



MINUTES

SENATE HEALTH AND HUMAN SERVICES STANDING COMMITTEE

LEGISLATURE

Wednesday, February 23, 2022 | 4:00 p.m. | 210 Senate Building

Members Present:

Sen. Michael S. Kennedy, Chair
 Sen. Jacob L. Anderegg
 Sen. Luz Escamilla
 Sen. Keith Grover
 Sen. Jani Iwamoto
 Sen. Evan J. Vickers

Sen. Chris H. Wilson

Members Absent:

Sen. David G. Buxton

Staff Present:

Mark D. Andrews, Policy Analyst
 Shandra Mutchie, Committee Secretary

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

Chair Kennedy called the meeting to order at 4:13 p.m.

Sen. Kennedy assumed the chair.

MOTION: Sen. Grover moved to approve the minutes. The motion passed with a vote of 4 - 0 - 4.

Yeas - 4

Sen. K. Grover
 Sen. J. Iwamoto
 Sen. M. Kennedy
 Sen. E. Vickers

Nays - 0

Absent - 4

Sen. J. Anderegg
 Sen. D. Buxton
 Sen. L. Escamilla
 Sen. C. Wilson

1. S.B. 236 Pharmacy Practice Amendments (Vickers, E.)

Sen. Vickers presented the bill.

Dr. Carrie Dunford, pharmacist, spoke to the bill.

MOTION: Sen. Grover moved to amend S.B. 236 with Amendment #1. The motion passed with a vote of 6 - 0 - 2.

Amendment 1
 S.B. 236

1. Page 1, Lines 9 through 14:

9 This bill amends the Pharmacy Practice Act ~~{ and the Insurance Code }~~.

10 Highlighted Provisions:

11 This bill:

~~{~~12~~}~~~~{~~ → prohibits an insurer or pharmacy benefit manager from asking a pharmacy or
 13 insured to disclose how a drug was paid for except to ensure compliance with state
 14 or federal law;~~}~~

2. Page 2, Lines 40 through 50:

~~{~~40~~}~~~~{~~ ENACTS:

41 ~~—~~ 31A-22-657, Utah Code Annotated 1953~~}~~

42

43 Be it enacted by the Legislature of the state of Utah:

~~{~~44~~}~~~~{~~ ~~—~~ Section 1. Section 31A-22-657 is enacted to read:

45 ~~—~~ 31A-22-657. Method of payment for drugs may not be requested.

46 ~~—~~ Except to ensure compliance with state or federal law, neither an insurer nor a

47 pharmacy benefit manager as defined in Section 31A-46-102 may ask a pharmacy or an



48 enrollee of the insurer to disclose how a drug purchased from the pharmacy by the enrollee was
49 paid for, including whether payment was received from one or more persons other than the
50 enrollee.}

3. Page 3, Lines 66 through 69:

66 (e) except as provided in Section 58-17b-503 {or Part 9, Charitable Prescription Drug
67 Recycling Act}, accepting back and redistributing any unused drug, or a part of it, after it has
68 left the premises of [any] a pharmacy{, unless the drug is in a unit pack, as defined in Section
69 58-17b-503, or the manufacturer's sealed container, as defined in rule};

4. Page 5, Lines 127 through 131:

127 (2) A pharmacist may accept and redistribute an unused drug, or part of it, after it has left the premises of
the pharmacy :

128 (a) {accept and redistribute an unused drug under} in accordance with Part 9, Charitable Prescription
Drug
129 Recycling Act; {or}

130 (b) {accept back and redistribute any unused drug, or a part of it, after it has left the
131 premises of the pharmacy} if:

5. Page 5, Lines 142 through 149:

142 Administration and Drug Enforcement Administration regulations{-} :
143 {(3) A pharmacist may accept back and redistribute any unused drug, or a part of it, after
144 it has left the premises of the pharmacy}

(c) if:

145 {(a)} (i) the pharmacy has attempted to deliver the drug to a patient or a patient's agent via
146 the United States Postal Service, a licensed common carrier, or supportive personnel;

147 {(b)} (ii) the drug is returned to the pharmacy by the same person or carrier that attempted to
148 deliver the drug; and

149 {(c)} (iii) in accordance with United States Food and Drug Administration regulations and

Yeas - 6

Sen. J. Anderegg
Sen. L. Escamilla
Sen. K. Grover
Sen. J. Iwamoto
Sen. M. Kennedy
Sen. E. Vickers

Nays - 0

Absent - 2

Sen. D. Buxton
Sen. C. Wilson

MOTION: Sen. Grover moved to pass S.B. 236 out favorably as amended.

