  
Rep. A. Maloy  
Rep. T. Quinn  
Rep. M. Schultz  
Rep. C. Snider

Rep. Dunnigan resumed the chair.

**3 . H.B. 338 Changes to Tobacco Retail Permit (Roberts, M.)**

Rep. Roberts presented the bill to the committee with the assistance of Mr. Jeff Hartley, Clyde Snow and Sessions.

Mr. Kirk Bengel, Utah Association of Local Health Departments, spoke in support of the bill.

**MOTION:** Rep. McKell moved to pass H.B. 338 out favorably. The motion passed with a vote of 11 - 0 - 4.

Yeas-11

Rep. B. Brammer  
Rep. S. Duckworth  
Rep. J. Dunnigan  
Rep. C. Hall  
Rep. B. King  
Rep. J. Knotwell  
Rep. M. McKell  
Rep. C. Musselman  
Rep. M. Roberts  
Rep. M. Wheatley  
Rep. M. Winder

Nays-0

Absent-4

Rep. A. Maloy  
Rep. T. Quinn  
Rep. M. Schultz  
Rep. C. Snider

**MOTION:** Rep. Winder moved to approve the minutes of the February 25, 2019 meeting. The motion passed with a vote of 11 - 0 - 4.

Yeas-11

Rep. B. Brammer  
Rep. S. Duckworth  
Rep. J. Dunnigan  
Rep. C. Hall  
Rep. B. King  
Rep. J. Knotwell  
Rep. M. McKell  
Rep. C. Musselman  
Rep. M. Roberts  
Rep. M. Wheatley  
Rep. M. Winder

Nays-0

Absent-4

Rep. A. Maloy  
Rep. T. Quinn  
Rep. M. Schultz  
Rep. C. Snider

**4 . H.B. 337 Professional Competency Standards Amendments (*Dailey-Provost, J.*)**

Rep. Dailey-Provost presented the bill to the committee with the assistance of Dr. Kelly Garrett, Neuropsychologist, Intermountain Healthcare. A handout was provided to the committee.

Dr. Jay Jacobson, Emeritus Professor of Medical Ethics and Infectious Disease, University of Utah, spoke in support of the bill.

Mr. Mark Brinton, General Counsel and Director of Legislative Affairs, Utah Medical Association, spoke in opposition to the bill.

**MOTION:** Rep. McKell moved to pass H.B. 337 out favorably.

The motion passed with a vote of 14 - 0 - 1.

Yeas-14

Rep. B. Brammer  
Rep. S. Duckworth  
Rep. J. Dunnigan  
Rep. C. Hall  
Rep. B. King  
Rep. J. Knotwell  
Rep. M. McKell  
Rep. C. Musselman  
Rep. T. Quinn  
Rep. M. Roberts  
Rep. M. Schultz  
Rep. C. Snider  
Rep. M. Wheatley  
Rep. M. Winder

Nays-0

Absent-1

Rep. A. Maloy

Chair Dunnigan asked Dr. Garrett how she would describe the thinking ability of the legislature collectively and how she would contrast the House with the Senate. She wisely demurred to answer.

**5 . H.B. 324 Tobacco Age Amendments (*Eliason, S.*)**

Rep. Eliason presented 1st Substitute H.B. 324 to the committee and provided "Preventing Addiction in Teens" and a letter of support from JUUL Labs.

Mr. Ryan Channell, citizen, spoke in opposition to the bill.

Mr. McGyver Clark, Students Against Electronic Vaping, spoke in support of the bill.

Mr. Kirk Bengel, Utah Association of Local Health Departments, spoke in opposition to the bill.

Mr. Mark Brinton, General Counsel and Director of Government Affairs, Utah Medical Association, spoke in support of the bill.

Mr. Riley Farr, Utah Vapor Business Association, spoke in support of the bill.

Mr. Conner Boyack, Libertas Institute, spoke in opposition to the bill.

Mr. Dave Davis, President of Utah Retail Merchants Association and Utah Food Industry Association, spoke in support of the bill.

