

MINUTES OF THE MEETING
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE
MONTANA STATE SENATE

FEBRUARY 11, 1983

The meeting of the Public Health, Welfare and Safety Committee was called to order by Chairman Tom Hager on Friday, February 11, 1983 in Room 410 of the State Capitol Building.

ROLL CALL: All members were present. Woody Wright, Staff Attorney, was also present.

Many visitors were also in attendance. See attachments.

Senator Hager turned the chair over to Senator Marbut so that he could present his bill.

CONSIDERATION OF SENATE BILL 31: Senator Tom Hager of Senate District 30, chief sponsor of Senate Bill 31, gave a brief resume of the bill. This bill is an act to exempt establishments located in business and commercial districts from the prohibition against issuance of retail alcoholic beverage licenses to establishments within 600 feet of a church or school. Senator Hager reviewed the "gray copy" of the bill.

Bob Durkee, representing the Montana Tavern Association, stood in support of the bill. He stated that "off premises consumption" is not effected or addressed in this bill.

Mae Nan Ellingson, deputy city attorney, from Missoula, stated her support of the bill. She stated that House Bill 248 is not as good a bill as Senate Bill 31.

There were no opponents to the bill.

The meeting was opened to a question and answer period from the Committee.

Senator Hims1 questioned the wording on page 4, line 10.

Senator Hager closed. He read a letter from the Montana Association of churches stating that they were not in opposition to the bill. At this time they are not taking a stand on the bill.

Senator Marbut turned the chair back over to Senator Hager.

CONSIDERATION OF SENATE BILL 349: Senator Harold Dover of Senate District 24, the chief sponsor of Senate Bill 349, gave a brief resume of the bill.

PUBLIC HEALTH
PAGE TWO
FEBRUARY 11, 1983

This bill is an act to authorize the Board of Health and Environmental Sciences to grant an exemption from air quality rules, under certain circumstances, for a period greater than 1 year; and providing for an immediate effective date.

Senator Dover stated that SB 349 would allow the Department and Board of Health to require phased periods of compliance. As an example, if air quality laws required a company to make a large investment in technology to comply and was going to take 3 years, the Department and Board could put the company on a 3 year phased compliance schedule which would eliminate the need, expense and publicity for the Department and Board to hold annual variance request hearings and it could stabilize the government regulatory process by allowing businesses a multi-year phased compliance period in which they could be sure of continuous, uninterrupted operations as long as they were adhering to the phased compliance schedule set by the Health Department. Even though the Department of Health has closed down only one company because of the air compliance regulations the present 1 year maximum exemption has the effect on business of creating the element of doubt of the thinking of investing in Montana who are processing or manufacturing a product that puts them under the law, the present 1 year exemption has the effect of creating an unstable investment climate. Senate Bill 349 will not, in any way, jeopardize the Department's or Board's legal authority to administer Montana's air quality compliance laws and regulations. It will simply make the process more flexible and reasonable for business and state government.

Tim Stearns, representing the Northern Plains Resource Council, stood in support of the bill. The Board of Health has never denied a variance. NPRC supports giving industry clear signals. They deserve the opportunity to conform in the allotted time periods. It still allows for annual reports to be submitted to document progress.

Bob M. Holding, representing the Montana Wood Products Association, stood in support of the bill. This type of legislation would assist his group.

Mike Fitzgerald, representing the Montana Trade Commission, stated that this bill would clean up the process. He stated that his group heartily supports this bill.

Don Reed, representing the Environmental Information Center, stated that SB 349 is a good way to send a signal to industry. Variances have been granted freely. Industry will still have to file annual reports on progress to meet the standards.

FEBRUARY 11, 1983
PAGE THREE
PUBLIC HEALTH

Hal Robbins, representing the Air Quality Bureau, stated that SB 349 is simply one small change to improve the present law.

With no further proponents, Chairman Hager called on the opponents. Hearing none, the meeting was opened to a question and answer period from the Committee.

Senator Dover closed asking for favorable consideration of this bill from the Committee.