Sen. Grover's motion to pass S.B. 236 out favorably as amended passed with a vote of 6 - 0 - 2.

Yeas - 6

Sen. J. Anderegg
Sen. L. Escamilla
Sen. K. Grover
Sen. J. Iwamoto
Sen. M. Kennedy
Sen. E. Vickers

Nays - 0

Absent - 2

Sen. D. Buxton
Sen. C. Wilson

2. 2nd Sub. H.B. 295 Physician Workforce Amendments (Maloy, A.C.)

[Informational handout 295](#)

Rep. A. Cory Maloy presented the bill.

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



Anndrea Parrish, Utah Department of Corrections, spoke in favor of the bill.

Norman Wright, CEO, Noorda College of Osteopathic Medicine, spoke in favor of the bill.

Maryann Martindale, Utah Academy of Family Physicians spoke in favor of the bill.

Dave Gessel, Utah Hospital Association, spoke in favor of the bill.

MOTION: Sen. Anderegg moved to pass 2nd Substitute H.B. 295 out favorably. The motion passed with a vote of 6 - 0 - 2.

Yeas - 6

- Sen. J. Anderegg
- Sen. L. Escamilla
- Sen. K. Grover
- Sen. J. Iwamoto
- Sen. M. Kennedy
- Sen. C. Wilson

Nays - 0

Absent - 2

- Sen. D. Buxton
- Sen. E. Vickers

3. S.B. 241 Autism Coverage Amendments (*Bramble, C.*)

Sen. Curtis S. Bramble presented with the assistance of Cheryl Smith, Carson Smith Special Needs Program.

Dr. Aaron Fischer, President, Utah Association For Applied Behavior Analysis, spoke in favor of the bill.

Shawnee Collins spoke in favor of the bill.

MOTION: Sen. Wilson moved to pass S.B. 241 out favorably. The motion passed with a vote of 5 - 0 - 3.

Yeas - 5

- Sen. L. Escamilla
- Sen. K. Grover
- Sen. J. Iwamoto
- Sen. M. Kennedy
- Sen. C. Wilson

Nays - 0

Absent - 3

- Sen. J. Anderegg
- Sen. D. Buxton
- Sen. E. Vickers

4. S.B. 240 Health Care Liability Insurance Amendments (*Fillmore, L.*)

Sen. Lincoln Fillmore presented the bill.

MOTION: Sen. Escamilla moved to amend S.B. 240 with Amendment #1.
Amendment 1
S.B. 240

1. Page 1, Lines 25 through 27:

25 The Medicaid program may not reimburse {a person, including} a home health agency, as

26 defined in Section 26-21-2, for home health services provided to an enrollee unless the {person} home health

agency

27 has liability coverage of:

Sen. Escamilla's motion to amend S.B. 240 with Amendment #1 passed with a vote of 6 - 0 - 2.



Yeas - 6

Sen. J. Anderegg
Sen. L. Escamilla
Sen. K. Grover
Sen. J. Iwamoto
Sen. M. Kennedy
Sen. C. Wilson

Nays - 0

Absent - 2

Sen. D. Buxton
Sen. E. Vickers

MOTION: Sen. Escamilla moved to pass S.B. 240 out favorably. The motion passed with a vote of 6 - 0 - 2.

Yeas - 6

Sen. J. Anderegg
Sen. L. Escamilla
Sen. K. Grover
Sen. J. Iwamoto
Sen. M. Kennedy
Sen. C. Wilson

Nays - 0

Absent - 2

Sen. D. Buxton
Sen. E. Vickers

5. 1st Sub. H.B. 344 Utah Medical Candor Act (Nelson, M.)

Rep. Merrill Nelson presented the bill with the assistance of Mark Brinton, General Counsel and Director of Government Affairs, Utah Medical Association.