**MOTION:** Rep. McKell moved to replace H.B. 324 with 1st Substitute H.B. 324. The motion passed with a vote of 13 - 0 - 2.

Yeas-13

Rep. B. Brammer  
Rep. S. Duckworth  
Rep. J. Dunnigan  
Rep. C. Hall  
Rep. B. King  
Rep. J. Knotwell  
Rep. A. Maloy  
Rep. M. McKell  
Rep. C. Musselman  
Rep. M. Roberts  
Rep. M. Schultz  
Rep. C. Snider  
Rep. M. Winder

Nays-0

Absent-2

Rep. T. Quinn  
Rep. M. Wheatley

**MOTION:** Rep. Winder moved to amend 1st Substitute H.B. 324 with Amendment #2. The motion passed with a vote of 13 - 0 - 2.

Amendment 2  
1st Sub. H.B. 324

1. Page 19, Lines 576 through 580:

576 76-10-105.2. Ordinances, rules, and regulations on minimum age.

577 (1) A governing body of a political subdivision of the state or a state agency may not adopt  
578 an ordinance, regulation, or rule that affects the minimum age of sale, supply, purchase, gift,  
579 furnishment, or possession of a cigar, cigarette, electronic cigarette, tobacco, or tobacco  
580 paraphernalia.

(2) An ordinance, regulation, or rule that affects the minimum age of sale, supply, purchase, gift, furnishment, or possession of a cigar, cigarette, electronic cigarette, tobacco, or tobacco paraphernalia enacted or adopted by a governing body of a political subdivision of the state or by a state agency is invalid.

Yeas-13

Rep. B. Brammer  
Rep. S. Duckworth  
Rep. J. Dunnigan  
Rep. C. Hall  
Rep. B. King  
Rep. J. Knotwell  
Rep. A. Maloy  
Rep. M. McKell  
Rep. C. Musselman  
Rep. M. Roberts  
Rep. M. Schultz  
Rep. C. Snider  
Rep. M. Winder

Nays-0

Absent-2

Rep. T. Quinn  
Rep. M. Wheatley

**MOTION:** Rep. Winder moved to pass 1st Substitute H.B. 324 out favorably as amended.

The motion passed with a vote of 7 - 6 - 2.

Yeas-7

Rep. B. Brammer  
Rep. S. Duckworth  
Rep. J. Dunnigan  
Rep. C. Hall  
Rep. M. McKell  
Rep. C. Musselman  
Rep. M. Winder

Nays-6

Rep. B. King  
Rep. J. Knotwell  
Rep. A. Maloy  
Rep. M. Roberts  
Rep. M. Schultz  
Rep. C. Snider

Absent-2

Rep. T. Quinn  
Rep. M. Wheatley

**6 . 1st Sub. S.B. 58 Kratom Consumer Protection Act (*Bramble, C.*)**

Sen. Bramble presented the bill to the committee with the assistance of Mr. Mac Haddow, American Kratom Association.

Dr. Benton Bramwell, Naturopathic Physician, spoke in support of the bill.

Mr. Joel Badger, Badger Botanicals, spoke in support of the bill.

Ms. Melissa Ure, Senior Policy Analyst, Department of Agriculture and Food, answered questions form the committee.

Mr. Victor Bostrom, citizen, spoke in support of the bill.

Mr. David Knifer, citizen, spoke in support of the bill.

Mr. Rex Garcia, Elite Contract Manufacturing, spoke in support of the bill.

**MOTION:** Rep. Musselman moved to pass 1st Substitute S.B. 58 out favorably.

The motion passed with a vote of 8 - 6 - 1.

Yeas-8

Rep. S. Duckworth  
Rep. J. Dunnigan  
Rep. C. Hall  
Rep. A. Maloy  
Rep. C. Musselman  
Rep. T. Quinn  
Rep. M. Schultz  
Rep. M. Winder

Nays-6

Rep. B. Brammer  
Rep. B. King  
Rep. J. Knotwell  
Rep. M. McKell  
Rep. M. Roberts  
Rep. C. Snider

Absent-1

Rep. M. Wheatley

**7 . H.B. 354 Business Regulation Amendments (*Coleman, K.*)**

Rep. Coleman presented the bill to the committee with the assistance of Mr. Jeremy Smith, former Turo host, and Mr. Lou Bertuca, Senior Manager for Government Relations, Turo.

