



MINUTES

SENATE HEALTH AND HUMAN SERVICES STANDING COMMITTEE

LEGISLATURE

Wednesday, February 22, 2023 | 4:00 p.m. | 215 Senate 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 4:05 p.m.

MOTION: Sen. Plumb moved to approve the minutes of the February 21, 2023, meeting. The motion passed with a vote of 3 - 0 - 4.

Yeas - 3

Sen. L. Escamilla
Sen. M. Kennedy
Sen. J. Plumb

Nays - 0

Absent - 4

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

1. 1st Sub. H.B. 23 Forensic Mental Health Amendments (*Eliason, S.*)

Rep. Steven Eliason presented the bill.

MOTION: Chair Kennedy moved to pass 1st Substitute H.B. 23 out favorably. The motion passed with a vote of 3 - 0 - 4.

Yeas - 3

Sen. L. Escamilla
Sen. M. Kennedy
Sen. J. Plumb

Nays - 0

Absent - 4

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

2. 1st Sub. H.B. 290 Medicaid Waiver for Medically Complex Children Amendments (*Eliason, S.*)

Rep. Steven Eliason presented the bill with the assistance of Christopher Layton, parent of a medically complex child.

[Medicaid Waiver for Medically Complex Children](#)

Andrew Riggle, Public Policy Advocate, Disability Law Center, spoke in favor of the bill.

Lisa Thornton, President, Utah Prader-Willi Syndrome Association, spoke in favor of the bill.

Sarah George spoke in favor of the bill.

Marci Dunning spoke in favor of the bill.

MOTION: Sen. Escamilla moved to pass 1st Substitute H.B. 290 out favorably. The motion passed with a vote of 5 - 0 - 2.



Yeas - 5

Nays - 0

Absent - 2

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

Sen. D. Buxton
Sen. E. Vickers

3. 1st Sub. H.B. 288 Opioid Dispensing Requirements (Welton, D.)

Rep. Douglas Welton presented the bill.

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

MOTION: Sen. Plumb moved to pass 1st Substitute H.B. 288 out favorably. The motion passed with a vote of 4 - 0 - 3.

Yeas - 4

Nays - 0

Absent - 3

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

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

4. 1st Sub. H.B. 415 Maternal Coverage Amendments (Matthews, A.)

Rep. Ashlee Matthews presented the bill with the assistance of Holly Richardson.

[Maternal Coverage](#)

MOTION: Sen. Anderegg moved to pass 1st Substitute H.B. 415 out favorably. The motion passed with a vote of 5 - 0 - 2.

Yeas - 5

Nays - 0

Absent - 2

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

Sen. D. Buxton
Sen. E. Vickers

5. S.B. 200 Psilocybin Prescription Amendments (Escamilla, L.)

Sen. Luz Escamilla presented the bill with the assistance of Dr. Reed Robison, Psychiatrist, Cedar Psychiatry and Connor Boyack, President, Libertas.

[Psilocybin Pilot Program](#)

Gayle Ruzicka, Utah Eagle Forum, spoke in opposition to the bill.

Eric Swartz spoke in favor of the bill.

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

Alaina Chatterley, therapist and licensed clinical social worker, spoke in favor of the bill.

Walter Plumb, President, Drug Safe Utah, spoke in opposition to the bill.



[Mental Illness Psychotherapy Drug Task Force](#)

[Psilocybin-assisted Psychotherapy](#)

Michelle Hofmann, Executive Medical Director, Utah Department of Health and Human Services, spoke in favor of the bill.

Shawn Blymilller, spoke in favor of the bill.

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

Brad Daw, former member of the Utah House of Representatives, spoke in favor of the bill.

Dr. Terry Sellers, board certified in the Practice of Addiction Medicine, spoke in opposition to the bill.

Dr. Stephanie Coleman spoke in favor of the bill.

MOTION: Chair Kennedy moved to replace S.B. 200 with 1st Substitute S.B. 200. The motion passed with a vote of 5 - 0 - 2.

Yeas - 5
Sen. J. Anderegg
Sen. L. Escamilla
Sen. M. Kennedy
Sen. J. Plumb
Sen. C. Wilson

Nays - 0

Absent - 2
Sen. D. Buxton
Sen. E. Vickers

MOTION: Sen. Anderegg moved to go to the next item on the agenda. The motion passed with a vote of 5 - 0 - 2.

Yeas - 5
Sen. J. Anderegg
Sen. L. Escamilla
Sen. M. Kennedy
Sen. J. Plumb
Sen. C. Wilson

Nays - 0

Absent - 2
Sen. D. Buxton
Sen. E. Vickers

6. S.B. 155 Opioid Litigation Settlement Restricted Account Amendments (*Plumb, J.*)

Sen. Jen Plumb presented the bill.

Evan Done, Community Impact Director for Utah Support Advocates for Recovery Awareness, spoke in favor of the bill.

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

MOTION: Chair Kennedy moved to replace S.B. 155 with 1st Substitute S.B. 155. The motion passed with a vote of 5 - 0 - 2.



