



# DRAFT MINUTES

## HOUSE HEALTH AND HUMAN SERVICES STANDING COMMITTEE

LEGISLATURE

Tuesday, March 2, 2021 | 8:00 a.m. | 445 State Capitol

**Members Present:**

Rep. Merrill F. Nelson, Chair  
Rep. Candice B. Pierucci, Vice Chair  
Rep. Cheryl K. Acton  
Rep. Stewart E. Barlow  
Rep. Jennifer Dailey-Provost  
Rep. Steve Eliason  
Rep. Sandra Hollins  
Rep. Marsha Judkins  
Rep. Rosemary T. Lesser

Rep. Kelly B. Miles  
Rep. Raymond P. Ward

**Members Absent:**

Rep. Paul Ray  
Rep. Robert M. Spendlove

**Staff Present:**

Karin M. Rueff, Policy Analyst  
Rafaela Eguiguren, 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 Nelson called the meeting to order at 8:11 a.m.

**1 . 3rd Sub. S.B. 192 Medical Cannabis Act Amendments (Vickers, E.)**

Sen. Evan J. Vickers presented the bill.

Michelle McOmber, Utah Medical Association, spoke in favor of the bill.

Desiree Hennessy, Utah Patients Coalition, spoke in favor of the bill.

Whit Reinauer, Pharmacist, Beehive Pharmacy, spoke to the bill.

Cody James, Manager, Industrial Hemp and Medical Cannabis Program, Utah Department of Agriculture and Food, spoke in favor of the bill.

Scott Ericson, Executive Director, Utah Cannabis Co-op, spoke to the bill.

**MOTION:** Rep. Dailey-Provost moved to amend 3rd Substitute S.B. 192 with Amendment #1. The motion passed with a vote of 10 - 0 - 3.

Amendment 1  
3rd Sub. S.B. 192

1. Page 3, Lines 64 through 66:

64     ▸ requires a medical cannabis pharmacy to provide an opaque bag or box in which a medical  
65 cannabis cardholder is required to keep a container of medical cannabis while  
66 transporting the container in public;

2. Page 38, Lines 1156 through 1158:

1156     (B) at any time the medical cannabis cardholder transports or possesses the container in  
1157 public, is contained within an opaque[,child-resistant] bag or box that the medical cannabis pharmacy  
1158 provides; and

3. Page 82, Line 2531 through Page 83, Line 2538:

2531     (C) provides an opaque bag or box for the medical cannabis cardholder's use in transporting  
2532 the container in public; and  
2533     [(d)] (v) for a product that is a cube that is designed for ingestion through chewing or  
2534 holding in the mouth for slow dissolution, include a separate, off-label warning about the risks  
2535 of over-consumption.

2536 (b) A medical cannabis cardholder transporting or possessing the container described  
2537 in Subsection (6)(a)(iv) in public shall keep the container within the opaque bag or box that the  
2538 medical cannabis pharmacist provides.

Yeas-10

Rep. C. Acton  
Rep. S. Barlow  
Rep. J. Dailey-Provost  
Rep. S. Hollins  
Rep. M. Judkins  
Rep. R. Lesser  
Rep. K. Miles  
Rep. M. Nelson  
Rep. C. Pierucci  
Rep. R. Ward

Nays-0

Absent-3

Rep. S. Eliason  
Rep. P. Ray  
Rep. R. Spendlove

**MOTION:** Rep. Ward moved to pass 3rd Substitute S.B. 192 as amended with a favorable recommendation.  
The motion passed with a vote of 10 - 0 - 3.

Yeas-10

Rep. C. Acton  
Rep. S. Barlow  
Rep. J. Dailey-Provost  
Rep. S. Hollins  
Rep. M. Judkins  
Rep. R. Lesser  
Rep. K. Miles  
Rep. M. Nelson  
Rep. C. Pierucci  
Rep. R. Ward

Nays-0

Absent-3

Rep. S. Eliason  
Rep. P. Ray  
Rep. R. Spendlove

**2 . H.B. 421 Intensive Services Pilot Program (*Judkins, M.*)**

Rep. Judkins presented the bill with the assistance of Lindsey Cunningham, Utah State Board of Education.

Linda Hanks, School Board Member, San Juab School District, spoke in favor of the bill.

Jay Blain, Interim Executive Director, Utah Education Association, spoke in favor of the bill.

Cindy Davis, Board Member, Utah State Board of Education, spoke in favor of the bill.

**MOTION:** Rep. Pierucci moved to replace H.B. 421 with 3rd Substitute H.B. 421. The motion passed with a  
vote of 10 - 0 - 3.

Yeas-10

Rep. C. Acton  
Rep. S. Barlow  
Rep. J. Dailey-Provost  
Rep. S. Hollins  
Rep. M. Judkins  
Rep. R. Lesser  
Rep. K. Miles  
Rep. M. Nelson  
Rep. C. Pierucci  
Rep. R. Ward

Nays-0

Absent-3

Rep. S. Eliason  
Rep. P. Ray  
Rep. R. Spendlove

**MOTION:** Rep. Dailey-Provost moved to pass 3rd Substitute H.B. 421 out favorably. The motion passed with a vote of 10 - 0 - 3.

