

**MINUTES OF THE
HOUSE HEALTH AND HUMAN SERVICES STANDING COMMITTEE
ROOM 25, HOUSE OFFICE BUILDING, STATE CAPITOL COMPLEX
March 1, 2011**

MEMBERS PRESENT: Rep. Paul Ray, Chair
 Rep. Evan J. Vickers, Vice Chair
 Rep. Rebecca Chavez-Houck
 Rep. David Clark
 Rep. Tim M. Cosgrove
 Rep. Bradley M. Daw
 Rep. Dean Sanpei
 Rep. Christine F. Watkins

MEMBERS ABSENT: Rep. Ronda Rudd Menlove

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

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

Rep. Ray called the meeting to order at 7:40 a.m.

H.B. 353 Abortion Freedom of Conscience *(Rep. C. Wimmer)*

Rep. Wimmer presented the bill to the committee.

Spoke in favor of the bill: Ms. Gayle Ruzicka, Eagle Forum
 Mr. Dan Duell, Weber County 9/12 Project
 Ms. Laura Bunker, United Families, Utah

Spoke in opposition
to the bill: Ms. Marina Lowe, Staff attorney, ACLU, Utah

MOTION: Rep. Sanpei moved to pass H.B. 353 with a favorable recommendation. The motion passed, with Rep. Chavez-Houck voting in opposition.

H.B. 354 Insurance Amendments Relating to Abortion *(Rep. C. Wimmer)*

Rep. Wimmer presented the bill to the committee.

MOTION: Rep. Vickers moved to replace H.B. 354 with 1st Substitute H.B. 354. The motion passed unanimously, with Rep. Daw absent for the vote.

Spoke to the bill: Mr. Travis Wood, Executive Director, Utah Health Plans

Spoke in favor
of the bill:

Ms. Gayle Ruzicka, Eagle Forum
Ms. Diane Prince, Davis County Women's Forum
Mr. Dan Duelll, Weber County Nine-Twelve Project

Spoke in opposition
of the bill:

Ms. Marina Lowe, ACLU, Utah

MOTION: Rep. Daw moved to pass 1st Substitute H.B. 354 with a favorable recommendation. The motion passed, with Rep. Chavez-Houck and Rep. Watkins voting in opposition.

1st Sub. H.B. 171 Abortion Clinic Licensing *(Rep. C. Wimmer)*

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

1. *Page 1, Lines 14 through 15:*

14 ▶ subject to certain exceptions, requires annual licensing for abortion clinics
 that provide abortions during the first
15 and second trimesters of pregnancy;

2. *Page 6, Lines 159 through 170:*

159 (23) (a) "Type I abortion clinic" means , except as provided in Subsection
 (23)(b), a facility, including a physician's office, but not
160 including a general acute or specialty hospital, that:
161 ~~{(a)}~~ (i) performs abortions, as defined in Section 76-7-301, during the first
 trimester of
162 pregnancy; and
163 ~~{(b)}~~ (ii) does not perform abortions, as defined in Section 76-7-301, after
 the first trimester
164 of pregnancy.

(b) "Type I abortion clinic" does not include a facility or physician's office that
only performs abortions:
(i) that are necessary to avert:
(A) the death of the woman on whom the abortion is performed; or
(B) a serious risk of substantial and irreversible impairment of a major bodily

function of the woman on whom the abortion is performed;

(ii) of a fetus that has a defect that is documented by a physician or physicians to be uniformly diagnosable and uniformly lethal; or

(iii) where:

(A) the woman is pregnant as a result rape, as described in Section 76-5-402, rape of a child, as described in Section 76-5-402.1, or incest, as described in Subsection 76-5-406(10) or Section 76-7-102; and

(B) before the abortion is performed, the physician who performs the abortion verifies that the incident described in Subsection (23)(b)(iii)(A) has been reported to law enforcement and complies with the requirements of Section 62A-4a-403.

165 (24) (a) "Type II abortion clinic" means , except as provided in Subsection (24)(b), a facility, including a physician's office, but not

166 including a general acute or specialty hospital, that:

167 ~~{(a)}~~ (i) performs abortions, as defined in Section 76-7-301, after the first trimester of

168 pregnancy; or

169 ~~{(b)}~~ (ii) performs abortions, as defined in Section 76-7-301, during the first trimester of

170 pregnancy and after the first trimester of pregnancy.

(b) "Type II abortion clinic" does not include a facility or physician's office that only performs abortions:

(i) that are necessary to avert:

(A) the death of the woman on whom the abortion is performed; or

(B) a serious risk of substantial and irreversible impairment of a major bodily function of the woman on whom the abortion is performed;

(ii) of a fetus that has a defect that is documented by a physician or physicians to be uniformly diagnosable and uniformly lethal; or

(iii) where:

(A) the woman is pregnant as a result rape, as described in Section 76-5-402, rape of a child, as described in Section 76-5-402.1, or incest, as described in Subsection 76-5-406(10) or Section 76-7-102; and

(B) before the abortion is performed, the physician who performs the abortion verifies that the incident described in Subsection (24)(b)(iii)(A) has been reported to law enforcement and complies with the requirements of Section 62A-4a-403.

The motion passed unanimously.

Rep. Wimmer explained the bill to the committee.

Spoke to the bill: Ms. Teresa Garrett, Department of Health
 Ms. Michelle McOmber, CEO, Utah Medical Association

Spoke in favor
of the bill: Ms. Gayle Ruzicka, Eagle Forum

Spoke in opposition
of the bill: Ms. Melissa Bird, Planned Parenthood

MOTION: Rep. Sanpei moved to pass 1st Substitute H.B.171, as amended, with a favorable recommendation. The motion passed with Rep. Chavez-Houck, Rep. Watkins, and Rep. Vickers voting in opposition.

1st Sub. H.B. 89 Protection of Children Riding in Motor Vehicles *(Rep. P. Arent)*

The bill was not considered by the committee.

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

Rep. Ray adjourned the meeting at 9:28 a.m.

Rep. Paul Ray, Chair

House Health and Human Services Standing Committee
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