Yeas - 5
Sen. J. Anderegg
Sen. L. Escamilla
Sen. M. Kennedy
Sen. J. Plumb
Sen. C. Wilson

Nays - 0

Absent - 2
Sen. D. Buxton
Sen. E. Vickers

MOTION: Sen. Escamilla moved to pass 1st Substitute S.B. 155 out favorably. The motion failed with a vote of 2 - 3 - 2.

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

Nays - 3
Sen. J. Anderegg
Sen. M. Kennedy
Sen. C. Wilson

Absent - 2
Sen. D. Buxton
Sen. E. Vickers

7. S.B. 261 Infant At Work Pilot Program Sunset Extension (Pitcher, S.)

Sen. Pitcher presented the bill.

MOTION: Sen. Escamilla moved to replace S.B. 261 with 1st Substitute S.B. 261. The motion passed with a vote of 5 - 0 - 2.

Yeas - 5
Sen. J. Anderegg
Sen. L. Escamilla
Sen. M. Kennedy
Sen. J. Plumb
Sen. C. Wilson

Nays - 0

Absent - 2
Sen. D. Buxton
Sen. E. Vickers

MOTION: Sen. Escamilla moved to pass 1st Substitute S.B. 261 out favorably. The motion passed with a vote of 5 - 0 - 2.

Yeas - 5
Sen. J. Anderegg
Sen. L. Escamilla
Sen. M. Kennedy
Sen. J. Plumb
Sen. C. Wilson

Nays - 0

Absent - 2
Sen. D. Buxton
Sen. E. Vickers

8. 1st Sub. H.B. 204 Child Welfare Proceedings Testing Requirements (Watkins, C.)

Sen. Wayne Harper presented the bill.

MOTION: Sen. Escamilla moved to pass 1st Substitute H.B. 204 out favorably. The motion passed with a vote of 5 - 0 - 2.

Yeas - 5
Sen. J. Anderegg
Sen. L. Escamilla
Sen. M. Kennedy
Sen. J. Plumb
Sen. C. Wilson

Nays - 0

Absent - 2
Sen. D. Buxton
Sen. E. Vickers

9. S.B. 269 Chronic Conditions Support Amendments (Hinkins, D.)

Sen. David P. Hinkins presented the bill with the assistance of Mario Anglada, Chief Executive Officer, Hoy Health.



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

MOTION: Sen. Wilson moved to amend S.B. 269 with Amendment #1. The motion passed with a vote of 5 - 0 - 2.

Amendment 1
S.B. 0269

1. Page 2, Lines 37 through 40:

37 (b) "Qualified enrollee" means an individual who:

38 (i) is enrolled in the Medicaid program;

39 (ii) has been diagnosed as having a qualified condition; and

40 (iii) ~~{resides in a county of the fourth or fifth class as described in Section 17-50-501}~~ is not enrolled in an accountable care organization.

Yeas - 5

Nays - 0

Absent - 2

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

Sen. D. Buxton
Sen. E. Vickers

MOTION: Sen. Wilson moved to pass S.B. 269 out favorably. The motion passed with a vote of 5 - 0 - 2.

Yeas - 5

Nays - 0

Absent - 2

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

Sen. D. Buxton
Sen. E. Vickers

10. S.B. 88 Abortion Amendments (Riebe, K.)

Sen. Kathleen Riebe presented the bill.

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

Sue Robertson, former Child Protective Services worker, spoke in opposition to the bill.

Dr. David Turock, physician, spoke in favor of the bill.

Mary Kelch, Pro Life Utah, spoke in opposition to the bill.

Gabby Saunders, American College of Obstetricians and Gynecologists, spoke in favor of the bill.

Katelyn Powell spoke in opposition to the bill.

Katherine Aguilera, Associate Director, Peace House, spoke in favor of the bill.

Gayle Ruzicka, Utah Eagle Forum, spoke in opposition to the bill.

Sonya Martinez-Ortiz, Executive Director, Rape Recovery Center, spoke in favor of the bill.

MOTION: Sen. Escamilla moved to pass S.B. 88 out favorably. The motion failed with a vote of 2 - 5 - 0.



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

11. 2nd Sub. H.B. 297 Victim Services Amendments (Birkeland, K.)

Rep. Kera Birkland presented the bill.

Sage Adams, sexual assault survivor, spoke in favor of the bill.

Dr. David Turock, obstetrician and gynecologist, spoke to the bill.

Merrilee Boyack, Chair, Abortion Free Utah Coalition, spoke in favor of the bill.

Yvette Romero Coronado, provider for survivors and victims of sexual assault, spoke in opposition to the bill.

MOTION: Sen. Anderegg moved to pass 2nd Substitute H.B. 297 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

12. 1st Sub. H.B. 467 Abortion Changes (Lisonbee, K.)

Rep. Karianne Lisonbee presented the bill with the assistance of Sen. Daniel McCay.

Kriss Martenson, President, Voice for the Voiceless Utah, spoke in opposition to the bill.

[Pro-Life Supports & Empowered Families Coalition](#)

Mary Taylor, President, Pro Life Utah, spoke in favor of the bill.

