

DRAFT MINUTES

SENATE HEALTH AND HUMAN SERVICES STANDING

COMMITTEE

Monday, February 26, 2024 4:00 p.m. 215 Senate Building

Members Present:

Sen. Michael S. Kennedy, Chair

Sen. Heidi Balderree

Sen. David G. Buxton Sen. Luz Escamilla

Sen. Jen Plumb

Sen. Chris H. Wilson

Members Absent:

Sen. Evan J. Vickers

Staff Present:

Seth Anderson, Policy Analyst

Jackson Lewis, 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.

MOTION: Sen. Wilson moved to approve the minutes from the previous meeting. The motion passed with a

vote of 2 - 0 - 5.

Yeas - 2 Nays - 0 Absent - 5

Sen. M. Kennedy Sen. H. Balderree Sen. C. Wilson Sen. D. Buxton Sen. L. Escamilla

Sen. J. Plumb Sen. E. Vickers

1. 1st Sub. H.B. 475 School Prescription Amendments (Strong, M.A.)

Representative Mark Strong presented the bill.

MOTION: Sen. Wilson moved to pass 1st Substitute H.B. 475 out favorably. The motion passed with a vote of

3 - 0 - 4.

Yeas - 3 Nays - 0 Absent - 4

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

2. 1st Sub. H.B. 405 Public Health Amendments (Birkeland, K.)

Representative Kera Birkeland presented the bill.

Riley Garside, Utah Valley University Student, spoke in favor of the bill.

Laura Munsen, Registered Nurse, spoke in favor of the bill.

MOTION: Sen. Wilson moved to amend 1st Substitute H.B. 405 with Amendment #5. The motion passed with

a vote of 4 - 0 - 3.

Amendment 5 1st Sub. H.B. 405

Page 9, Line 270 through Page 10, Line 277d:

270 (2) "Dangerous public health condition" means any of the following:

271 (a) cholera:

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272 (b) pneumonic plague;

273 (c) severe acute respiratory syndrome;

274 <u>(d) smallpox;</u>

275 (e) tuberculosis;

276 (f) any viral hemorrhagic fever; { and } or

277 (g) $\hat{H} \rightarrow [[\underline{\text{yellow fever}}]]$ any infection:

277a (i) that is new, drug resistant, or reemerging;

277b (ii) that evidence suggests is likely to cause either high mortality or morbidity; and

277c (iii) only if the { chief executive officer of the relevant county } relevant legislative body of the county where

the infection is located approves as needing

277d containment;←Ĥ.

<u>Yeas - 4</u> <u>Nays - 0</u> <u>Absent - 3</u>

Sen. H. Balderree Sen. L. Escamilla Sen. D. Buxton Sen. J. Plumb Sen. M. Kennedy Sen. E. Vickers

Sen. C. Wilson

Heather Borski, Assistant Deputy Director, Department of Health and Human Services, spoke to the bill.

MOTION: Sen. Balderree moved to pass 1st Substitute H.B. 405 out favorably. The motion passed with a vote

of 4 - 0 - 3.

<u>Yeas - 4</u> <u>Nays - 0</u> <u>Absent - 3</u>

Sen. H. Balderree Sen. L. Escamilla Sen. D. Buxton Sen. M. Kennedy Sen. E. Vickers

Sen. C. Wilson

3. 1st Sub. H.B. 246 Office of Families (Johnson, D.N.)

Senator Chris Wilson presented the bill.

Amaya Mueller, Sutherland Institute, spoke in favor of the bill.

MOTION: Sen. Wilson moved to pass 1st Substitute H.B. 246 out favorably. The motion passed with a vote of

5 - 0 - 2.

<u>Yeas - 5</u>
Sen. H. Balderree

Nays - 0
Sen. J. Plumb

Sen. D. Buxton Sen. E. Vickers

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

4. 2nd Sub. H.B. 425 Health Insurance Benefit Amendments (Thurston, N.)

Representative Norman Thurston presented the bill.

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

Dave Davis, President, Utah Retail Merchants Association, spoke in favor of the bill.

Dave Hansen, Legal Counsel, Public Employees Health Program, spoke to the bill.



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Frank Pignanelli, Express Scripts, Cigna, spoke to the bill.

Bryan Allen, Americas Health Insurance Plans, spoke in favor of the bill.

Adam Jones, Utah Pharmacy Association, spoke in favor of the bill.

