



MINUTES

HOUSE BUSINESS AND LABOR STANDING COMMITTEE

LEGISLATURE

Friday, January 27, 2023 | 2:00 p.m. | 445 State Capitol

Members Present:

Rep. A. Cory Maloy, Chair
Rep. Stephen L. Whyte, Vice Chair
Rep. Carl R. Albrecht
Rep. Jefferson S. Burton
Rep. James A. Dunnigan
Rep. Jon Hawkins
Rep. Brian S. King
Rep. Ashlee Matthews
Rep. Calvin R. Musselman
Rep. Thomas W. Peterson

Rep. Norman K Thurston

Members Absent:

Rep. Brady Brammer
Rep. Walt Brooks
Rep. Mike Schultz
Rep. Ryan D. Wilcox

Staff Present:

Adam J. Sweet, Policy Analyst
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.

Chair Whyte called the meeting to order at 2:15 p.m.

MOTION: Rep. Matthews moved to approve the minutes of January 24, 2023. The motion passed with a vote of 8 - 0 - 7.

Yeas - 8

Rep. C. Albrecht
Rep. J. Dunnigan
Rep. B. King
Rep. A. Maloy
Rep. A. Matthews
Rep. T. Peterson
Rep. N. Thurston
Rep. S. Whyte

Nays - 0

Absent - 7

Rep. B. Brammer
Rep. W. Brooks
Rep. J. Burton
Rep. J. Hawkins
Rep. C. Musselman
Rep. M. Schultz
Rep. R. Wilcox

1. S.B. 73 Gratuity Amendments (Pitcher, S.)

Sen. Stephanie Pitcher presented the bill.

MOTION: Rep. Dunnigan moved to pass S.B. 73 out favorably. The motion passed with a vote of 9 - 0 - 6.

Yeas - 9

Rep. C. Albrecht
Rep. J. Dunnigan
Rep. J. Hawkins
Rep. B. King
Rep. A. Maloy
Rep. A. Matthews
Rep. T. Peterson
Rep. N. Thurston
Rep. S. Whyte

Nays - 0

Absent - 6

Rep. B. Brammer
Rep. W. Brooks
Rep. J. Burton
Rep. C. Musselman
Rep. M. Schultz
Rep. R. Wilcox

2. H.B. 159 Health Care Professional Licensing Requirements (Thurston, N.)

Rep. Thurston presented the bill with the assistance of Wendy Stapleton and Jeremy Keim, Brightside Health.

Margaret Busse, Executive Director, Department of Commerce, spoke to the bill.

Mark Steinagel, Director, Division of Professional Licensing, spoke to the bill.

Michelle McOmber, Utah Medical Association, spoke in opposition to the bill.

Gray Otis, Utah Mental Health Counselors Association, spoke to the bill.

Nanci Klein, Utah Psychological Association, spoke to the bill.

Glen Thurston, citizen, spoke in support of the bill.

MOTION: Rep. Albrecht moved to hold H.B. 159.

SUBSTITUTE MOTION: Rep. Thurston moved to amend H.B. 159 with Amendment #1 and then withdrew his motion.

Amendment 1
H.B. 0159

1. Page 2, Lines 31 through 40:

31 (b) "Telehealth ~~{service}~~ medicine services " means the same as that term is defined in Section 26-60-102.

32 (2) ~~{In addition to the exemptions from licensure in Section 58-1-307, an individual~~

33 ~~who has a nonresident health care license may provide a telehealth service to a patient without~~

34 ~~being licensed under this title}~~ An individual with a temporary license issued under this section is authorized to provide a telemedicine service if:

35 (a) the service is a service the individual is licensed to perform under the nonresident

36 health care license of the state, district, or territory that issued the nonresident health care license;

37 (b) at the time the health care service is performed~~{:}~~

38 ~~{(i)}~~ the patient is located in Utah; and

39 ~~{(ii)}~~ the health care provider is located in the state that issued the nonresident health

40 care license; and}

2. Page 2, Line 41:

41 (c) performing the telehealth service would not otherwise violate state law.

(3) The division shall issue a temporary license to perform telemedicine services to an individual who has a nonresident health care license in good standing if:

(a) (i) the individual has applied for a license described in Section 58-1-302; and

(ii) the division determines that they will not be able to process the application within 15 days; or

(b) the division is not able to approve the application because:

(i) there is no equivalent license category in the state; or

(ii) there is another reason that is unrelated to the individual's competency to provide telemedicine services.

(4) The division may not charge a fee for a temporary license issued under this section beyond the fee required for a license issued under Section 58-1-302.

