



MINUTES

SENATE HEALTH AND HUMAN SERVICES STANDING COMMITTEE

LEGISLATURE

Wednesday, January 18, 2023 | 2:00 p.m. | 30 House Building

Members Present:

Sen. Michael S. Kennedy, Chair
Sen. Jacob L. Anderegg
Sen. David G. Buxton
Sen. Luz Escamilla
Sen. Jen Plumb

Sen. Evan J. Vickers
Sen. Chris H. Wilson

Staff Present:

Mark D. Andrews, Policy Analyst
Karen C. Allred, 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 2:00 p.m.

Chair Kennedy introduced the Senators, and discussed decorum.

MOTION: Sen. Wilson moved to approve the minutes of Feb 28, 2022. The motion passed with a vote of 6 - 0 - 1.

Yeas - 6

Sen. D. Buxton
Sen. L. Escamilla
Sen. M. Kennedy
Sen. J. Plumb
Sen. E. Vickers
Sen. C. Wilson

Nays - 0

Absent - 1

Sen. J. Anderegg

1. S.B. 16 Sex Characteristic Surgical Procedures (Kennedy, M.)

Sen. Wilson assumed the chair.

Sen. Michael S. Kennedy presented the bill with the assistance of Chloe Cole, and Dr. Leon Sapir, PhD, Manhattan Institute.

Lance Sweeten, parent, spoke in opposition to the bill.

Dr. Nikki Mihalopoulos, adolescent medicine physician, representing self, spoke in opposition to the bill.

Jason Lebwohl, physician and parent, spoke in opposition to the bill.

Greg Walker, parent, spoke in opposition to the bill.

Ryan Woods, Drag Artist Lady Maga USA, representing Gays Against Groomers, spoke in favor of the bill.

Dr. Marci Campbell, PhD, spoke about cognitive development.

[SB 16 from Marci Campbell](#)

Gayle Ruzicka, Utah Eagle Forum, spoke in favor of the bill.

William Sheffield, emergency room physician, spoke to the bill.



Geoffrey Heath, Family Development Action Coalition, spoke to the bill.

Maria Dowdle, citizen, spoke in favor of the bill.

Greg Duerden, State Chair, Utah Independent American Party, spoke to the bill.

Jeri Brummett, citizen, spoke in opposition to the bill.

Catherine Palmer, parent, spoke in opposition to the bill.

Lorcan Murphy, trans citizen, spoke in opposition to the bill.

Denise Begue, trans parent, spoke in opposition to the bill.

May Bryant, trans citizen, spoke in opposition to the bill.

Drew Armstrong, co-founder of Dragon Dads, spoke in opposition to the bill.

Whit Cook spoke to the bill.

MOTION: Chair Kennedy moved to replace S.B. 16 with 1st Substitute S.B. 16. The motion passed with a vote of 4 - 2 - 1.

Yeas - 4
Sen. D. Buxton
Sen. M. Kennedy
Sen. E. Vickers
Sen. C. Wilson

Nays - 2
Sen. L. Escamilla
Sen. J. Plumb

Absent - 1
Sen. J. Anderegg

MOTION: Chair Kennedy moved to amend 1st Substitute S.B. 16 with Amendment #4. The motion passed with a vote of 7 - 0 - 0.

Amendment 4
1st Sub. S.B. 0016

1. Page 1, Lines 14 through 15:
14 ▸ requires the Department of Health and Human Services ~~{to study}~~ to conduct a systematic review of the
medical evidence regarding hormonal
15 transgender treatments and provide recommendations to the Legislature;

2. Page 2, Lines 48 through 56:
48 26B-1-214.~~{Study}~~ Systematic medical evidence review of hormonal transgender treatments.
49 (1) As used in this section, "hormonal transgender treatment" means the same as that
50 term is defined in Section 58-1-603.
51 (2) The department, in consultation with the Division of Professional Licensing created
52 in Section 58-1-103, the Physicians Licensing Board created in Section 58-67-201, the
53 Osteopathic Physician and Surgeon's Licensing Board created in Section 58-68-201, and the
54 University of Utah, shall conduct a ~~{study}~~ systematic medical evidence review regarding the provision of
55 hormonal transgender
treatments to minors.
56 (3) The purpose of the ~~{study}~~ systematic medical evidence review is to provide the Legislature with
recommendations to

3. Page 3, Lines 58 through 60:
58 (4) The ~~{study}~~ systematic medical evidence review shall:
59 (a) analyze hormonal transgender treatments that are prescribed to a minor with gender
60 dysphoria, including:

4. Page 3, Lines 80 through 81:



80 (5) Upon the completion of the {study} systematic medical evidence review, the department shall provide
the {study} systematic medical evidence review to the
81 Health and Human Services Interim Committee.

