



MINUTES

HOUSE HEALTH AND HUMAN SERVICES STANDING COMMITTEE

LEGISLATURE

Thursday, February 24, 2022 | 8:00 a.m. | 30 House Building

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. Karen M. Peterson
Rep. Robert M. Spendlove

Staff Present:

Seth Anderson, Policy Analyst
Jordan Gage, Committee Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

Chair Nelson called the meeting to order at 8:05 a.m.

MOTION: Rep. Barlow moved to approve the minutes from the February 22, 2022 meeting. The motion passed with a vote of 8 - 0 - 5.

Yeas - 8

Rep. C. Acton
Rep. S. Barlow
Rep. S. Hollins
Rep. M. Judkins
Rep. R. Lesser
Rep. K. Miles
Rep. M. Nelson
Rep. R. Ward

Nays - 0

Absent - 5

Rep. J. Dailey-Provost
Rep. S. Eliason
Rep. K. Peterson
Rep. C. Pierucci
Rep. R. Spendlove

1. H.B. 358 Mental Health Treatment Amendments (King, Brian S.)

Rep. Brian King presented the bill.

Chet Loftis, Managing Director, PEHP, commented on the bill.

Michelle McOmber, Utah Medical Association, commented on the bill.

Tim Clement, Director of Legislative Development, American Psychiatric Association, spoke in favor of the bill.

Taryn Hiatt, American Foundation for Suicide Prevention, commented on the bill.

Melinda Mack spoke in favor of the bill.

MOTION: Rep. Dailey-Provost moved to amend H.B. 358 with Amendment #1. The motion passed with a vote of 9 - 0 - 4.

Amendment 1
H.B. 358

1. Page 4, Lines 100 through 101:

100 (i) using the same or less restrictive financial requirements for mental health and substance use disorder
101 benefits as for medical and surgical benefits; and

2. Page 4, Lines 104 through 111:

104 (b) In covering mental health and substance use residential treatment, a health plan
105 offered by an exempt governmental entity may{
106 ~~(i) develop preauthorization and participating provider standards at parity with benefits~~
107 ~~provided for treatment at skilled nursing facilities;~~
108 ~~(ii) limit participating provider status for reasons other than to reduce access to covered~~
109 ~~services at parity with benefits provided for treatment at skilled nursing facilities; and~~
110 ~~(iii) refer to the health plan's coverage of skilled nursing facilities for purposes of~~
111 quantitative and non-quantitative treatment limitation requirements.

3. Page 4, Line 113:

113 governmental entity's exempt status under 42 U.S.C. Sec. 300gg-21(a)(2).

(d) The provisions of this Subsection (4) apply to a health plan that is entered into or renewed on or after July 1, 2022.

Yeas - 9

Nays - 0

Absent - 4

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. R. Ward

Rep. S. Eliason
Rep. K. Peterson
Rep. C. Pierucci
Rep. R. Spendlove

MOTION: Rep. Dailey-Provost moved to pass H.B. 358 out favorably. The motion passed with a vote of 10 - 0 - 3.

Yeas - 10

Nays - 0

Absent - 3

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. R. Ward

Rep. K. Peterson
Rep. C. Pierucci
Rep. R. Spendlove

2. H.B. 385 Hemp and CBD Amendments (Dailey-Provost, J.)

Rep. Dailey-Provost presented the bill with the assistance of Cody James, Industrial Hemp and Medical Cannabis Manager, Department of Agriculture.

Elizabeth Klc, Utah Substance Use and Mental Health Advisory Council, spoke in favor of the bill.

Cindy Maughan spoke against the bill.

Brady Johnson spoke against the bill.

Ryan Chesley spoke against the bill.

MOTION: Rep. Ward moved to amend H.B. 385 with Amendment #3. The motion passed with a vote of 11 - 0 - 2.