DISPOSITION OF SENATE BILL 208: Senate bill 208 is an act defining a Hospice for the licensing purposes; requiring the Department of Health and Environmental Sciences to adopt rules setting standards for licensing a Hospice; requiring the Department to license a Hospice approved by the Commission on Accreditation of Hospitals.

Senator Jacobson explained the proposed amendments to the bill. A motion was made by Senator Jacobson that Senate Bill 208 be amended on page 1, line 7 in the title, strike the remainder of line 7. Motion carried unanimously.

A motion was made by Senator Jacobson that the Committee adopt amendment number 2 which would add a new section in regards to Hospice hospital programs. Motion carried unanimously.

Senator Christiaens asked about third party payment. This is only on the federal level at this time.

A motion was made by Senator Norman that Senate Bill 208 receive a DO PASS as amended recommendation from the Committee. Motion carried unanimously.

A motion was made that the statement of intent for SB 208 be adopted. Motion carried unanimously.

DISPOSITION OF SENATE BILL 256: A motion was made by Senator Himsel that Senate Bill 256 be tabled at the request of the sponsor, Senator Pete Story. Motion carried unanimously.

DISPOSITION OF SENATE BILL 266: Senate Bill 266 is an act revising the uniform anatomical gift act by broadening the definition of "bank or storage facilities"; removing liability for persons acting in good faith under the act; and establishing qualifications for persons performing eye enucleation services under the act.

Senator Marbut explained the proposed amendments to the bill. A motion was made by Senator Marbut that SB 266 be amended on page 2 line 20. Motion carried unanimously.

PAGE FOUR
PUBLIC HEALTH
FEBRUARY 11, 1983

A motion was made by Senator Marbut that SB 266 receive a DO PASS as amended recommendation from the Committee. Motion carried unanimously.

DISPOSITION OF SENATE BILL 271: Senate Bill 271 is an act to generally revise the laws relating to the practice of cosmetology.

A motion was made by Senator Jacobson that SB 271 be amended on page 5 line 3, strike the word, "permit". Motion carried unanimously.

A motion was made by Senator Hims1 that SB 271 receive a DO NOT PASS as amended recommendation from the Committee. Motion carried with all Senators voting "yes" except Senator Norman, who voted "no".

DISPOSITION OF SENATE BILL 289: Senate Bill 289 is an act to establish qualifications for persons for represent themselves as dieticians or registered dieticians; to prohibit persons who do not meet the qualificiations for representing themselves as such, and to provide a penalty for violation.

A motion was made by Senator Norman the bill be amended on page 1, line 13, to delete "public or" . Motion carried.

A motion was made by Senator Norman that the bill be amended on page 2 line 5, insert:"in dietics or related field". Motion carried.

A motion was made by Senator Norman that Senate Bill 289 receive a recommendation of DO PASS as amended from the Committee. Motion carried.

Woody pointed out that one cannot turn over to a none government agency rule making authority.

A motion was made by Senator Norman that the statement of intent for the bill be adopted.

A substitute motion was made by Senator Marbut that the statement of intent be amended in regards to that American Dietetic Association. Motion failed, Senator Marbut voted "yea" and all the other senators voted "no".

A voted was taken on the motion of Senator Norman to adopt the statement of intent. Motion carried.

PUBLIC HEALTH
PAGE FIVE
FEBRUARY 11, 1983

DISPOSITION OF SENATE BILL 349: A motion was made by Senator Jacobson that Senate Bill 349 receive a DO PASS recommendation from the Committee. Motion carried.

Senate Bill 349 is an act to authorize the Board of Health and Environmental Science to grant an exemption from air quality rules, under certain circumstance, for a period greater than 1 year; and providing for an immediate effective date.

DISPOSITION OF SENATE BILL 27:

A motion was made by Senator Norman that Senate Bill 27 be tabled at the request of the sponsor. Motion carried.

DISPOSITION OF SENATE BILL 32:

A motion was made by Senator Norman that Senate Bill 32 be tabled at the request of the sponsor. Motion carried.

DISPOSITION OF SENATE JOINT RESOLUTION 10: This is a joint resolution of the Senate and the House of Representative of the State of Montana urging the President and the Congress of the United States to reduce funding for nuclear weapons and the Department of Defense, increase funding for human services and jobs programs, and reduce the federal deficit; and requiring the Secretary of State of send copies of this resolution to the President of the United States and Montana's United States Senators and Representatives.