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

Ashton Hyde, Utah Association For Justice, spoke against the bill.

Maryann Martindale, Utah Academy of Family Physicians spoke in favor of the bill.

Dave Gessel, Utah Hospital Association, spoke in favor of the bill.

Leah Hansen, spoke in favor of the bill.

Dr. Shane Lewis spoke in favor of the bill.

MOTION: Sen. Grover moved to replace 1st Substitute H.B. 344 with 2nd Substitute H.B. 344.

Sen. Grover's motion to replace 1st Substitute H.B. 344 with 2nd Substitute H.B. 344 passed with a vote of 6 - 0 - 2.

Yeas - 6

Sen. J. Anderegg
Sen. L. Escamilla
Sen. K. Grover
Sen. J. Iwamoto
Sen. M. Kennedy
Sen. C. Wilson

Nays - 0

Absent - 2

Sen. D. Buxton
Sen. E. Vickers

MOTION: Sen. Grover moved to pass 2nd Substitute H.B. 344 out favorably. The motion passed with a vote of 5 - 1 - 2.



Yeas - 5

Sen. J. Anderegg
Sen. L. Escamilla
Sen. K. Grover
Sen. M. Kennedy
Sen. C. Wilson

Nays - 1

Sen. J. Iwamoto

Absent - 2

Sen. D. Buxton
Sen. E. Vickers

6. 1st Sub. H.J.R. 13 Joint Resolution Amending Court Rules of Procedure and Evidence to Address the Medical Candor Process (Nelson, M.)

Rep. Merrill Nelson presented the bill.

Ashton Hyde, Utah Association For Justice, spoke to the bill.

Dr. Shane Lewis spoke to the bill.

MOTION: Chair Kennedy moved to replace 1st Substitute H.J.R. 13 with 2nd Substitute H.J.R. 13.

Chair Kennedy's motion to replace 1st Substitute H.J.R. 13 with 2nd Substitute H.J.R. 13 passed with a vote of 5 - 0 - 3.

Yeas - 5

Sen. J. Anderegg
Sen. L. Escamilla
Sen. K. Grover
Sen. M. Kennedy
Sen. C. Wilson

Nays - 0

Absent - 3

Sen. D. Buxton
Sen. J. Iwamoto
Sen. E. Vickers

MOTION: Chair Kennedy moved to pass 2nd Substitute H.J.R. 13 out favorably. The motion passed with a vote of 5 - 0 - 3.

Yeas - 5

Sen. J. Anderegg
Sen. L. Escamilla
Sen. K. Grover
Sen. M. Kennedy
Sen. C. Wilson

Nays - 0

Absent - 3

Sen. D. Buxton
Sen. J. Iwamoto
Sen. E. Vickers

7. 2nd Sub. H.B. 301 Medication Dispenser Amendments (Ward, R.)

Rep. Raymond P. Ward presented the bill.

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

Maryann Martindale, Utah Academy of Family Physicians, spoke in favor of the bill.

MOTION: Sen. Wilson moved to amend 2nd Substitute H.B. 301 with Amendment #2.
Amendment 2
2nd Sub. H.B. 301

1. Page 7, Lines 191 through 192:

191 (b) As defined by the division by rule, a licensed dispensing practice shall report in
192 writing to the division :

(i) theft of a drug, immediately after the licensed dispensing practice is aware that theft has occurred; and
(ii) a disaster, accident, or emergency that may affect the purity or labeling

2. Page 8, Lines 213 through 214:



213 (c) storage; {~~and~~}
214 (d) supervision{~~-~~};
(e) inventory control; and
(f) patient counseling.

Sen. Wilson's motion to amend 2nd Substitute H.B. 301 with Amendment #2 passed with a vote of 5 - 0 - 3.

Yeas - 5

Sen. J. Anderegg
Sen. L. Escamilla
Sen. K. Grover
Sen. M. Kennedy
Sen. C. Wilson

Nays - 0

Absent - 3

Sen. D. Buxton
Sen. J. Iwamoto
Sen. E. Vickers

MOTION: Sen. Wilson moved to pass 2nd Substitute H.B. 301 out favorably. The motion passed with a vote of 5 - 0 - 3.