Rep. Albrecht's motion passed with a vote of 10 - 0 - 5.

Yeas - 10

Rep. C. Albrecht
Rep. J. Burton
Rep. J. Dunnigan
Rep. J. Hawkins
Rep. A. Maloy
Rep. A. Matthews
Rep. C. Musselman
Rep. T. Peterson
Rep. N. Thurston
Rep. S. Whyte

Nays - 0

Absent - 5

Rep. B. Brammer
Rep. W. Brooks
Rep. B. King
Rep. M. Schultz
Rep. R. Wilcox

3. S.B. 18 Public Expression Protection Act (*Bramble, C.*)

Sen. Curtis Bramble presented the bill with the assistance of Lowry Snow, former representative, and David Reymann, attorney.

MOTION: Rep. Hawkins moved to amend S.B. 18 with Amendment #1. The motion passed with a vote of 10 - 0 - 5.

Amendment 1
S.B. 18

1. Page 4, Lines 102 through 104:

102 (2) A stay under Subsection (1) remains in effect until the day on which an order ruling
103 on the motion under Section 78B-25-103 is entered and expiration of the time under {[Section](#)
104 [78B-25-109](#)} [Utah Rules of Appellate Procedure, Rule 4](#), for the moving party to appeal the order.

2. Page 6, Lines 167 through 168:

167 (2) The appeal shall be filed {[not later than 21 days after the day on which the order is](#)
168 [entered](#).} [in accordance with Utah Rules of Appellate Procedure, Rule 4](#).

3. Page 7, Line 193:

193 action or a motion under {[Title 78B](#).} Chapter 6, Part 14, Citizen Participation in Government

Yeas - 10

Rep. C. Albrecht
Rep. J. Burton
Rep. J. Dunnigan
Rep. J. Hawkins
Rep. A. Maloy
Rep. A. Matthews
Rep. C. Musselman
Rep. T. Peterson
Rep. N. Thurston
Rep. S. Whyte

Nays - 0

Absent - 5

Rep. B. Brammer
Rep. W. Brooks
Rep. B. King
Rep. M. Schultz
Rep. R. Wilcox

MOTION: Rep. Albrecht moved to pass S.B. 18 out favorably as amended. The motion passed with a vote of 10 - 0 - 5.

Yeas - 10

Rep. C. Albrecht
Rep. J. Burton
Rep. J. Dunnigan
Rep. J. Hawkins
Rep. A. Maloy
Rep. A. Matthews
Rep. C. Musselman
Rep. T. Peterson
Rep. N. Thurston
Rep. S. Whyte

Nays - 0

Absent - 5

Rep. B. Brammer
Rep. W. Brooks
Rep. B. King
Rep. M. Schultz
Rep. R. Wilcox

MOTION: Rep. Dunnigan moved to place S.B. 18 on the Consent Calendar. The motion passed with a vote of 10 - 0 - 5.

Yeas - 10

Rep. C. Albrecht
Rep. J. Burton
Rep. J. Dunnigan
Rep. J. Hawkins
Rep. A. Maloy
Rep. A. Matthews
Rep. C. Musselman
Rep. T. Peterson
Rep. N. Thurston
Rep. S. Whyte

Nays - 0

Absent - 5

Rep. B. Brammer
Rep. W. Brooks
Rep. B. King
Rep. M. Schultz
Rep. R. Wilcox

4. H.B. 166 Mental Health Professional Licensing Amendments (*Gricius, S.*)

Rep. Stephanie Gricius presented the bill.

Mark Steinagel spoke to the bill.

Gray Otis spoke in opposition to the bill.

Ben Shelton, Libertas Institute, spoke in support of the bill.

Cortney Prestwich, student, spoke in support of the bill.

Jessica Black, mental health counselor, spoke to the bill.

MOTION: Chair Maloy moved to replace H.B. 166 with 1st Substitute H.B. 166. The motion passed with a vote of 9 - 0 - 6.

Yeas - 9

Rep. J. Burton
Rep. J. Dunnigan
Rep. J. Hawkins
Rep. A. Maloy
Rep. A. Matthews
Rep. C. Musselman
Rep. T. Peterson
Rep. N. Thurston
Rep. S. Whyte

Nays - 0

Absent - 6

Rep. C. Albrecht
Rep. B. Brammer
Rep. W. Brooks
Rep. B. King
Rep. M. Schultz
Rep. R. Wilcox

MOTION: Rep. Dunnigan moved to amend 1st Substitute H.B. 166 with Amendment #1. The motion passed with a vote of 9 - 0 - 6.