Mr. Mike Taylor, President, Utah Car Rental Association, spoke in opposition to the bill.

Mr. Parker Smith, Turo host, spoke in support of the bill.

Mr. Ray Wagner, Vice President of Government and Public Affairs, Enterprise Holdings, spoke in opposition to the bill.

Mr. Conner Boyack, Libertas Institute, spoke in support of the bill.

Mr. Jesse Hubbard, Rugged Rental, spoke in opposition to the bill.

Mr. Charlie Luke, Chair, Salt Lake City Council, answered questions from the committee.

Mr. Bill Wyatt, Executive Director, Salt Lake City International Airport, answered questions from the committee and spoke against the bill.

Rep. Maloy assumed the chair.

**MOTION:** Rep. Brammer moved to replace H.B. 354 with 1st Substitute H.B. 354. The motion passed with a vote of 12 - 0 - 3.

Yeas-12

Rep. B. Brammer  
Rep. S. Duckworth  
Rep. C. Hall  
Rep. B. King  
Rep. J. Knotwell  
Rep. A. Maloy  
Rep. C. Musselman  
Rep. T. Quinn  
Rep. M. Roberts  
Rep. M. Schultz  
Rep. C. Snider  
Rep. M. Winder

Nays-0

Absent-3

Rep. J. Dunnigan  
Rep. M. McKell  
Rep. M. Wheatley

**MOTION:** Rep. Brammer moved to amend 1st Substitute H.B. 354 with Amendment #1. The motion passed with a vote of 12 - 0 - 3.

Amendment 1  
1st Sub. H.B. 354

1. Page 3, Lines 65 through 67:

65 (b) a peer-to-peer transaction in the same or substantially similar manner as a  
66 transaction { that a business offering the same product or service to the public facilitates } facilitated by a  
business that offers the same product or service to the public .  
67 (2) A public entity may regulate a peer-to-peer company in a manner prohibited under

Yeas-12

Rep. B. Brammer  
Rep. S. Duckworth  
Rep. C. Hall  
Rep. B. King  
Rep. J. Knotwell  
Rep. A. Maloy  
Rep. C. Musselman  
Rep. T. Quinn  
Rep. M. Roberts  
Rep. M. Schultz  
Rep. C. Snider  
Rep. M. Winder

Nays-0

Absent-3

Rep. J. Dunnigan  
Rep. M. McKell  
Rep. M. Wheatley

**MOTION:** Rep. Brammer moved to pass 1st Substitute H.B. 354 out favorably as amended.

Chair Dunnigan resumed the chair.

The motion passed with a vote of 11 - 2 - 2.

Yeas-11

Rep. B. Brammer  
Rep. J. Dunnigan  
Rep. C. Hall  
Rep. J. Knotwell  
Rep. A. Maloy  
Rep. C. Musselman  
Rep. T. Quinn  
Rep. M. Roberts  
Rep. M. Schultz  
Rep. C. Snider  
Rep. M. Winder

Nays-2

Rep. S. Duckworth  
Rep. B. King

Absent-2

Rep. M. McKell  
Rep. M. Wheatley

**MOTION:** Rep. Quinn moved to adjourn. The motion passed with a vote of 12 - 0 - 3.

Yeas-12

Rep. B. Brammer  
Rep. S. Duckworth  
Rep. J. Dunnigan  
Rep. C. Hall  
Rep. B. King  
Rep. J. Knotwell  
Rep. A. Maloy  
Rep. C. Musselman  
Rep. T. Quinn  
Rep. M. Roberts  
Rep. C. Snider  
Rep. M. Winder

Nays-0

Absent-3

Rep. M. McKell  
Rep. M. Schultz  
Rep. M. Wheatley

Chair Dunnigan adjourned the meeting at 8:07 p.m