A motion was made by Senator Marbut to accept the proposed amendments 1 and 2. He stated that that it is very necessary that this resolution be pure and clean and not political.

Senator Van Valkenberg stated that he agrees with Senator Marbut and that he liked the idea of job services being introduced into the bill.

Senator Stephens stated that this would not lower the budget deficit. He stated that the third largest budget is that of human services for both the USSR and the USA.

Senator Marbut stated that he would rather see two seperate resolutions rather than coupling the two ideas together.

Senator Hims1 stated that a resolution has very little impact on Congress.

Senator Hager pointed out that there were 351 human services bills in 1981, 386 in 1982 and 400 so far in 1983.

PUBLIC HEALTH
PAGE SIX
FEBRUARY 11, 1983

A substitute motion was made by Senator Hims1 that the bill be amended to address the funding. Motion failed. See attachments.

Senator Christiaens stated that he would like to see other language inserted into the bill.

A vote was taken on the amendments proposed by Senator Marbut. Motion failed. See attachments.


A motion was made by Senator Marbut that the bill be amended to instruct the President of the USA and also the President Premier of the USSR to meet and discuss peace.

Senator Hims1 stated that this is redundant as it is already being done.

A vote was taken on Senator Marbut's motion. Motion failed. See attachments.

Senator Norman moved that Senate Joint Resolution receive a DO PASS recommendation from the Committee. Motion carried. See attachments.

ADJOURN: With no further business the meeting was adjourned.



CHAIRMAN, TOM HAGER

eg

ROLL CALL

PUBLIC HEALTH, WELFARE, SAFETY COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 2/11/83

[illegible]

SENATE

COMMITTEE

BILL SB 349

VISITORS' REGISTER

DATE 2-11-83

Please note bill no.

(check one)

NAME

REPRESENTING

BILL #

SUPPORT

OPPOSE

Hal Robbins

DHES

349

X

Don Reed

MEIC

349

✓

Tom Staples

MT Trade Commission

349

✓

~~Mike Reynolds~~~~MT Trade Com~~

349

✓

Tom Horne

NARC

349

✓

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

SENATE

COMMITTEE

BILL

SB 31

VISITORS' REGISTER

DATE

Please note bill no.

(check one)

NAME

REPRESENTING

BILL #

SUPPORT OPPOSE

Boris Durkee

North Tavern Creek

31

✓

~~Don Reed~~

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

TESTIMONY

FROM SENATOR HAROLD DOVER

IN SUPPORT OF SB 349

SB 349 amends Section 75-2-212 MCA. by amending the present provision which requires that, "No exemption or partial exemption may be granted . . . for a period to exceed one year", (for air compliance variance requests).

SB 349 would allow the Department and Board of Health to require phased periods of compliance. As an example, if air quality laws required a company to make a large investment in technology to comply and was going to take 3 years, the Department and Board could put the company on a 3 year phased compliance schedule which would eliminate the need, expense and publicity for the Department and Board to hold annual variance request hearings and it could stabilize the government regulatory process by allowing businesses a multi-year phased compliance period in which they could be sure of continuous, uninterrupted operations as long as they were adhering to the phased compliance schedule set by the Health Department. Even though the Department of Health has closed down only one company because of air compliance regulations, the present 1 year maximum exemption has the effect on business of creating the element of doubt or the unknown. For businesses presently operating or thinking of investing in Montana who are processing or manufacturing a product that puts them under the law, the present 1 year exemption has the effect of creating an unstable investment climate.

SB 349 will not, in any way, jeopardize the Department's or Board's legal authority to administer Montana's air quality compliance laws and regulations.

It will simply make the process more flexible and reasonable for business and state government.

NAME: Tim Stearns DATE: 2/11/83

ADDRESS: Box 558 Hilo, HI

PHONE: 443-4965

REPRESENTING WHOM? APRC

APPEARING ON WHICH PROPOSAL: SB 349

DO YOU: SUPPORT? 1 AMEND? OPPOSE?