Amendment 1
1st Sub. H.B. 166

1. Page 4, Line 106 through Page 5, Line 131:
 106 (3) (a) As used in this Subsection (3):
 107 (i) "Prescribe" means the same as that term is defined in Section 58-17b-102.
 108 (ii) "Prescription drug" means the same as that term is defined in Section 58-17b-102.
 109 (b) Notwithstanding Subsection (2)(j), an individual who provides mental health
 110 therapy remotely or substance use disorder counseling remotely to a client in Utah;
 111 (i) may not prescribe a prescription drug for a client in Utah unless the individual is
 112 licensed in Utah to prescribe the prescription drug;
 113 (ii) shall, before providing mental health therapy remotely or substance use disorder
 114 counseling remotely to a client in Utah, be aware of:
 115 (A) how to access emergency mental health services and resources in Utah; and
 116 (B) all applicable laws and rules regarding the required or permitted reporting or
 117 disclosing of confidential client communications;
 118 (iii) shall, within ~~{10 days}~~ one day after the day on which the individual first provides mental
 119 health therapy remotely or substance use disorder counseling remotely to a client in Utah,
 120 submit to the division a signed notice, in the form required by the division, notifying the
 121 division that the individual is providing therapy or counseling under the exemption in
 122 Subsection (2)(j); and
 123 (iv) shall obtain a license by endorsement under Section 58-60-115:
 124 (A) within ~~{12}~~ 9 months after the day on which the individual first provides mental health
 125 therapy remotely or substance use disorder counseling remotely to a client in Utah; or
 126 (B) if at any time the individual provides mental health therapy remotely or substance
 127 use disorder counseling remotely to more than one client in Utah.
 128 (4) The division shall report to the Health and Human Services Interim Committee at
 129 or before the committee's October 2026 meeting regarding the exemption described in
 130 Subsection (2)(j), including information about any complaints the division has received
 131 concerning individuals who have provided therapy or counseling under that exemption.

Yeas - 9

Rep. J. Burton
 Rep. J. Dunnigan
 Rep. J. Hawkins
 Rep. A. Maloy
 Rep. A. Matthews
 Rep. C. Musselman
 Rep. T. Peterson
 Rep. N. Thurston
 Rep. S. Whyte

Nays - 0

Absent - 6

Rep. C. Albrecht
 Rep. B. Brammer
 Rep. W. Brooks
 Rep. B. King
 Rep. M. Schultz
 Rep. R. Wilcox

MOTION: Rep. Thurston moved to pass 1st Substitute H.B. 166 out favorably as amended.

SUBSTITUTE MOTION: Rep. Hawkins moved to amend 1st Substitute H.B. 166 by returning the number 100 on line 162.

Elizabeth Klc, Utah Substance Use and Mental Health Advisory Council, spoke to the bill.

Rep. Hawkin's substitute motion failed with a vote of 4 - 5 - 6.

Yeas - 4

Rep. J. Burton
Rep. J. Dunnigan
Rep. J. Hawkins
Rep. A. Matthews

Nays - 5

Rep. A. Maloy
Rep. C. Musselman
Rep. T. Peterson
Rep. N. Thurston
Rep. S. Whyte

Absent - 6

Rep. C. Albrecht
Rep. B. Brammer
Rep. W. Brooks
Rep. B. King
Rep. M. Schultz
Rep. R. Wilcox

Rep. Thurston's underlying motion passed with a vote of 9 - 0 - 6.

Yeas - 9

Rep. J. Burton
Rep. J. Dunnigan
Rep. J. Hawkins
Rep. A. Maloy
Rep. A. Matthews
Rep. C. Musselman
Rep. T. Peterson
Rep. N. Thurston
Rep. S. Whyte

Nays - 0

Absent - 6

Rep. C. Albrecht
Rep. B. Brammer
Rep. W. Brooks
Rep. B. King
Rep. M. Schultz
Rep. R. Wilcox

MOTION: Rep. Burton moved to adjourn. The motion passed with a vote of 9 - 0 - 6.

Yeas - 9

Rep. J. Burton
Rep. J. Dunnigan
Rep. J. Hawkins
Rep. A. Maloy
Rep. A. Matthews
Rep. C. Musselman
Rep. T. Peterson
Rep. N. Thurston
Rep. S. Whyte

Nays - 0

Absent - 6

Rep. C. Albrecht
Rep. B. Brammer
Rep. W. Brooks
Rep. B. King
Rep. M. Schultz
Rep. R. Wilcox

Chair Whyte adjourned the meeting at 4:16 p.m.