

**MINUTES OF THE  
HOUSE HEALTH AND HUMAN SERVICES STANDING COMMITTEE  
ROOM 25, HOUSE OFFICE BUILDING, STATE CAPITOL COMPLEX  
February 12, 2010**

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

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

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

Rep. Ray called the meeting to order at 8:08 a.m. The committee members, staff, and public then moved to Room 30 to accommodate the large group.

MOTION:     Rep. Riesen moved to approve the minutes of the February 9, 2010 meeting. The motion passed unanimously with Rep. Sandstrom absent for the vote.

**S.B. 90S1     Mental Health Professional Practice Act Amendments (*Sen. L. Hillyard*)**

Rep. Menlove presented the bill in the absence of Sen. Hillyard. Emily Bleyl, Executive Director, National Association of Social Workers for Utah, explained the bill.

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

1.   *Page 2, Lines 31 through 32:*

31           ▶    modifies license qualification requirements and supervision  
                              requirements under the Substance Abuse Practice  
32    Act; and

2.   *Page 2, Line 48:*

48           58-60-506, as last amended by Laws of Utah 2009, Chapter 183  
              =   58-60-508, as last amended by Laws of Utah 2007, Chapter 283

3.   *Page 3, Lines 66 through 71:*

66           (4) except as provided in Subsection (5), provides documentation that the

67 person has engaged in the lawful practice of the  
profession for which licensure is sought for not less than 4,000 hours, of which 1,000  
68 hours are  
in mental health therapy;

(5) if the person is applying for a license to practice as a licensed substance abuse  
counselor, provides documentation that the person has:

(a) engaged in the lawful practice of the profession for not less than 4,000 hours; and

(b) has passed an examination approved by the division, by rule, to establish  
proficiency in the profession;

69 {~~(5)~~} (6) has passed the profession specific jurisprudence examination if  
required of a new  
70 applicant; and

71 {~~(6)~~} (7) is of good moral character and professional standing, and has no  
disciplinary action

4. *Page 14, Line 416:*

416 Subsection (2) or (3).

**Section 12. Section 58-60-508 is amended to read:**

**58-60-508. Core functions of the mental health therapist supervisor.**

(1) Each supervisor of licensed substance abuse counselors shall:

(a) be a licensed mental health therapist qualified by education and experience to  
treat substance abuse;

(b) be currently working in the substance abuse treatment field;

(c) review substance abuse counselor assessment procedures;

(d) provide substance abuse diagnosis and other mental health diagnoses in  
accordance with Subsection 58-60-102(7);

(e) participate in the development of a treatment plan;

(f) approve the treatment plan; and

(g) provide direct supervision for not more than five persons, unless granted an  
exception in writing from the board and the division.

(2) Each supervisor of a certified substance abuse counselor, certified substance  
abuse counselor intern, or certified substance abuse counselor extern shall:

(a) (i) be a licensed substance abuse counselor with :

(A) until July 1, 2011, at least one year of experience as a licensed substance  
abuse counselor; or

(B) beginning on July 1, 2011, at least two years of experience as a licensed

substance abuse counselor; or

(ii) be a licensed mental health therapist qualified by education and experience to treat substance abuse;

- (b) be currently working in the substance abuse field; and
- (c) provide direct supervision for no more than three persons, unless granted an exception in writing from the board and the division.

The motion to amend the bill passed unanimously with Rep. Sandstrom absent for the vote.

Spoke to the bill: Diane Jackson, president-elect, Utah Mental Health Counselors Association

MOTION: Rep. Beck moved to pass 1st Substitute S.B. 90 as amended with a favorable recommendation. The motion passed unanimously with Rep. Sandstrom absent for the vote.

Rep. Ray relinquished the chair to Rep. Menlove.