COMMENTS: The Board of Health has never
denied a variance. We support giving
industry clear signals. They deserve the
opportunity to conform in the allotted
time periods. It still allows for annual
reports to be submitted to document progress.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(This sheet to be used by those testifying on a bill.)

NAME: DON REED DATE: 2/1/83

ADDRESS: P.O. Box 1184 Helena 59624

PHONE: 443-2520

REPRESENTING WHOM? MEIC

APPEARING ON WHICH PROPOSAL: SB 349

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: Good way to send a signal to industry
"Variances" have been granted freely
industries will still have to file annual
reports on progress to meet the
standards.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE BILL NO. 31

INTRODUCED BY HAGER

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT
ESTABLISHMENTS LOCATED IN BUSINESS AND COMMERCIAL DISTRICTS
FROM THE PROHIBITION AGAINST ISSUANCE OF RETAIL ALCOHOLIC
BEVERAGE LICENSES TO ESTABLISHMENTS WITHIN 600 FEET OF A
CHURCH OR SCHOOL; AMENDING SECTION 16-3-306, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

~~Section 16-3-306, MCA, is amended to read:~~
~~"16-3-306. Proximity to churches and schools~~
~~restricted. (1) Except as provided in subsections (2), (3), and~~
~~(4), no retail license may be issued pursuant to~~
~~this code to any business or enterprise whose premises are~~
~~within 600 feet of and on the same street as a building used~~
~~exclusively as a church, synagogue, or other place of~~
~~worship or as a school other than a commercially operated or~~
~~postsecondary school. This distance shall be measured in a~~
~~straight line from the center of the nearest entrance of the~~
~~place of worship or school to the nearest entrance of the~~
~~licensee's premises. This section is a limitation upon the~~
~~department's licensing authority.~~

~~(2) However, the department may renew a license for~~
~~any establishment located in violation of this section if~~

1 the licensee does not relocate his entrances any closer than
2 the existing entrances and if the establishment:

3 (a) was located on the site before the place of
4 worship or school opened; or

5 (b) was located in a bona fide hotel, restaurant, or
6 fraternal organization building at the site since January 1,
7 1937.

8 (3) Subsection (1) does not apply to licenses for the
9 sale of beer, table wine, or both in the original package
10 for off-premises consumption.

11 ~~(1) Subsection (1) does not apply to a retail license~~
12 ~~issued to a business or enterprise~~

13 ~~(a) located within a zoning district zoned for~~
14 ~~business or commercial use or~~

15 ~~(b) located within an area contiguous to a street or~~
16 ~~highway if business or commercial establishments occupy at~~
17 ~~least 75% of the area~~

18 ~~(1) along 300 or more feet of frontage upon the street~~
19 ~~or highway; and~~

20 ~~(2) within 300 feet of either side or within 100 feet~~
21 ~~of each side of the street or highway."~~

22 SECTION 1. SECTION 16-3-306, MCA, IS AMENDED TO READ:

23 "16-3-306. Proximity to churches and schools
24 restricted -- local government option -- prohibition. (1)
25 Except as provided in subsections (2) and (3), no retail

1 license may be issued pursuant to this code to any business
 2 or enterprise whose premises are within 600 feet of and on
 3 the same street as a building used exclusively as a church
 4 synagogue or other place of worship or as a school other
 5 than a commercially operated or postsecondary school. This
 6 distance shall be measured in a straight line from the
 7 center of the nearest entrance of the place of worship or
 8 school to the nearest entrance of the licensee's premises.
 9 This section is a limitation upon the department's licensing
 10 authority.

11 (2) However, the department may renew a license for
 12 any establishment located in violation of this section if
 13 the licensee does not relocate his entrances any closer than
 14 the existing entrances and if the establishment

15 (a) was located on the site before the place of
 16 worship or school opened; or

17 (b) was located in a bona fide hotel, restaurant, or
 18 fraternal organization building at the site since January 1,
 19 1937.

