

Tuesday, February 1, 1977

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE PROCEEDINGS:

A meeting of the House Public Health, Welfare and Safety Committee was held on Tuesday, February 1, 1977 on adjournment of the House, in Room 431 of the State Capitol. All members were present with the exception of Representative Jensen, who was excused.

The first bill to be heard was HOUSE BILL 219, sponsored by Representative Conroy. This bill would provide that in order for a physician to obtain sample drugs, a written request would have to be filled out by the physician involved. It was pointed out that the previous session's HB 239 was killed in the Senate, because doctors had felt that it was too stringent. The sponsor feels that there is still a real need to get some kind of handle on the distribution of sample drugs. An article was passed out to the committee entitled "How Doctors Feel About Detailmen", see copy. Rod Gudgel, Montana State Pharmacy Association, spoke, stressing that this bill was completely different from last session's. Jerry T. Loendorf, Montana Medical Association, then presented some amendments and also a sample request form, which the doctors would be using; see copies. Representative Conroy then closed with the statement that in the past many pharmacists received drugs that they then had to dispose of because they were unwanted - this bill would curtail that.

There were no opponents to HOUSE BILL 219.

The next bill to be heard was HOUSE BILL 330, sponsored by Representative Kessler; the Subsidized Adoption Act. This bill, which was at the request of the Department of SRS, would provide for state subsidies for parents who adopted hard-to-place children. This is 'enabling legislation'. This funding is included as a line item in the Department of SRS's budget. Pat Melby, Director of SRS, then spoke. This bill's passage would have a small impact on the general fund; however, the expenditure has been recommended for approval in the budget by the fiscal analyst. Norma Cutone, Chief of the Social Services Bureau, Department of SRS, spoke in favor of the bill. Jessie Schlenger then spoke as a foster parent of ten years' and had adopted five hard-to-place children. They need help if they are going to take any more. The parents with the love and the homes to offer these children don't always have the income. Judy Gardner, a pre-adoptive parent, told how they had discovered their child had cerebral palsy after they had adopted her. Although they wouldn't have refused the child because of this, they feel that financial aid is justified. Mary A. Campbell spoke in favor of the bill. She and her husband want to take more than the three they have, but they don't have the money. John C. Lombardi, a foster parent of seven years, pointed out that this bill would reduce the costs to foster care. Gail Alexander, a foster parent, an adoptive parent, and also an adopted person himself, spoke. Some children remain in Foster Care until they

reach the age of majority because nobody can afford to adopt them. 50-75 children are available for adoption, but are handicapped. Sally Cook, a foster parent from Ronan, stressed that there were many children yet to come who would benefit from this legislation. Pat Pomeroy, a member of the Foster Parents Organization, and a pre-adoptive parent, stated her support of the previous testimony. Mr. Alan Rainey, a foster parent of three, stated that these children, because of their handicaps, will possibly be adopted out of the state, in a state where subsidized adoptions take place. Louis C. Burke, Confederated Salish & Kootenai Tribes, Flathead Reservation, spoke in support of the measure.

There were no opponents to HB 330. The sponsor closed. Questions followed. Mr. Melby explained that when the bill had first come to his attention, it had two other criteria in it and he requested that they be removed. Included in the definition were the terms 'age' and 'ethnic background'. He felt that this might lend itself to discrimination against the white child. The medical subsidies would provide \$25 a month less than Foster Care does. The hearing was then closed.

HOUSE BILL 236 was then considered. The sponsor Representative Harper explained that the bill seeks to accomplish two purposes: (1) it authorizes the Department of Health to recover some of the costs for tests done in its lab division; (2) it gives the Department standing in court. Steve Brown, Chief Legal Counsel for the Health Department, supported the bill. Dr. David B. Lackman from the Department of Health then spoke. At present one has to prove "irreparable harm". When a public water supply is being considered, it is difficult to prove this, unless the Department waits for someone to get sick. Under this bill if they could prove that the law had been violated it would be sufficient. Dr. Lackman left with the committee several copies of a table showing charges for laboratory services in other states, see copy. He also pointed out that there were several tests that couldn't be performed in the private sector, but were of more benefit to the patient than to public health. The Department at present has no specific plans to charge for these tests, but it needs the general authority to charge when the occasion does arise. There were no other proponents. There were no opponents. There were no questions.