**H.B. 196 Tobacco Tax Revisions (Rep. P. Ray)**

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

1. Page 1, Line 14 through Page 2, Line 30:

- 14       ▶ increases the tax rate for the sale, use, storage, or distribution of tobacco products in
- 15 the state, for the 2010-11 fiscal year, as follows:
- 16       • for cigarettes weighing not more than three pounds per thousand cigarettes,
- 17 from 3.475 cents per cigarette to ~~{-6.55}~~ 8.5 cents per cigarette;
- 18       • for cigarettes weighing in excess of three pounds per thousand cigarettes, from
- 19 4.075 cents per cigarette to ~~{-7.68}~~ 9.963 cents per cigarette;
- 20       • for tobacco products, except moist snuff, from 35% to 66% of the
- 21 manufacturer's sales price; and
- 22       • for moist snuff, from \$.75 to \$1.41 per ounce;
- 23       ▶ sets the tax rate for the sale, use, storage, or distribution of tobacco products in the
- 24 state, for each third year after the 2010-11 fiscal year, as follows:

- 25           • for cigarettes weighing not more than three pounds per thousand cigarettes,  
26           at ~~{one-tenth}~~ the greater of the rate for the preceding state  
27           fiscal year or one-half  
28           of one cent above the national average rate, excluding certain tobacco  
29           producing states;  
30           • for cigarettes weighing in excess of three pounds per thousand cigarettes, at  
31           a  
32           rate that is ~~{1.173}~~ 1.409 times higher than the rate described in the preceding  
33           paragraph;

2. *Page 2, Lines 36 through 37:*

- 34           ▶ allocates, on an annual basis, ~~{\$1,000,000}~~ \$250,000 of the funds  
35           generated by the tax increase  
36           in this bill to the Department of Health for the Gold Medal Schools Program; and

3. *Page 2, Line 55 through Page 3, Line 76:*

- 37           (2) The rates of the tax levied under Subsection (1) are:  
38           (a) beginning on July 1, 2010, and ending on June 30, 2011:  
39           ~~{(a) 3.475}~~ (i) ~~{6.55}~~ 8.5 cents on each cigarette, for all cigarettes weighing  
40           not more than  
41           three pounds per thousand cigarettes; and  
42           ~~{(b) 4.075}~~ (ii) ~~{7.68}~~ 9.963 cents on each cigarette, for all cigarettes  
43           weighing in excess of  
44           three pounds per thousand cigarettes[-];  
45           (b) beginning on July 1 of ~~{each}~~ every third state fiscal year after the  
46           2010-11 fiscal year, for all  
47           cigarettes weighing not more than three pounds per thousand cigarettes. ~~{as calculated~~  
48           under  
49           ~~Subsection (3)}~~ the greater of:  
50           (i) the rate for the preceding state fiscal year; or  
51           (ii) the rate calculated under Subsection (3) ; and  
52           (c) beginning on July 1 of ~~{each}~~ every third state fiscal year after the  
53           2010-11 fiscal year, for all  
54           cigarettes weighing in excess of three pounds per thousand cigarettes, calculated by:  
55           (i) multiplying the rate that is calculated under Subsection (3) by  
56           ~~{1.173}~~ 1.409 ; and

67           (ii) rounding the product of the calculation described in Subsection (2)(c)(i) to the  
68 nearest thousandth of one cent.  
69           (3) {~~Beginning in 2011, on~~} ~~On~~ or before April 1 of ~~{each~~  
year} ~~2013, and on or before April 1 of each third year after 2013,~~ the tax  
commission shall  
70 calculate the tax rate described in Subsection (2)(b) by:  
71           (a) determining the sum of the state tax rates, as the rates were on January 1 of that  
72 year, for the cigarettes described in Subsection (2)(b), for each state of the United States,  
73 except Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia;  
74           (b) dividing the sum described in Subsection (3)(a) by 44 and rounding the result to  
the  
75 nearest thousandth of one cent; and  
76           (c) adding ~~{one-tenth}~~ ~~one-half~~ of one cent to the rounded amount  
described in Subsection (3)(b).

4. *Page 4, Lines 99 through 101:*

99           (e) {~~One million~~} ~~\$250,000~~ dollars of the revenue generated from the tax  
increase imposed under  
100 this section during the ~~{2009}~~ ~~2010~~ General Session shall be annually  
appropriated to the Department  
101 of Health for use in the Gold Medal Schools program.