20 (3) Subsection (1) does not apply to licenses for the
 21 sale of beer, table wine, or both in the original package
 22 for off-premises consumption. (1) Except as otherwise
 23 provided in this section, the local governing body of a
 24 county or an incorporated city or town, under its zoning
 25 authority, may adopt restrictions upon the location of

1 businesses or enterprises which have retail licenses under
2 this code for on-premises consumption.

3 (2) For local governing bodies which have not
4 implemented planning or zoning authority, those bodies may
5 adopt by resolution restrictions upon the location of
6 businesses or enterprises which have retail licenses under
7 this code for on-premises consumption.

8 (3) Local governing bodies may not restrict or limit
9 the location of businesses or enterprises which have retail
10 licenses under this code for on-premises consumption on
11 October 1, 1983."

-End-

Proposed Amendment to SB 31 (Introduced Copy)

1. Title, line 5.

Strike: "LOCATED" through "DISTRICTS"

2. Page 1, line 11.

Strike: the remainder of the bill in its entirety

Insert: "Section 1. Section 16-3-306, MCA, is amended to read:

"16-3-306. Proximity to churches and schools -- local government option -- prohibition. ~~restricted. (1) Except as provided in subsections (2) and (3), no retail license may be issued pursuant to this code to any business or enterprise whose premises are within 600 feet of and on the same street as a building used exclusively as a church, synagogue, or other place of worship or as a school other than a commercially operated or postsecondary school. This distance shall be measured in a straight line from the center of the nearest entrance of the place of worship or school to the nearest entrance of the licensee's premises. This section is a limitation upon the department's licensing authority.~~

~~(2) However, the department may renew a license for any establishment located in violation of this section if the licensee does not relocate his entrances any closer than the existing entrances and if the establishment:~~

~~(a) was located on the site before the place of worship or school opened; or~~

~~(b) was located in a bona fide hotel, restaurant, or fraternal organization building at the site since January 1, 1937.~~

~~(3) Subsection (1) does not apply to licenses for the sale of beer, table wine, or both in the original package for off-premises consumption. (1) Except as otherwise provided in this section, the local governing body of a county or an incorporated city or town, under its zoning authority, may adopt restrictions upon the location of businesses or enterprises which have retail licenses under this code for on-premises consumption.~~

~~(2) For local governing bodies which have not implemented planning or zoning authority, those bodies may adopt by resolution restrictions upon the location of businesses or enterprises which have retail licenses under this code for on-premises consumption.~~

~~(3) Local governing bodies may not restrict or limit the location of businesses or enterprises which have retail licenses under this code for on-premises consumption on October 1, 1983."~~

SENATE COMMITTEE PUBLIC HEALTH, WELFARE, AND SAFETY

Date 2-11-83 SJR Bill No. 10 Time 2:05

NAME	YES	NO
SENATOR TOM HAGER		✓
SENATOR REED MARBUT		✓
SENATOR MATT HIMSL	✓	
SENATOR STAN STEPHENS	✓	
SENATOR CHRIS CHRISTIAENS		✓
SENATOR JUDY JACOBSON		✓
SENATOR BILL NORMAN		✓

Chamie Lawley
Secretary

Tom Hager
Chairman

Motion: A motion was made by Senator Himsl that the bill be amended to address the funding. Motion failed.

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE PUBLIC HEALTH, WELFARE, AND SAFETY

Date FEB. 11, 1983 SJR Bill No. 10 Time 2:10

NAME	YES	NO
SENATOR TOM HAGER		✓
SENATOR REED MARBUT	✓	
SENATOR MATT HIMSL	✓	
SENATOR STAN STEPHENS		✓
SENATOR CHRIS CHRISTIAENS		✓
SENATOR JUDY JACOBSON		✓
SENATOR BILL NORMAN		✓

Chaim Gureley
Secretary

Tom Hager
Chairman

Motion: A motion was made by Senator Marbut to accept the
proposed amendments. Motion failed.

