

**MINUTES OF THE
HOUSE HEALTH AND HUMAN SERVICES STANDING COMMITTEE
ROOM 25, HOUSE BUILDING, STATE CAPITOL COMPLEX
January 26, 2010**

MEMBERS PRESENT: Rep. Paul Ray, Chair
 Rep. Trisha S. Beck
 Rep. Bradley M. Daw
 Rep. Phil Riesen
 Rep. Stephen E. Sandstrom
 Rep. Evan J. Vickers

MEMBERS ABSENT: Rep. Ronda Rudd Menlove, Vice Chair

STAFF PRESENT: Mark D. Andrews, Policy Analyst
 Thomas R. Vaughn, Associate General Counsel
 Sylvia Newton, House Secretary

Note: A list of visitors and a copy of handouts are filed with the committee minutes.

Rep. Ray called the meeting to order at 2:07 p.m. by welcoming the public. Committee members and staff were asked to introduce themselves.

H.B. 86 Department of Human Services - Review and Oversight *(Rep. R. Lockhart)*

MOTION: Rep. Daw moved to amend the bill as follows:

1. *Page 2, Line 37:*

37 meeting, certain fatality review reports;

▶ prohibits the discovery or admission of documents and testimony related to a fatality review report in a civil, judicial, or administrative proceeding;

2. *Page 18, Lines 545 through 549:*

545 (6) (a) **As used in this Subsection (6), "fatality review document" means any document created in connection with, or as a result of, a fatality review or a decision whether to conduct a fatality review, including:**
(i) a report described in Subsection (1);
(ii) a response described in this section;
(iii) a recommendation regarding whether a fatality review should be conducted;
(iv) a decision to conduct a fatality review;
(v) notes of a person who participates in a fatality review;

(vi) notes of a person who reviews a fatality review report;
(vii) an executive summary described in Subsection 62A-16-302(4);
(viii) minutes of a fatality review;
(ix) minutes of a meeting where a fatality review report is reviewed; and
(x) minutes of, documents received in relation to, and documents generated in
relation to, the portion of a meeting of the Health and Human Services Interim
Committee or the Child Welfare Legislative Oversight Panel that a fatality review
report or a document described in this Subsection (6)(a) is reviewed or discussed.
~~{ A report described in Subsection (1) and each response described in this~~
~~section }~~

(b) A fatality review document is
546 not subject to discovery, subpoena, or similar compulsory process in any civil, judicial, or
547 administrative proceeding, nor shall any individual or organization with lawful access to
the
548 data be compelled to testify with regard to a report described in Subsection (1) or a
response
549 described in this section.

(c) A fatality review document is not admissible as evidence in a civil, judicial, or
administrative proceeding.

The motion to amend the bill passed unanimously.

Rep. Lockhart explained the amended bill to the committee.

MOTION: Rep. Daw moved to pass H.B. 86 with a favorable recommendation. The motion passed unanimously.

Rep. Ray relinquished the chair to Rep. Daw.

H.B. 206 Ban on Sale of Smoking Paraphernalia to Minors (Rep. P. Ray)

Rep. Ray explained the bill to the committee.

MOTION: Rep. Riesen moved to pass H.B. 206 with a favorable recommendation. The motion passed unanimously.

Rep. Ray resumed the chair.

H.B. 12 Abortion Amendments (Rep. C. Wimmer)

MOTION: Rep. Sandstrom moved to amend H.B. 12 as follows:

1. *Page 1, Lines 1 through 4:*

1 ~~{ ABORTION AMENDMENTS }~~
CRIMINAL HOMICIDE AND ABORTION AMENDMENTS
2 2010 GENERAL SESSION
3 STATE OF UTAH
4 Chief Sponsor: Carl Wimmer

2. *Page 1, Line 18:*

18 under the age of 14 years does not apply to the homicide of an unborn child;
► provides that a person is not guilty of criminal homicide of an unborn child if the sole reason for the death of the unborn child is that the person refused to consent to medical treatment or a cesarean section or failed to follow medical advice;

3. *Page 1, Line 25:*

25 committing criminal homicide of an unborn child ~~{ ; and }~~
► clarifies that a woman is not criminally liable for seeking to obtain, or obtaining, an abortion that is permitted by law; and

4. *Page 2, Line 55:*

55 homicide, homicide by assault, negligent homicide, or automobile homicide.
(3) A person is not guilty of criminal homicide of an unborn child if the sole reason for the death of the unborn child is that the person:
(a) refused to consent to:
(i) medical treatment; or
(ii) a cesarean section; or
(b) failed to follow medical advice.

5. *Page 7, Lines 202 through 211:*

202 (b) "Abortion" does not include;
203 (i) removal of a dead unborn child[-];
204 ~~{ (ii) the killing or attempted killing of an unborn child by a person other than~~

a
205 physician;
206 ~~—(iii) the killing or attempted killing of an unborn child by any person through a~~
207 ~~procedure other than:~~
208 ~~—(A) a medical procedure; or~~
209 ~~—(B) a substance used under the direction of a physician; or }~~
210 (ii) removal of an ectopic pregnancy; or
210 {~~(iv)~~} (iii) the killing or attempted killing of an unborn child without the
211 consent of the
211 pregnant woman, unless:

6. *Page 10, Lines 300 through 301:*

300 [~~(2) Notwithstanding any other provision of this section, a woman who seeks to have,~~
301 ~~or obtains, an abortion for herself is not criminally liable.]~~

(2) A woman is not criminally liable for seeking to obtain, or obtaining, an abortion that is permitted by this part.

The motion to amend the bill passed unanimously.

Rep. Wimmer explained the amended bill to the committee.

Spoke to the bill: Christopher Ballard, Attorney General's Office
Marina Lowe, ACLU of Utah
Melissa Bird, Planned Parenthood of Utah

Spoke in favor of the bill: Gayle Ruzicka, Utah Eagle Forum
Laura Bunker, United Families Utah

Spoke in opposition to the bill: George Chapman, citizen

MOTION: Rep. Sandstrom moved to pass H.B. 12 as amended with a favorable recommendation. The motion passed unanimously.

H.B. 74 Adoption and Child Custody Amendments (Rep. S. Allen)

Rep. Allen explained the bill to the committee, assisted by Larry Jenkins, Utah Adoption Council.

MOTION: Rep. Daw moved to pass H.B. 74 with a favorable recommendation. The motion passed unanimously.

H.B. 88 Electronic Cigarette Restrictions (*Rep. R. Menlove*)

H.B. 88 was not considered.

MOTION: Rep. Vickers moved to adjourn the meeting. The motion passed unanimously.

Rep. Ray adjourned the meeting at 3:32 p.m.

Rep. Paul Ray
Committee Chair