5. Page 4, Line 114 through Page 5, Line 122:

- 114 (ii) "Hormonal transgender treatment" does not include administering, prescribing, or
- 115 supplying a substance described in Subsection (1)(e)(i) to an individual if the treatment is
- 116 medically necessary as a treatment for:
- 117 (A) precocious puberty;
- 118 {~~(B)~~ (B) idiopathic short stature;}
- 119 {~~(C)~~ (B) endometriosis;}
- 120 {~~(D)~~ (C) a menstrual, ovarian, or uterine disorder;}
- 121 {~~(E)~~ (D) a sex-hormone stimulated cancer; or}
- 122 {~~(F)~~ (E) a disorder of sexual development.}

Yeas - 7

Nays - 0

Absent - 0

- Sen. J. Anderegg
- Sen. D. Buxton
- Sen. L. Escamilla
- Sen. M. Kennedy
- Sen. J. Plumb
- Sen. E. Vickers
- Sen. C. Wilson

MOTION: Sen. Escamilla moved to amend 1st Substitute S.B. 16 with Amendment #1. The motion failed with a vote of 2 - 5 - 0.

Amendment 1
1st Sub. S.B. 16

1. Page 13, Lines 393 through 396:

- 393 (f) performing, or causing to be performed, upon an individual who is less than 18
- 394 years old:
- 395 (i) a primary sex characteristic surgical procedure; {~~or~~}
- 396 (ii) a secondary sex characteristic surgical procedure{~~-~~}; or
- (iii) a breast augmentation surgery that is performed for a purpose other than:
- (A) medical necessity; or
- (B) to address a musculoskeletal problem.

2. Page 20, Lines 592 through 595:

- 592 (f) performing, or causing to be performed, upon an individual who is less than 18
- 593 years old:
- 594 (i) a primary sex characteristic surgical procedure; {~~or~~}
- 595 (ii) a secondary sex characteristic surgical procedure{~~-~~}; or
- (iii) a breast augmentation surgery that is performed for a purpose other than:
- (A) medical necessity; or
- (B) to address a musculoskeletal problem.

Yeas - 2

Nays - 5

Absent - 0

- Sen. L. Escamilla
- Sen. J. Plumb
- Sen. J. Anderegg
- Sen. D. Buxton
- Sen. M. Kennedy
- Sen. E. Vickers
- Sen. C. Wilson

MOTION: Sen. Plumb moved to amend 1st Substitute S.B. 16 with Amendment #2. The motion failed with a vote of 2 - 5 - 0.

Amendment 2



1st Sub. S.B. 16

1. Page 7, Line 211:

211 (2) ~~{A}~~ Beginning on May 3, 2023, and before May 3, 2024, a health care provider may not provide a hormonal transgender treatment to a

Yeas - 2

Sen. L. Escamilla
Sen. J. Plumb

Nays - 5

Sen. J. Anderegg
Sen. D. Buxton
Sen. M. Kennedy
Sen. E. Vickers
Sen. C. Wilson

Absent - 0

MOTION: Sen. Plumb moved to amend 1st Substitute S.B. 16 with Amendment #3. The motion passed with a vote of 5 - 2 - 0.

Amendment 3
1st Sub. S.B. 0016

1. Page 2, Lines 51 through 55:

51 (2) The department, in consultation with the Division of Professional Licensing created
52 in Section 58-1-103, the Physicians Licensing Board created in Section 58-67-201, the
53 Osteopathic Physician and Surgeon's Licensing Board created in Section 58-68-201, ~~{and}~~ the
54 University of Utah, and a non-profit hospital system that has multiple hospitals located in Utah and experience
55 in specialty pediatric care, shall conduct a study regarding the provision of hormonal transgender
55 treatments to minors.