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE PUBLIC HEALTH, WELFARE, AND SAFETY

Date FEB. 11, 1983 SJR Bill No. 10 Time 2:20

NAME	YES	NO
SENATOR TOM HAGER		✓
SENATOR REED MARBUT	✓	
SENATOR MATT HIMSL		✓
SENATOR STAN STEPHENS		✓
SENATOR CHRIS CHRISTIAENS	✓	
SENATOR JUDY JACOBSON	✓	
SENATOR BILL NORMAN		✓

Blaine Gravelly
Secretary

Tom Hager
Chairman

Motion: A motion was made by Senator Marbut that the bill be
amended to instruct the President of the USA and also the Presid-
ent Premier of the USSR to meet and discuss peace agreements.

Motion failed.

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE PUBLIC HEALTH, WELFARE, AND SAFETY

Date FEBRUARY 11, 1983 SJR Bill No. 10 Time 2:25

NAME	YES	NO
SENATOR TOM HAGER		
SENATOR REED MARBUT		
SENATOR MATT HIMSL		
SENATOR STAN STEPHENS		
SENATOR CHRIS CHRISTIAENS		
SENATOR JUDY JACOBSON		
SENATOR BILL NORMAN		

Glenn Gravelley
Secretary

Thomas V. Hays
Chairman

Motion: A motion was made by Senator Norman that SJR 10 receive
a DO PASS recommendation from the Committee. Motion carried.

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

.....FEBRUARY 11..... 19..83.....

MR. PRESIDENT:.....

We, your committee on PUBLIC HEALTH, WELFARE, AND SAFETY.....

having had under consideration SENATE JOINT RESOLUTION..... Bill No. 10.....

Respectfully report as follows: That SENATE JOINT RESOLUTION..... Bill No. 10.....

DO PASS

4/8

STANDING COMMITTEE REPORT

.....FEBRUARY 11,..... 19 83.....

MR.PRESIDENT:.....

We, your committee onPUBLIC HEALTH, WELFARE AND SAFETY.....

having had under considerationSENATE..... Bill No. 271.....

Respectfully report as follows: ThatSENATE..... Bill No. 271,.....

introduced bill, be amended as follows:

1. Page 5, line 3.
Strike: "permit"

And, as so amended,

~~DO NOT PASS~~ DO NOT PASS

STANDING COMMITTEE REPORT

February 11 19 83

MR. PRESIDENT

We, your committee on PUBLIC HEALTH, WELFARE & SAFETY

having had under consideration SENATE Bill No. 266

Respectfully report as follows: That SENATE Bill No. 266,
introduced copy, be amended as follows:

1. Page 1, line 17.
Following: "72-17-202"
Insert: "(1)(a) or (b)"
2. Page 1
Following: line 19
Insert: "(3) "Department" means the department of health and
environmental sciences provided for in title 2, chapter 15,
part 21, MCA."
Renumber: all subsequent subsections.
3. Page 1
Following: line 21
Insert: "(5) "Eyebank Association of America" means the
organization nationally recognized by that name with headquarters
in Houston, Texas, that surveys banks or storage facilities for
the storage of eye tissue upon their requests and grants member-
ship and certification status to any such bank or storage facility
that it finds meets its standards and requirements."
Renumber: all subsequent subsections.

(Continued)

Public Health, Welfare & Safety
Page 2
Senate Bill 266

4. Page 2, line 20.
Following: "has"
Insert: "satisfactorily"
5. Page 3, line 8.
Following: "facility"
Insert: "licensed, accredited or approved under the laws
of any state,"
6. Page 4
Following: line 9
Insert: "NEW SECTION. Section 4. Approval of eye banks.
Any bank or storage facility that furnishes to the department
written evidence of its membership and certification, and reports
and recommendations for future compliance, granted by the
Eyebank Association of America, is approved for receipt and
storage of eye tissue for the term of such membership and
certification, and is eligible during such term to be a donee
of eye tissue pursuant to 72-17-202(1)(c) MCA."
Renumber: subsequent section.
7. Page 4, line 11.
Following: line 10
Strike: "Section 3 is"
Insert: "Sections 3 and 4 are"
8. Page 4, line 13.
Following: "to"
Strike: "section 3"
Insert: "sections 3 and 4"

AND AS SO AMENDED,
DO PASS

4/6

STANDING COMMITTEE REPORT

FEBRUARY 11

1983

MR. PRESIDENT:

We, your committee on PUBLIC HEALTH, WELFARE AND SAFETY

having had under consideration SENATE Bill No. 289

Respectfully report as follows: That SENATE Bill No. 289,
introduced bill, be amended as follows:

1. Page 1, line 13.

Strike: "public or"

2. Page 2, line 5

Following: "degree"

Insert: "in dietetics or related field"

And, as so amended,

DO PASS

Statement of Intent attached

STANDING COMMITTEE REPORT

FEBRUARY 11

19 83

PRESIDENT

MR.