The motion to amend the bill passed with Rep. Daw voting in opposition to the motion and Rep. Sandstrom absent for the motion.

Rep. Ray explained H.B. 196 as amended, assisted by Mary Beckerle, Huntsman Cancer Institute.

Spoke in favor of the bill: Dr. Glen Hanson, Addiction Center, University of Utah  
Laura Polacheck, Utah Alliance for Tobacco Free Living (handout)  
Alan Pruhs, Association for Utah Community Health

Spoke in opposition to the bill: Joyce Mitchell, citizen  
Dave Davis, Utah Retail Merchants Association  
Royce Van Tassell, Utah Taxpayers Association

MOTION: Rep. Riesen moved to pass H.B. 196 as amended with a favorable recommendation. The motion passed with Rep. Daw and Rep. Sandstrom voting in opposition to the motion.

Rep. Daw assumed the chair.

**H.B. 186      Controlled Substance Database Revisions (*Rep. R. Menlove*)**

MOTION:      Rep. Menlove moved to adopt 1st Substitute H.B. 186, Controlled Substance Database Revisions. The motion passed unanimously with Rep. Sandstrom and Rep. Ray absent for the vote.

Rep. Menlove explained the substitute bill, assisted by Michael Hales, Utah Department of Health.

Spoke in favor of the bill:      Mark Steinagel, Director, Division of Occupational and Professional Licensing, Department of Commerce

MOTION:      Rep. Vickers moved to pass the bill with a favorable recommendation. The motion passed unanimously with Rep. Sandstrom and Rep. Ray absent for the vote.

MOTION:      Rep. Riesen moved to place 1st Substitute H.B. 186 on the Consent Calendar. The motion passed unanimously with Rep. Sandstrom and Rep. Ray absent for the vote.

**H.B. 299      Amendments Related to Substances Harmful to Pregnancy (*Rep. R. Menlove*)**

Rep. Menlove explained the bill to the committee, assisted by Julia Robertson, Utah Department of Health.

Spoke in favor of the bill:      Mark Shurtleff, Attorney General of Utah  
Steve McDonald, March of Dimes

MOTION:      Rep. Riesen moved to pass the bill with a favorable recommendation. The motion passed unanimously with Rep. Sandstrom and Rep. Ray absent for the vote

MOTION:      Rep. Riesen moved to place H.B. 299 on the Consent Calendar. The motion passed unanimously with Rep. Sandstrom and Rep. Ray absent for the vote

**H.C.R. 9 Autism, Disabilities, and Faith Concurrent Resolution (Rep. R. Menlove)**

MOTION: Rep. Menlove moved to amend the resolution as follows:

*1. Page 2, Lines 53 through 58:*

- 53 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the  
Coalition of Religious Communities, the Salt Lake  
54 Interfaith Roundtable, the Utah Parent Center, the Autism Council of Utah, Family Voices,  
the  
55 Utah Developmental Disabilities Council, Allies with Families, the National Alliance for  
56 Mental Illness Utah, the Autism Initiative and the Children with Special Health Care  
Needs  
57 Bureau at the Utah Department of Health, the Utah Statewide Independent Living Council,  
the  
58 Disability Law Center, and the Legislative Coalition for People with Disabilities.

The motion to amend the resolution passed unanimously with Rep. Sandstrom and Rep. Ray absent for the vote.

Rep. Menlove explained H.C.R. 9 as amended.

MOTION: Rep. Beck moved to pass the resolution with a favorable recommendation. The motion passed unanimously with Rep. Sandstrom and Rep. Ray absent for the vote.

MOTION: Rep. Beck moved to place H.C.R. 9 on the Consent Calendar. The motion passed unanimously with Rep. Sandstrom absent for the vote.

MOTION: Rep. Vickers moved to adjourn the meeting. The motion passed unanimously with Rep. Sandstrom absent for the vote.

Rep. Daw adjourned the meeting at 9:56 a.m.

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Rep. Paul Ray

House Health and Human Services Standing Committee  
February 12, 2010  
Page 8

Committee Chair