Erin Callahan, Diabetes Patient Advocacy Coalition, spoke in opposition to the bill.

Dana Malick, Pharmaceutical Research and Manufacturers of America, spoke in opposition to the bill.

Erick Kuhni, National Association of Benefits and Insurance Professionals, spoke in favor of the bill.

Tonia Sorrell-Neal, Pharmaceutical Care Management Association, spoke in opposition to the bill.

MOTION: Sen. Wilson moved to amend 2nd Substitute H.B. 425 with Amendment #1. The motion passed

with a vote of 3 - 0 - 4.

Amendment 1 2nd Sub. H.B. 425

1. Page 5, Lines 125 through 129:

125 (i) "Standard rebate amount" means a rebate amount that:

126 (i) is estimated and set by a health benefit plan or the health benefit plan's pharmacy

127 <u>benefit manager for a drug { product } or device ;</u>

128 (ii) adjusts each quarter based on rebate underpayments or overpayments; and

129 (iii) is applied when the drug { product } or device is purchased.

2. Page 5, Line 148:

148 (ii) using the rebate to reduce premiums paid by { the enrollee } enrollees;

3. Page 6, Lines 162 through 163:

(ii) use a standard rebate amount.

(c) A health benefit plan or pharmacy benefit manager may reduce the value of a rebate passed through at the time a drug or device is purchased if the health benefit plan or pharmacy benefit manager:

(i) knows that the cost sharing requirement is being paid on behalf of the enrollee by another person unless the person paying:

<u>person paying.</u> (A) is a health benefit plan or pharmacy benefit manager providing a benefit; or

(B) would not directly or indirectly benefit from the enrollee purchasing the drug or device; and

(ii) is using a method described in Subsection (4)(a)(i) or (iv).

(d) Rebates reduced under Subsection (4)(c) shall be used to reduce premiums or otherwise benefit enrollees in the current or subsequent plan year.

163 (5) A health benefit plan may not prohibit or condition participation in one pharmacy

4. Page 9, Lines 258 through 259:

258 <u>utilization or effectiveness.</u>] <u>means a discount or other price concession based on the utilization</u>

259 <u>or effectiveness of a prescription drug or device</u> that is paid by a manufacturer or third party, directly or

Yeas - 3Nays - 0Absent - 4Sen. H. BalderreeSen. D. BuxtonSen. M. KennedySen. L. EscamillaSen. C. WilsonSen. J. PlumbSen. E. Vickers

MOTION: Sen. Wilson moved to pass 2nd Substitute H.B. 425 out favorably. The motion failed with a vote of

1 - 2 - 4.

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<u>Yeas - 1</u> Sen. C. Wilson Nays - 2 Sen. H. Balderree Sen. M. Kennedy Absent - 4
Sen. D. Buxton
Sen. L. Escamilla
Sen. J. Plumb
Sen. E. Vickers

5. H.B. 560 Licensing Modifications (Lisonbee, K.)

Representative Karianne Lisonbee presented the bill.

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

Chris Martinsen, Voice for the Voiceless, spoke in opposition to the bill.

Mary Kelsch, Pro-Life Utah, spoke in favor of the bill.

Wade Orsini, Apologia Church, spoke in opposition to the bill.

Steve Sorweil spoke in opposition to the bill.

Dusty Marshall spoke in opposition to the bill.

Andrew Soncrant, Deacon, Apologia Church, spoke in opposition to the bill.

Shireen Ghorbani, Chief Corporate Affairs Officer, Planned Parenthood Association of Utah, spoke to the bill.

MOTION: Sen. Wilson moved to pass H.B. 560 out favorably. The motion passed with a vote of 5 - 0 - 2.

Yeas - 5 Sen. H. Balderree Sen. L. Escamilla Sen. M. Kennedy Sen. J. Plumb Sen. C. Wilson Nays - 0 Absent - 2 Sen. D. Bu

Sen. D. Buxton Sen. E. Vickers

MOTION: Sen. Wilson moved to adjourn. The motion passed with a vote of 5 - 0 - 2.

Yeas - 5 Sen. H. Balderree Sen. L. Escamilla Sen. M. Kennedy Sen. J. Plumb Sen. C. Wilson Nays - 0 Absent - 2 Sen. D. Buxton

Sen. E. Vickers

Chair Kennedy adjourned the meeting.