Kellie Martenson spoke in opposition to the bill.

Maryann Christensen, Executive Director, Eagle Forum, spoke in favor of the bill.

Dr. Alexander Eller, maternal fetal medicine specialist, spoke in opposition to the bill.

Dr. Misha Pangasa, obstetrician and gynecologist, spoke in opposition to the bill.

Dr. Sarah Zareck, obstetrician and gynecologist, spoke in opposition to the bill.

Merrilee Boyack, Chair, Abortion Free Utah Coalition, spoke in favor of the bill.

Sarah Worthington spoke in favor of the bill.

Daniel Olsson spoke in opposition to the bill.

Katherine Hayes, pediatric and adolescent gynecologist, spoke to the bill.

Katelyn Powell spoke in favor of the bill.

Deanna Holland, Executive Director, Pro Life Utah, spoke in favor of the bill.

Michelle McOmber, Chief Executive Officer, Utah Medical Association, spoke to the bill.

MOTION: Chair Kennedy moved to replace 1st Substitute H.B. 467 with 2nd Substitute H.B. 467. The motion passed with a vote of 7 - 0 - 0.

<u>Yeas - 7</u>	<u>Nays - 0</u>	<u>Absent - 0</u>
Sen. J. Anderegg		
Sen. D. Buxton		
Sen. L. Escamilla		
Sen. M. Kennedy		
Sen. J. Plumb		
Sen. E. Vickers		
Sen. C. Wilson		

Sen. Escamilla discussed potential amendments to the bill.

MOTION: Sen. Plumb moved to amend 2nd Substitute H.B. 467 with Amendment #3. The motion failed with a vote of 2 - 5 - 0.

Amendment 3
2nd Sub. H.B. 467

1. Page 28, Lines 842 through 854:
 - 842 76-7-302. Circumstances under which abortion authorized.
 - 843 [(1) As used in this section, "viable" means that the unborn child has reached a stage of
 - 844 fetal development when the unborn child is potentially able to live outside the womb, as
 - 845 determined by the attending physician to a reasonable degree of medical certainty.]
 - 846 [(2) (1) An abortion may be performed in this state only by a physician.
 - 847 [(3) (2) An abortion may be performed in this state only under the following
 - 848 circumstances:
 - 849 (a) the unborn child [is not viable; or] has not reached 18 weeks gestational age;
 - 850 (b) the unborn child [is viable, if:] has reached 18 weeks gestational age, and:
 - 851 (i) the abortion is necessary to avert:
 - 852 (A) the death of the woman on whom the abortion is performed; or
 - 853 (B) a serious {~~physical~~} risk of substantial [and irreversible] impairment of a major
 - 854 {~~bodily~~} physical or mental function of the woman on whom the abortion is performed; or
2. Page 46, Lines 1403 through 1408:
 - 1403 76-7a-201. Abortion prohibition – Exceptions – Penalties.
 - 1404 (1) An abortion may be performed in this state only under the following circumstances:
 - 1405 (a) the abortion is necessary to avert:
 - 1406 (i) the death of the woman on whom the abortion is performed; or
 - 1407 (ii) a serious {~~physical~~} risk of substantial [and irreversible] impairment of a major
 - 1408 {~~bodily~~} physical or mental function of the woman on whom the abortion is performed;

<u>Yeas - 2</u>	<u>Nays - 5</u>	<u>Absent - 0</u>
Sen. L. Escamilla	Sen. J. Anderegg	
Sen. J. Plumb	Sen. D. Buxton	
	Sen. M. Kennedy	
	Sen. E. Vickers	
	Sen. C. Wilson	



MOTION: Sen. Escamilla moved to amend 2nd Substitute H.B. 467 with Amendment #4. The motion passed with a vote of 7 - 0 - 0.

Amendment 4
2nd Sub. H.B. 467

1. Page 29, Line 866:
866 (B) the pregnant {woman} child is under the age of 14; and

2. Page 36, Line 1091:
1091 (e) at the time of the abortion, the pregnant {woman} child was 14 years old or younger.

3. Page 47, Line 1420:
1420 (B) the pregnant {woman} child is under the age of 14; and

<u>Yeas - 7</u>	<u>Nays - 0</u>	<u>Absent - 0</u>
Sen. J. Anderegg		
Sen. D. Buxton		
Sen. L. Escamilla		
Sen. M. Kennedy		
Sen. J. Plumb		
Sen. E. Vickers		
Sen. C. Wilson		

MOTION: Chair Kennedy moved to pass 2nd Substitute H.B. 467 out favorably. The motion passed with a vote of 5 - 2 - 0.

<u>Yeas - 5</u>	<u>Nays - 2</u>	<u>Absent - 0</u>
Sen. J. Anderegg	Sen. L. Escamilla	
Sen. D. Buxton	Sen. J. Plumb	
Sen. M. Kennedy		
Sen. E. Vickers		
Sen. C. Wilson		

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

<u>Yeas - 7</u>	<u>Nays - 0</u>	<u>Absent - 0</u>
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 6:59 p.m.