

MINUTES OF THE MEETING

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

March 8, 1977

The twenty-third meeting of the Public Health, Welfare and Safety Committee was called to order in Room 405 of the State Capitol Building by Chairman Stan Stephens on Tuesday, March 8, at approximately 11:00 A.M.

ROLL CALL: All members were present with the exception of Senator Roberts.

CONSIDERATION OF HOUSE BILL 184: Chairman Stephens turned the meeting over to Representative Palmer who introduced his bill as one which would correct an inequity in the State's area of law enforcement and prosecution of alleged rapists. This bill, dealing with the question of who should pay the victim's examination fee, would treat rape as other crimes are treated when the gathering of information is needed for prosecution. This legislation would provide payment for only the examination that would yield facts admissible in a court of law.

Karen Townsend, who works with rape victims, testified first in support of this bill. She compared the rape victim's examination in the hospital with the gathering of the facts in the case of a burglary (footprints, fingerprints, etc.) and asked the Committee to consider why the rape victim is asked to pay for that gathering of facts, but the victim of the burglary is not.

Susan Stratman of the Montana Student Bar Association Women's Caucus testified second in support of the bill. Stratman strongly supports the bill (see Exhibit "A").

Evelyn Wedl, Women's Place and Rape Relief Line, Missoula, spoke next in support of the bill, reiterating the belief that this crime and the ensuing exam should be treated as any other crime.

Shirley Hudson, Helena's Rape Awareness Program, urged do pass and said it is outrageous for this victim to have to pay for the exam. Hudson said if this crime is to be adequately prosecuted, we must have this (see Exhibit "B").

March 8, 1977

Linda Sandman, Montana Women's Political Caucus, testified in support of the bill, saying the law treats victims of rape differently than other victims.

Questions from the Committee dealt with where the money would come from (no State agency would reimburse local law enforcement agency for exam - it would come out of the general fund of the county - there is no fiscal impact).

The hearing was concluded on HB184.

CONSIDERATION OF HOUSE BILL 219: Chairman Stephens turned the Committee meeting over to Representative Conroy who explained his bill as an effort to control the distribution of sample drugs which are used for promotional purposes by drug manufacturers. The method of control would be a form signed by physicians and pharmacists who wish to receive sample drugs - this will eliminate the problem of companies sending unsolicited drugs thorough the mail, hopefully.

J. T. Leondorf, representing the Montana Medical Association, addressed the Committee, with amendments to the bill (see Committee Report).

Joe Carlson, representing Pharmacists Manufacturers Assn., testified next in support of the bill, saying they are in support of some method which will curtail the amounts of sample drugs passed out in the medical community. Carlson said his company requires a physician's signature before the drug rep can leave a sample. Many other companies are currently requiring more restrictions than ever before in an effort to control the samples. Carlson made an amendment to Section 5 that the Board shall administer the provisions of this act.

Rod Gudgel, Montana State Pharmacists Association, next testified in support of the bill, with the amendments. Gudgel explained the first amendment proposed by Mr. Leondorf. The point was brought out that, due to the number of new drugs which are put on the market during each year, one signature card from each physician for each calendar year would just not be adequate - this bill, however, would not limit the physicians and pharmacists in this manner. This legislation would prevent physicians' nurses and other help from dispensing the drugs (Senator Olson later questioned how this bill would keep nurses from dispensing) and the bill would make it unlawful to send unsolicited drugs into the State through the mail (Senator Olson later asked how the State would prosecute a manufacturer sending drugs in, to which Mr. Gudgel replied that it would not be an easy law to enforce).

March 8, 1977

Questions from the Committee members brought out further facts concerning the dispensing of drugs ("this bill is aimed at the promiscuous distribution of drugs"), whether there is a need for this legislation since many drug companies are evidently already requesting signed orders, whether all major pharmaceutical companies have a representative working this State, whether this bill is simply a "money bill" or the drug bill, whether this bill would cut the payoffs to the supply which the doctor many times gives out to individuals who possibly would be able to pay the druggist for prescriptions anyway, whether this would be simply harassment for the physicians and pharmacists to go through the time-consuming periodicaly.

The hearing was concluded on 3/8/77.

ACTION ON HOUSE BILL 184: Senator Lee moved HB184
CONCURRED IN - motion carried (Senator Norman Will
(to be on Senate floor.)

ACTION ON HOUSE BILL 219: Senator Watt moved the bill
as proposed by Yrs. Joendorf - motion carried on a voice vote.
After a short discussion, Senator Watt moved HOUSE BILL 219
AS AMENDED, CONCURRED IN - motion carried, 4 to 3, with
Senator Jones.