HOUSE BILL 215, which had been scheduled for hearing, had in the meantime been rereferred to the Taxation Committee.

The committee went into executive session and considered the following bills:

Representative Kimble moved and it was seconded that HOUSE BILL 236 DO PASS. Motion carried with Representatives Stobie and Gould opposed.

Representative Palmer moved, and it was seconded that HOUSE BILL 330 DO PASS. Motion carried unanimously.

It was moved that HOUSE BILL 219 DO PASS. Representative Kimble made a substitute motion DO NOT PASS. He feels that Doctors will give these sample drugs to patients who could not afford to buy them, and this could curtail that practice. Representative Cox expressed the feeling that possibly these drugs would be more available during the hours that the drug stores were closed.

Representative Gould felt that the sample drugs could be given in a small quantity at no cost to the patient, and if there were no allergic reaction to them, then he could go ahead and pick up his prescription. This would save him from finding out in a more costly way. Representative Holmes brought up the question of whether the doctors didn't already have the power to refuse these sample drugs. Representative Colburn felt that this bill would rid the doctors of the "pesky salesman". Representative Feda pointed out that the samples would only have to be requested once a year. Representative Kimble feels that the form is so detailed that many offices wouldn't bother to fill it out. The question was then called for. Motion of DO NOT PASS carried with four opposed; see roll call vote.

HOUSE BILL 174. Representative Holmes passed out her new set of proposed amendments and a copy of the bill as it would look in its amended version. The amendments provide that there shall be at least two signs in each room. All reference to the State Department of Health have been removed, except that they shall make periodic evaluations. All references to fans, room arrangement and anything that would cause any extra trouble to the proprietors has been removed. The motion was made that the bill DO NOT PASS. Representative Kimble made a substitute motion that the bill DO PASS AS AMENDED. Discussion followed. Representative Kenny said that the Legislature didn't have the right to tell a business what they should do with one-half of their business area. Representative Holmes pointed out that they are told how to keep their kitchens clean and to use fire extinguishers. Representative Gould said that if the provision that the business could be shut down were removed, he would be in favor of putting the bill on the floor. Representative Holmes stressed that this was the very provision that put the teeth in the bill. The question was then called for and the substitute motion of DO PASS AS AMENDED was voted on. Motion failed 8 to 10; see roll call vote. At the consent of the committee members the vote was reversed, and the original motion of DO NOT PASS carried.

HOUSE BILL 257. The sponsor had informed the Chairman that she wanted a subcommittee formed to work on this bill. Representative Kimble so moved that it be put in subcommittee. Representatives Lynch, Porter and Harper were appointed. Motion carried unanimously.

HOUSE BILL 114. Proposed amendments were presented by the committee attorney Bob Pyfer. Representative Lynch moved that it DO PASS AS AMENDED. Mr. Pyfer then explained what the amendments did. The person would have to be in the county for at least one year and in the interim the state would pay. This is much like the original setup of the bill. He pointed out that the title also

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needed to be amended. Discussion followed. Representative Palmer announced that another bill similar to this one was to be introduced the following day, and that the committee should possibly hear it before they acted on this bill. Representative Kenny moved to pass consideration of HB 114 for the day. Motion carried.

HOUSE BILL 227. Representative Harper moved it DO PASS; Representative Holmes seconded the motion. Motion carried unanimously.

It was moved that HOUSE BILL 221 DO PASS by Representative Lynch. Motion carried unanimously.

Action was deferred on HOUSE BILL 184 at the request of the subcommittee assigned to consider it.

The meeting was adjourned.

Wm. "Red" Menahan
Chairman-Rep. Wm. "Red" Menahan

Secretary