Amendment 3

H.B. 385

1. Page 3, Lines 74 through 76:
74 [(6)] (9) "Industrial hemp producer license" means a license that the department issues
75 to a person for the purpose of ~~{-cultivating or-}~~ processing industrial hemp or an industrial hemp
76 product.
2. Page 4, Lines 117 through 120:
117 [(15)] ~~{-(19) "Research pilot program" means a program conducted by the department in~~
118 ~~collaboration with at least one licensee to study methods of cultivating, processing, or~~
119 ~~marketing industrial hemp.}~~
120 [(16)] ~~{-(20)-}~~ (19) "Retailer permittee" means a person possessing an industrial hemp retailer
3. Page 5, Lines 125 through 133:
125 ~~{-(21)-}~~ (20) "Synthetic cannabinoid" means any cannabinoid that:
126 (a) was chemically synthesized from starting materials other than a naturally occurring
127 cannabinoid; and
128 (b) is not a derivative cannabinoid.
129 ~~{-(22)-}~~ (21) "Total cannabidiol" or "total CBD" means the combined amounts of cannabidiol
130 and cannabidiolic acid, calculated as "total CBD = CBD + (CBDA x 0.877)."
131 ~~{-(23)-}~~ (22) "Total tetrahydrocannabinol" or "total THC" means the sum of the determined
132 amounts of delta-9-THC, tetrahydrocannabinolic acid, calculated as "total THC = delta-9 THC
133 + (THCA x 0.877)."
4. Page 8, Lines 228 through 229:
228 (b) transport ~~{-outside-}~~ into or out of the state extracted material or final product that ~~{-is noncompliant~~
229 ~~material-}~~ contains 0.3% or more of total THC ;
5. Page 10, Lines 281 through 293:
281 (1) (a) The department shall make rules in accordance with Title 63G, Chapter 3, Utah
282 Administrative Rulemaking Act[;]:
283 ~~{-(a)-}~~ (i) to determine standards for a registered cannabinoid product, including standards
284 for:
285 [(a)] ~~{-(i)-}~~ (A) testing to ensure the product is safe for human consumption; and
286 [(b)] ~~{-(ii)-}~~ (B) accurate labeling; [and]
287 ~~{-(b)-}~~ (ii) governing an entity that manufactures cannabinoid products, including standards
288 for health and safety;
289 ~~{-(c)-}~~ (iii) regarding what constitutes:
290 [(i)] (A) a conventional food or beverage; and
291 [(ii)] (B) a product that is marketed or manufactured to be enticing to children; and
292 [(e)] ~~{-(d)-}~~ (iv) regarding any other issue the department considers necessary for the safe
293 production and sale of cannabinoid products.
(b) Notwithstanding Subsection (1)(a), the department may not prohibit a sugar coating on a cannabinoid product to mask the product's taste, subject to the limitations described in Subsection (1)(a)(iii) or (iv).
6. Page 11, Lines 317 through 319:
317 (b) transport ~~{-outside-}~~ into or out of the state extracted material or final product that ~~{-is noncompliant~~
318 ~~material-}~~ contains 0.3% or more of total THC ; or
319 (c) produce, sell, or use a cannabinoid product that is:

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. K. Peterson
Rep. R. Spendlove

MOTION: Rep. Ward moved to pass H.B. 385 out favorably. 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. K. Peterson
Rep. R. Spendlove

3. H.B. 413 Medicaid Amendments (*Dunnigan, J.*)

Rep. James Dunnigan presented the bill.

Elizabeth Klc, Utah Substance Use and Mental Health Advisory Council, spoke in favor of the bill.

Jake Shoff, CEO, Phoenix Recovery Center, and President, Utah Association of Behavioral Health Organizations, spoke in favor of the bill.

Joel Johnson, Utah Association of Behavioral Health Organizations, spoke in favor of the bill.

Allison Heffernan, Utah Health Policy Project, commented on the bill.

Holly Christensen, Salt Lake Behavioral Health Hospital, spoke in favor of the bill.

MOTION: Rep. Pierucci moved to replace H.B. 413 with 1st Substitute H.B. 413. 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. K. Peterson
Rep. R. Spendlove

MOTION: Rep. Eliason moved to pass 1st Substitute H.B. 413 out favorably. 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. K. Peterson
Rep. R. Spendlove

4. H.B. 400 Associate Physician License Amendments (Barlow, S.)

Rep. Barlow presented the bill.

Mark Brinton, General Counsel and Director of Government Affairs, Utah Medical Association, commented on the bill.

MOTION: Rep. Ward moved to amend H.B. 400 with Amendment #1. The motion passed with a vote of 11 - 0 - 2.

Amendment 1
H.B. 400

1. Page 1, Line 12:

{-12-}{→ allows an associate physician to practice for a period of longer than six years;}

2. Page 3, Lines 65 through 66:

65 {+}(4) An individual may not be licensed as an associate physician for more than a total
66 of six years.{+}

3. Page 7, Lines 198 through 199:

198 {+}(4) An individual may not be licensed as an associate physician for more than a total
199 of six years.{+}

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. K. Peterson
Rep. R. Spendlove

MOTION: Rep. Eliason moved to pass H.B. 400 out favorably. 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. K. Peterson
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. K. Peterson
Rep. R. Spendlove

Chair Nelson adjourned the meeting at 9:49 a.m.