STAN STEBBINS, Chairman

E X H I B I T "A"

TESTIMONY FROM THE HELENA WOMAN'S CENTER, RAPE AWARENESS PROGRAM,
ON HOUSE BILL 184 - 3/7/77

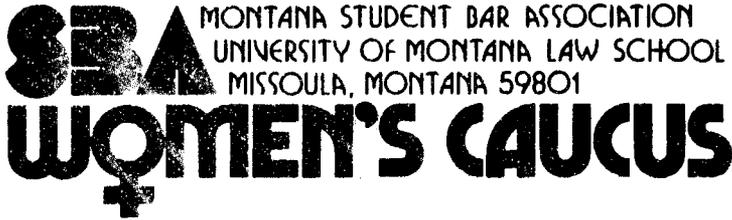
My name is Shirley Hudson and I am representing the Rape Awareness Program volunteers of the Helena Woman's Center (107 West Lawrence, Helena, 443-5353). We support the passage of House Bill 184 and urge the Committee to vote a do-pass recommendation on this Bill.

Law enforcement agencies exist to fulfill the government's responsibility to protect the public safety. In order to do so, those agencies must have the authority, the methods, and the funds to collect evidence for the investigation and prosecution of crimes. In most cases, we would find it absurdly outrageous if the victim of a crime were billed for the costs of collecting evidence.

For example, if I were involved in an accident on the highway, the Highway Patrol would collect evidence by interviewing witnesses, photographing the scene of the accident, measuring any skid marks, and so forth. What would your reaction be if you heard that I was then billed for the hourly wage of the interviewer, the costs of processing and printing the photographs, and the cost of the tape measure?

If I were a rape victim who reported the crime, then sought the necessary medical attention, I would in fact be billed for the Doctor's charge, the cost of using the emergency room, the lab tests to determine the presence or absence of sperm, and the equipment used in hair combings and fingernail scrapings. All these items are required in collecting the evidence a law enforcement agency must have if the crime of rape is to be adequately investigated. A major difference between this evidence and most evidence of crime is its location. Most evidence is collected from property- a house, a car, a store. The evidence of rape, however can only be collected from the victim's body.

E X H I B I T "B"



March 8, 1977

Testimony by Susan Stratman.

Re: H.B. 184.

The Women's Law Caucus very strongly supports H.B. 184. In many counties, victims of sexual intercourse without consent must pay for hospital examinations even when the results of these examinations are used for the investigation and the prosecution of the offense. These are the only victims of crime who ever are required to pay for evidence used to prosecute or investigate the crime perpetrated upon them. This treatment is not only harmful and unfair in that it does require the victim to pay for hospital examinations; it is also harmful in that it contributes to what the Women's Law Caucus has found to be a universal feeling by victims of sexual crimes that they are somehow different from victims of other violent crimes-- to a feeling that perhaps they are somehow responsible for the occurrence of the offense. By insuring that in this one way such victims are not treated differently than victims of other crimes, H.B. 184 would help cure this larger problem faced by victims of sexual intercourse without consent. Singling out this one class of victims to pay for the gathering of evidence used for criminal investigation and prosecution exacerbates the problems facing these victims.

Some counties now do pay for these hospital examinations. Many do not; and some have never been requested to, and have said they don't know whether they would or not, were they faced with the situation. Again, there seems to be no other crime where law enforcement officials "don't know" whether they would have the victim pay for the gathering of evidence of the crime. It is important that in all cases where hospital exams of victims of sexual intercourse without consent are used for investigation or prosecution, the victims do not have to be responsible for the hospital bills. Since this is the only offense that the Women's Law Caucus is aware of where there is not uniform payment for evidence, and since this is a problem that can be cured by legislation, there must be action such as H.B. 184 taken by the State of Montana.

ROLL CALL

VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE AND SAFETY

45th LEGISLATIVE SESSION - 1977.

Date 3-8 Bill No. 184 Time 11:45

NAME S:	YES	NO	
LEE, Robert	1		LEE
RASMUSSEN, Tom	abstained		RASSUSS
OLSON, Stuart	2		OLSON
HIMSL, Matt	3		HIMSL
WAIT, Robert	4		WATT
ROBERTS, Joe	5		ROBERTS
NORMAN, Bill - V. Chm.	5		NORMAN
STEPHENS, Stan - Chairman	6		STEPHEN

Joyce (Kelly) Allen
Secretary

STAN STEPHENS
Chairman

Motion: _____

(include enough information on motion—put with yellow copy of _____)

ROLL CALL

VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE AND SAFETY

45th LEGISLATIVE SESSION - 1977.