Yeas-10

Rep. C. Acton  
Rep. S. Barlow  
Rep. J. Dailey-Provost  
Rep. S. Hollins  
Rep. M. Judkins  
Rep. R. Lesser  
Rep. K. Miles  
Rep. M. Nelson  
Rep. C. Pierucci  
Rep. R. Ward

Nays-0

Absent-3

Rep. S. Eliason  
Rep. P. Ray  
Rep. R. Spendlove

**3 . H.B. 389 Medicaid Recovery Amendments (*Birkeland, K.*)**

Rep. Kera Birkeland presented the bill with the assistance of Katy Fuli.

**MOTION:** Rep. Pierucci moved to amend H.B. 389 with Amendment #1. The motion passed with a vote of 10 - 0 - 3.

Amendment 1  
H.B. 389

1. Page 1, Lines 9 through 16:

9 This bill addresses recovery of Medicaid funds from { ~~a parent whose child is injured in~~  
10 ~~foster care~~ } certain third party obligors .

11 Highlighted Provisions:

12 This bill:

- 13     ▸ prohibits the Department of Health from recovering Medicaid funds from a { ~~parent~~  
14 ~~whose child suffers certain injuries in foster care if the foster parent a third party is obligated to~~  
15 ~~pay for the injuries~~ } third party obligor that is required to pay for injuries to a child in foster care; and  
16     ▸ makes technical and conforming changes.

2. Page 3, Lines 59 through 64:

59 (c) The department may not recover medical assistance under Subsection (1)(a) if:

60 (i) the third party { ~~is a foster parent who~~ } is obligated to pay the recipient for an injury to  
61 the recipient's child that occurred while the child was in the { ~~legal~~ } physical custody of { ~~the~~ } a foster parent;  
62 and

63 (ii) the child's injury is a physical or mental impairment that requires ongoing medical  
64 attention, or limits activities of daily living, for at least one year.

Yeas-10

Rep. C. Acton  
Rep. S. Barlow  
Rep. J. Dailey-Provost  
Rep. S. Hollins  
Rep. M. Judkins  
Rep. R. Lesser  
Rep. K. Miles  
Rep. M. Nelson  
Rep. C. Pierucci  
Rep. R. Ward

Nays-0

Absent-3

Rep. S. Eliason  
Rep. P. Ray  
Rep. R. Spendlove

**MOTION:** Rep. Pierucci moved to pass H.B. 389 as amended favorable recommendation. The motion passed with a vote of 10 - 0 - 3.

Yeas-10

Rep. C. Acton  
Rep. S. Barlow  
Rep. J. Dailey-Provost  
Rep. S. Hollins  
Rep. M. Judkins  
Rep. R. Lesser  
Rep. K. Miles  
Rep. M. Nelson  
Rep. C. Pierucci  
Rep. R. Ward

Nays-0

Absent-3

Rep. S. Eliason  
Rep. P. Ray  
Rep. R. Spendlove

**4 . 1st Sub. S.B. 198 Medical Billing Amendments (Mayne, K.)**

Sen. Karen Mayne presented the bill.

**MOTION:** Rep. Dailey-Provost moved to replace 1st Substitute S.B. 198 with 2nd Substitute S.B. 198. The motion passed with a vote of 9 - 0 - 4.

Yeas-9

Rep. C. Acton  
Rep. S. Barlow  
Rep. J. Dailey-Provost  
Rep. S. Hollins  
Rep. M. Judkins  
Rep. R. Lesser  
Rep. K. Miles  
Rep. M. Nelson  
Rep. C. Pierucci

Nays-0

Absent-4

Rep. S. Eliason  
Rep. P. Ray  
Rep. R. Spendlove  
Rep. R. Ward

**MOTION:** Rep. Dailey-Provost moved to pass 2nd Substitute S.B. 198 out favorably. The motion passed with a vote of 10 - 0 - 3.

Yeas-10

Rep. C. Acton  
Rep. S. Barlow  
Rep. J. Dailey-Provost  
Rep. S. Hollins  
Rep. M. Judkins  
Rep. R. Lesser  
Rep. K. Miles  
Rep. M. Nelson  
Rep. C. Pierucci  
Rep. R. Ward

Nays-0

Absent-3

Rep. S. Eliason  
Rep. P. Ray  
Rep. R. Spendlove

**MOTION:** Rep. Lesser moved to approve the minutes of February 26, 2021. The motion passed with a vote of 10 - 0 - 3.



Yeas-10

Rep. C. Acton  
Rep. S. Barlow  
Rep. J. Dailey-Provost  
Rep. S. Hollins  
Rep. M. Judkins  
Rep. R. Lesser  
Rep. K. Miles  
Rep. M. Nelson  
Rep. C. Pierucci  
Rep. R. Ward

Nays-0

Absent-3

Rep. S. Eliason  
Rep. P. Ray  
Rep. R. Spendlove

**MOTION:** Rep. Eliason moved to adjourn. The motion passed with a vote of 11 - 0 - 2.

Yeas-11

Rep. C. Acton  
Rep. S. Barlow  
Rep. J. Dailey-Provost  
Rep. S. Eliason  
Rep. S. Hollins  
Rep. M. Judkins  
Rep. R. Lesser  
Rep. K. Miles  
Rep. M. Nelson  
Rep. C. Pierucci  
Rep. R. Ward

Nays-0

Absent-2

Rep. P. Ray  
Rep. R. Spendlove

Chair Nelson adjourned the meeting at 9:13 a.m.