Yeas - 5

Sen. J. Anderegg
Sen. L. Escamilla
Sen. K. Grover
Sen. M. Kennedy
Sen. C. Wilson

Nays - 0

Absent - 3

Sen. D. Buxton
Sen. J. Iwamoto
Sen. E. Vickers

8. 2nd Sub. H.B. 63 Covid-19 Vaccine Exemptions (Burton, J.)

Rep. Jefferson Burton presented the bill.

Victoria Dortzbach, registered nurse, spoke to the bill.

Gloria Vindas, Community Outreach Director, Parents United, spoke in favor of the bill.

Kelvin Cullimore, BioUtah, spoke in favor of the bill.

Jay Dorksback, spoke in favor of the bill.

MOTION: Sen. Anderegg moved to replace 2nd Substitute H.B. 63 with 3rd Substitute H.B. 63.

Sen. Anderegg's motion to replace 2nd Substitute H.B. 63 with 3rd Substitute H.B. 63 passed with a vote of 6 - 0 - 2.

Yeas - 6

Sen. J. Anderegg
Sen. L. Escamilla
Sen. K. Grover
Sen. J. Iwamoto
Sen. M. Kennedy
Sen. C. Wilson

Nays - 0

Absent - 2

Sen. D. Buxton
Sen. E. Vickers

MOTION: Sen. Anderegg moved to pass 3rd Substitute H.B. 63 out favorably. The motion passed with a vote of 4 - 2 - 2.



Yeas - 4

Sen. J. Anderegg
Sen. K. Grover
Sen. M. Kennedy
Sen. C. Wilson

Nays - 2

Sen. L. Escamilla
Sen. J. Iwamoto

Absent - 2

Sen. D. Buxton
Sen. E. Vickers

9. H.B. 318 Dental Provider Malpractice Amendments (Teuscher, J.)

[Informational handout 318](#)

Rep. Jordan D. Teuscher presented the bill with the assistance of Chris Rogers, Professional Insurance Exchange Mutual.

MOTION: Sen. Iwamoto moved to pass H.B. 318 out favorably. The motion passed with a vote of 6 - 0 - 2.

Yeas - 6

Sen. J. Anderegg
Sen. L. Escamilla
Sen. K. Grover
Sen. J. Iwamoto
Sen. M. Kennedy
Sen. C. Wilson

Nays - 0

Absent - 2

Sen. D. Buxton
Sen. E. Vickers

MOTION: Chair Kennedy moved to place H.B. 318 on the Consent Calendar. The motion passed with a vote of 6 - 0 - 2.

Yeas - 6

Sen. J. Anderegg
Sen. L. Escamilla
Sen. K. Grover
Sen. J. Iwamoto
Sen. M. Kennedy
Sen. C. Wilson

Nays - 0

Absent - 2

Sen. D. Buxton
Sen. E. Vickers

Rep. Jordan D. Teuscher agreed to place bill on consent calendar.

10. S.B. 228 Health Information Sharing Act (Anderegg, J.)

Sen. Anderegg presented the bill.

Ashley Spatafore Mirabelli, Valley Emergency Communications, spoke to the bill.

Lyla Mahmoud, ACLU, spoke to the bill.

Nate Crippes, Disability Law Center, spoke to the bill.

MOTION: Chair Kennedy moved to pass S.B. 228 out favorably. The motion passed with a vote of 5 - 0 - 3.

Yeas - 5

Sen. J. Anderegg
Sen. L. Escamilla
Sen. J. Iwamoto
Sen. M. Kennedy
Sen. C. Wilson

Nays - 0

Absent - 3

Sen. D. Buxton
Sen. K. Grover
Sen. E. Vickers

MOTION: Sen. Wilson moved to adjourn. The motion passed with a vote of 5 - 0 - 3.



Yeas - 5

Sen. J. Anderegg
Sen. L. Escamilla
Sen. J. Iwamoto
Sen. M. Kennedy
Sen. C. Wilson

Nays - 0

Absent - 3

Sen. D. Buxton
Sen. K. Grover
Sen. E. Vickers

Chair Kennedy adjourned the meeting.