Date 3-8 Bill No. 319 Time _____

NAME S:

	YES	NO	
LEE, Robert	1		LEE
RASMUSSEN, Tom	2		RASMUSSEN
OLSON, Stuart		1	OLSON
HIMSL, Matt			HIMSL
WATT, Robert	3		WATT
ROBERTS, Joe	2		ROBERTS
NORMAN, Bill - V. Chm.		1	NORMAN
STEPHENS, Stan - Chairman	4		STEPHENS

Joyce (Kelly) Allen
Secretary

STAN STEPHENS
Chairman

Motion: Carry

(include enough information on motion—put with yellow copy of

STANDING COMMITTEE REPORT

MARCH 8

19 77

MR. PRESIDENT

We, your committee on PUBLIC HEALTH, WELFARE AND SAFETY

having had under consideration HOUSE BILL Bill No. 219

Respectfully report as follows: That HOUSE BILL Bill No. 219

third reading bill, be amended as follows:

1. Amend page 2, Section 3, line 10.
Following: "administer"
Strike: "or dispense"
2. Amend page 2, section 3, line 15.
Following: "drug!"
Insert: "or"
3. Amend page 2, section 3, line 16.
Following: "drug"
Strike: "and"
4. Amend page 2, section 3, lines 17, 18 and 19.
Following: line 16
Strike: lines 17, 18 and 19 in their entirety
5. Amend page 2, section 4, line 24.
Following: "manufacturer"
Insert: "at its regular place of business"
6. Amend page 3, section 6, line 4
Following: "and"
Strike: "inspections"
Insert: "searches pursuant to lawful warrant"

~~XXXXXX~~



AND, AS SO AMENDED, BE CONCURRED IN

STANDING COMMITTEE REPORT

MARCH 8

19 77

PRESIDENT

MR.

PUBLIC HEALTH, WELFARE AND SAFETY

We, your committee on

HOUSE BILL

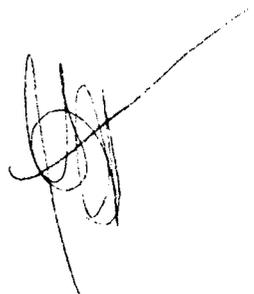
having had under consideration Bill No. **184**

HOUSE BILL

Respectfully report as follows: That Bill No. **184**

BE CONCURRED IN

~~DO PASS~~



.....
STAN STEPHENS

Chairman.

1. Amend page 2, Section 3, line 10
Following: "administer"
Strike: "or dispense"
2. Amend page 2, Section 3, line 15
Following: "drug;"
Insert: "or"
3. Amend page 2, Section 3, line 16
Following: "drug;"
Strike: "and"
4. Amend page 2, Section 3, lines ~~17~~¹⁸ and 19
Following: line 16
Strike: lines 17, 18 and 19 in their entirety
5. Amend page 2, Section 4, line 24
Following: "manufacturer"
Insert: "at its regular place of business"
6. Amend page 3, Section 6, line 4
Following: "and"
Strike: "inspections"
Insert: "searches pursuant to lawful warrant"

"does this mean...
employees, or whole thing?" Norman
I'd like me to ask you to check...
Also, if you doubt what Norman's...
...it on his bill...
...bill been in my room. Kelly

AMENDMENTS:

1. Amend page 1, section 3, line 20.

Following: "means"

Strike: "a PUBLIC TRANSPORTATION VEHICLE OR A room, other than a tavern, smoking room, private club, elevator, store, or private residence, which is designed to serve 6 or more persons and"

Insert: "any indoor room or area used by the general public or serving as a place of work for paid employees which is designed to serve 6 or more persons, excluding taverns."

2. Amend page 4, section 8, lines 11 and 12.

Following: line 10

Strike: "A LOCAL HEALTH DEPARTMENT MAY AFTER FIVE DAYS' WARNING CHARGE THE MANAGER OF A PUBLIC PLACE A FINE OF"

Insert: "A manager of a public place convicted of violating this act shall be fined no more than"

5 day

Dennis: I wonder if this word doesn't make the fine a mockery, considering we reduced it to \$10 from first \$100 - then \$50.

3. Amend page 4, section 8, lines 13 and 14.

Following the stricken "\$100"

Strike: "\$50"

Insert: "\$10"

Following: "offense"

Strike: "THAT SIGNS ARE NOT POSTED IN ACCORDANCE WITH THIS ACT"

DENNIS: I AM SORRY I MISSED YOU WHEN YOU CALLED.....HEAR YOUR BIG BILL PASSED HOUSE.....

HEY...HERE ARE AMENDMENTS PROPOSED ON HOLMES SMOKING BILL AFTER YOU LEFT.....STAN ASKED ROBERTS AND NORMAN TO GET TOGETHER WITH YOU AND IRON OUT ^{any in-} CORRECT LANGUAGE IN THESE AMENDED SECTIONS.....

I BELIEVE I HAVE IT DOWN PAT. HOWEVER, WOULD YOU PLEASE CHECK WITH THE RESPECTIVE SENATORS BEFORE I TURN IN BILL? I AM ATTACHING THE BILL AS I WROTE ON IT DURING THE COMMITTEE HEARING SESSION.....Over