PUBLIC HEALTH, WELFARE AND SAFETY

We, your committee on

Statement of Intent

SENATE

289

having had under consideration Bill No.

Respectfully report as follows: That Statement of Intent, Senate Bill No. 289

be adopted.

STATEMENT OF INTENT RE: SB 289

A statement of intent is required for Senate Bill 289 because it gives the Department of Health and Enviromental Sciences authority to:

(1) adopt academic, experience, and training requirements which must be met by anyone representing himself or herself as a dietitian or registered dietitian; and

(2) specify the independent agency or agencies whose endorsement of an individual as a dietitian or registered dietitian prior to October 1, 1983, is sufficient to bring that individual into compliance with the act; and which are qualified to set academic, experience, and training standards for dietitians, give qualifying examinations to registered dietitians, and establish continuing education requirements.

~~DOX PASSX~~ It is the intent of the Legislature that the American Dietetic Association and/or any equivalent professional organization will be designated the "authorized agency" called for
(continued)

ME

FEBRUARY 11

19 83

STATEMENT OF INTENT
SENATE BILL 289
PUBLIC HEALTH, WELFARE AND SAFETY

by the act, and that the academic requirements, clinical experience, and continuing education requirements of the ADA Commission on Registration Standards will be adopted.

STANDING COMMITTEE REPORT

..... FEBRUARY 11 19 83

MR. PRESIDENT:

We, your committee on PUBLIC HEALTH, WELFARE AND SAFETY

having had under consideration SENATE Bill No. 208

Respectfully report as follows: That SENATE Bill No. 208,
introduced bill, be amended as follows:

1. Title, line 7.

Following: "HOSPICE"

Strike: remainder of line 7 through "hospitals;"

2. Page 9, line 25.

Strike: Section 3 in its entirety

Insert: "NEW SECTION. Section 3. Hospitals hospice programs -- exemptions
from separate licensure. A hospice program provided by a hospital need
not be separately licensed if the department finds that such program meets
the standards of section 2."

And, as so amended,

DO PASS

Statement of Intent attached

STANDING COMMITTEE REPORT

February 11 19 83

MR. PRESIDENT

We, your committee on PUBLIC HEALTH, WELFARE & SAFETY

having had under consideration Statement of Intent, SENATE Bill No. 208

Respectfully report as follows: That Statement of Intent, Senate Bill No. 208
be adopted.

STATEMENT OF INTENT RE: SB 208

Section 2 authorizes the department of health and environmental sciences to adopt rules setting standards for hospice programs. It is anticipated that the department will draw on the Hospice Project Standards being formulated by the Joint Commission on Accreditation of Hospitals (JCAH), which cover hospice programs operated both with and without hospital affiliation. The JCAH standards expand on areas mentioned in section 2 (patient and family as unit, continuity of care, management and administration) and touch on additional areas when standards are contemplated (such as symptom management, medical records, and quality assurance). The department should bear in mind that many of the JCAH standards are optimum standards or goals and that these should not be promulgated as minimum standards. Where minimum standards or weighted averages exist, these should be taken into account.

The bill is not intended as a vehicle to qualify hospice programs for medicare reimbursement. Such program standards as the federal government may establish to qualify medicare providers are not to be considered a source of state licensing criteria, except as an alternative ~~to the~~ standard for programs which choose to pursue medicare reimbursement

STANDING COMMITTEE REPORT

FEBRUARY 11 19 83

MR. PRESIDENT:

We, your committee on PUBLIC HEALTH, WELFARE AND SAFETY

having had under consideration SENATE Bill No. 349

Respectfully report as follows: That SENATE Bill No. 349

DO PASS

ye