Yeas - 5

Sen. L. Escamilla
Sen. M. Kennedy
Sen. J. Plumb
Sen. E. Vickers
Sen. C. Wilson

Nays - 2

Sen. J. Anderegg
Sen. D. Buxton

Absent - 0

MOTION: Sen. Vickers moved to pass 1st Substitute S.B. 16 out favorably. The motion passed with a vote of 5 - 2 - 0.

Yeas - 5

Sen. J. Anderegg
Sen. D. Buxton
Sen. M. Kennedy
Sen. E. Vickers
Sen. C. Wilson

Nays - 2

Sen. L. Escamilla
Sen. J. Plumb

Absent - 0

Chair Kennedy resumed the chair.

2. S.B. 19 Medicaid Dental Waiver Amendments (Vickers, E.)

Sen. Evan J. Vickers presented the bill with the assistance of Dr. James Becker, Associate Dean, University of Utah School of Dentistry, and Dr. G. Lynn Powell, Founding Dean, University of Utah School of Dentistry.

Paul Gibbs, citizen, spoke in favor of the bill.

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

Steve Erickson, Crossroads Urban Center, spoke in favor of the bill.



MOTION: Sen. Vickers moved to amend S.B. 19 with Amendment #1. The motion passed with a vote of 6 - 0 - 1.

Amendment 1
S.B. 0019

1. Page 1, Lines 7 through 12:

7 LONG TITLE

8 {~~Committee Note:~~

9 ~~—The Health and Human Services Interim Committee recommended this bill.~~

10 ~~—Legislative Vote: 13 voting for 0 voting against 5 absent }~~

11 General Description:

12 This bill amends the Medical Assistance Act.

2. Page 3, Lines 61 through 67:

61 (iii) if a waiver is approved under Subsection (1)(d), the department shall provide
62 dental services to an individual who is:

63 (A) not described in Subsection (2)(a);

64 (B) not described in Subsection (2)(b)(i);

65 (C) not described in Subsection (2)(b)(ii);

~~(D) not pregnant;~~

66 ~~{(D) 18}~~ (E) 21 years old or older; and

67 ~~{(E) eligible for the program}~~ (F) eligible for full services through the Medicaid program.

Yeas - 6

Nays - 0

Absent - 1

- Sen. J. Anderegg
- Sen. D. Buxton
- Sen. L. Escamilla
- Sen. M. Kennedy
- Sen. E. Vickers
- Sen. C. Wilson

Sen. J. Plumb

MOTION: Sen. Wilson moved to pass S.B. 19 out favorably. The motion passed with a vote of 7 - 0 - 0.

Yeas - 7

Nays - 0

Absent - 0

- Sen. J. Anderegg
- Sen. D. Buxton
- Sen. L. Escamilla
- Sen. M. Kennedy
- Sen. J. Plumb
- Sen. E. Vickers
- Sen. C. Wilson

3. S.B. 100 School District Gender Identity Policies (Weiler, T.)

Sen. Todd Weiler presented the bill.

Marina Lowe, Policy Director, Equality Utah, spoke in favor of the bill.

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

Chelsie Acosta, educator, spoke to the bill.

Nicholeen Peck, President, Worldwide Organization for Women, spoke in favor of the bill.

Gayle Ruzicka, Utah Eagle Forum, spoke in favor of the bill.

Camlyn Giddins, teacher, spoke in opposition to the bill.

Katlyn McClain, citizen, spoke in opposition to the bill.

Corinne Johnson, Utah Parents United, spoke in favor of the bill.

Colleen Fisher, citizen, spoke to the bill.

Sage Palsson, transgender adult, spoke in opposition to the bill.

Collin Williams, Church of Protest Community Organizer, spoke in opposition to the bill.

Lance Sweeten, parent, spoke in opposition to the bill.

Jesse Fluetsch, parent, spoke in opposition to the bill.

Carlos Gurr, parent, spoke to the bill.

Lorcan Murphy, trans citizen, spoke in opposition to the bill.

MOTION: Chair Kennedy moved to replace S.B. 100 with 1st Substitute S.B. 100. The motion passed with a vote of 4 - 3 - 0.

Yeas - 4

Sen. D. Buxton
Sen. M. Kennedy
Sen. E. Vickers
Sen. C. Wilson

Nays - 3

Sen. J. Anderegg
Sen. L. Escamilla
Sen. J. Plumb

Absent - 0

MOTION: Sen. Vickers moved to pass 1st Substitute S.B. 100 out favorably. The motion passed with a vote of 5 - 2 - 0.

Yeas - 5

Sen. J. Anderegg
Sen. D. Buxton
Sen. M. Kennedy
Sen. E. Vickers
Sen. C. Wilson

Nays - 2

Sen. L. Escamilla
Sen. J. Plumb

Absent - 0

4. S.B. 93 Vital Records Modifications (McCay, D.)

Sen. Daniel McKay presented the bill.

Marina Lowe, Policy Director, Equality Utah, spoke in opposition to the bill.

Sophia Hawes-Tingey, transgender citizen, spoke in opposition to the bill.

Carlos Gurr, parent, spoke in opposition to the bill.

Sue Robbins, Equality Utah Transgender Advisory Council, spoke in opposition to the bill.

Lindsay Brunt, parent, spoke in opposition to the bill.

Reverend Monica Dobbins, parent of transgender child, spoke in opposition to the bill.

Lyla Mahmoud, ACLU Utah, spoke in opposition to the bill.

Colleen Fisher, citizen, spoke in opposition to the bill.

Diana Weber, citizen, spoke in opposition to the bill.

Faith Hain spoke in opposition to the bill.

Jeri Brummett spoke in opposition to the bill.

Lorcan Murphy, trans citizen, spoke in opposition to the bill.

MOTION: Sen. Anderegg moved to amend S.B. 93 with Amendment #1. The motion passed with a vote of 7 - 0 - 0.

Amendment 1
S.B. 0093

1. Page 2, Lines 32 through 39:

32 ~~[(1)]~~ (a) governing applications to correct alleged errors or omissions on any vital
33 record;

34 ~~[(2)]~~ (b) establishing procedures to resolve conflicting birth and founding certificates;
35 and

36 ~~[(3)]~~ (c) allowing for the correction and reissuance of a vital record that was originally
37 created omitting a diacritical mark.

38 (2) The department may correct an error or omission under Subsection (1)(a) if ~~{ the~~
39 ~~correction is made no later than one year from the day the vital record is created.}~~ the correction is supported
by documentary evidence that:

(a) is deemed sufficient by the department; and

(b) was created no later than 30 days after the day of the event that led to the creation of the vital record.

Yeas - 7

Nays - 0

Absent - 0

Sen. J. Anderegg
Sen. D. Buxton
Sen. L. Escamilla
Sen. M. Kennedy
Sen. J. Plumb
Sen. E. Vickers
Sen. C. Wilson

MOTION: Sen. Wilson moved to pass S.B. 93 out favorably. The motion passed with a vote of 5 - 2 - 0.

Yeas - 5

Nays - 2

Absent - 0

Sen. J. Anderegg
Sen. D. Buxton
Sen. M. Kennedy
Sen. E. Vickers
Sen. C. Wilson
Sen. L. Escamilla
Sen. J. Plumb

5. S.C.R. 4 Concurrent Resolution Encouraging Hypertrophic Cardiomyopathy Awareness and Screening (Ipson, D.)

Sen. Don L. Ipson presented the bill.

Dr. Kia Afshar, cardiologist, spoke in favor of the bill.



Dr. Omar Wever-Pinzon, cardiologist, spoke in favor of the bill.

MOTION: Sen. Vickers moved to pass S.C.R. 4 out favorably. The motion passed with a vote of 7 - 0 - 0.

Yeas - 7

Nays - 0

Absent - 0

- Sen. J. Anderegg
- Sen. D. Buxton
- Sen. L. Escamilla
- Sen. M. Kennedy
- Sen. J. Plumb
- Sen. E. Vickers
- Sen. C. Wilson

MOTION: Sen. Wilson moved to adjourn. The motion passed with a vote of 7 - 0 - 0.

Yeas - 7

Nays - 0

Absent - 0

- Sen. J. Anderegg
- Sen. D. Buxton
- Sen. L. Escamilla
- Sen. M. Kennedy
- Sen. J. Plumb
- Sen. E. Vickers
- Sen. C. Wilson

Chair Kennedy adjourned the meeting at 5:14 p.m.