

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

FEBRUARY 6, 1985

The meeting of the Public Health, Welfare and Safety Committee was called to order by chairman Judy Jacobson on Wednesday, February 6, 1985 in Room 410 of the State Capitol at 1:00 p.m.

ROLL CALL: All members were present. Karen Renne, staff researcher, was also present.

There were many visitors in attendance. See attachments.

ACTION ON SENATE BILL 73: This bill sponsored by Dick Manning is an act to define "firecrackers"; to prohibit aerial fireworks except in authorized public displays; to require fireworks wholesalers to obtain permits; and providing an effective date.

A motion was made by Senator Lynch that SB 73 BE TABLED. He stated that there is a bill in the House which would better meet the needs of the people of Montana. Motion carried.

ACTION ON SENATE BILL 214: This bill sponsored by Senator Joe Mazurek of Helena is an act permitting certain dental hygienists to administer local anesthetic agents; removing the requirement that an applicant for a license to practice dental hygiene submit to an oral interview and providing an effective date.

Senator Jacobson stated that the Montana Nurses Association representative just told her that they would like to withdraw their proposed amendment, because of some information which they had received earlier.

A motion was made by Senator Lynch that SB 214 receive a DO PASS recommendation from the Committee. Motion carried.

ACTION ON SENATE BILL 173: Senator Jack Haffey is the chief sponsor of Sb 173. This bill is an act to generally revise the laws relating to the practice of radiologic technology; restructuring the Board of Radiologic Technologists; defining "limited permit technician"; revising limited permitholder procedures; giving the board additional rulemaking authority providing for annual licensure; providing for disciplinary procedures for limited permit technicians; and providing an immediate effective date.

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Karen explained the amendment which was proposed by Diana Cutler, administrative assistant to the Board of Radiologic Technologists.

A motion was made by Senator Lynch that the proposed amendment be adopted. Motion carried.

A motion was made by Senator Lynch that SB 173 receive a DO PASS AS AMENDED recommendation from the Committee. Motion carried.

A motion was made by Senator Lynch that the Statement of Intent for SB 173 be adopted. Motion carried.

ACTION ON SENATE BILL 226: Senate Bill 226 sponsored by Senator Judy Jacobson, is an act to generally revise the law relating to the Board of Hearing Aid Dispensers; providing a continuing education requirement; revising the trainee license law; and giving the Board authority to fine licensees.

Karen explained the proposed amendments.

A motion was made by Senator Hager that the amendments to SB 226 be adopted. Motion carried.

A motion was made by Senator Hager that SB 226 receive a DO PASS AS AMENDED recommendation from the Committee. Motion carried.

ACTION ON SENATE BILL 211: Senate Bill 226 is sponsored by Senator Dorothy Eck of Bozeman. This is an act requiring use of seatbelts by occupants of the front seat of a motor vehicle; providing a penalty; providing that evidence of compliance or noncompliance is admissible in civil litigation; and providing a termination date.

A motion was made by Senator Towe that the proposed amendments which would strike section 4, be adopted. Motion carried.

A motion was made by Senator Towe that Senator Eck's amendment to strike all of (ii) be adopted. Motion carried.

A motion was made by Senator Lynch that SB 211 receive a DO NOT PASS AS AMENDED recommendation from the Committee. Motion failed on a tie Roll Call Vote. See attachments.

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Senator Stephens stated that he did not believe the government should tell the people to wear seatbelts. "How many freedoms are you going to take away from the people?" he asked. The Legislature cannot protect the people from themselves forever.

Senator Jacobson stated that perhaps insurance rates would go down with the passage of this bill.

Senator Towe addressed the federal compliance issue, which would become mandatory in 1989 for some type of seat belts or airbag protection.

Senator Hims1 stated that he was voting philosophical rather than practical.

Senator Towe stated that if even one life is saved that passage of this bill is worth every inconvenience it brings about.

Senator Hager stated that seatbelts would be a lot more economical than airbags which will be required by 1989, if most of the states do not take some positive stand regarding seat belts.

A motion was made by Senator Towe that SB 211 receive a DO PASS AS AMENDED recommendation from the Committee. The motion failed again on a tie Roll Call Vote. See attachments.

ACTION ON HOUSE BILL 116: This bill sponsored by Representative Miles is an act to delete the requirement that a privately owned public swimming pool have a lifeguard unless a person certified as trained in basic water safety measures is accessible to the pool; and providing an immediate effective date.

A motion was made by Senator Stephens that HB 116 receive a BE CONCURRED recommendation from the Committee. Motion carried. Senator Stephens will carry this bill on the floor when it is on second reading.

RECONSIDER ACTIONS ON HOUSE BILL 141: This bill sponsored by Representative Manuel is an act to delete the requirement that the Department of Health and Environmental Sciences perform syphilis tests without charge; and providing an immediate effective date.

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Senator Hager stated that prenatal testing is required and, therefore, should not charge for the testing. Syphilis is a highly contagious disease and the department cannot charge for tests of highly contagious diseases. The department should be concerned with the control, prevention and treatment of syphilis.

A motion was made by Senator Hager that the Committee reconsider their actions of House Bill 141. Motion carried. See attachments.

Mrs. Yvonne Sylva stated that the reason for the bill, was last Legislative session the department was instructed to generate some revenue.

Senator Hager stated that doctors are already charging their patients for the tests.

A motion was made by Senator Hager that HB 141 receive a DO NOT PASS recommendation from the Committee. Motion carried. All senators voted "yes" with the exception of Senator Jacobson who voted "no".

CONSIDERATION OF HOUSE BILL 182: Representative Toni Bergene of Great Falls, the sponsor of House Bill 182, stood in support of the bill. This bill is an act to delete the requirements that the Department of Health and Environmental Sciences must approve a laboratory that performs a blood group test as part of a prenatal serological test and that the Department Laboratory must perform blood group tests and providing an immediate effective date. This bill was introduced at the request of the Department of Health and Environmental Sciences.

Yvonne Sylva, administrator of the Management Services Division of the Department of Health and Environmental Sciences, stood in support of the bill. She stated Montana statutes state that the Department must approve labs performing prenatal serology tests which are defined in Section 50-19-101, as tests for syphilis, rubella, blood groupings and RH factor. In addition, the statutes state that the Department must, upon request, do blood groupings. While the department does approve those labs performing rubella and syphilis serologies, it does not approve labs performing blood groupings. Federal regulations cover blood banking activities. Therefore, facilities such as hospitals are generally licensed under federal law to perform these activities. The Department has not been requested to perform blood grouping services since the mid 1940's. Mrs. Sylva handed in written testimony. See attachments.

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The chairman called on the opponents. Hearing none, the meeting was opened to a question and answer period from the Committee.

Representative Bergene closed and asked the Committee for their support on this bill.

CONSIDERATION OF SENATE BILL 227: Senator Tom Towe of Billings, the chief sponsor of SB 227, gave a brief resume of the bill. This bill is an act to require notice of the use of sulfite as a food preservative the food service establishments; requiring the Department of Health and Environmental Sciences to adopt rules; establish penalties; and providing an immediate effective date.

Senator Towe stated that sulfites can cause violent reactions to some people especially asthmatics. This bill would require that a public notice be posted to inform the public of the use of sulfites. Senator Towe handed in proposed amendments.

Mary Irene Uber of Billings, stood in support of the bill. She handed in written testimony to the secretary for the record. See attachments.

James Peterson, representing the Department of Health, stood in support of the bill. He handed in written testimony to all members of the Committee. See attachments.

Don Allen representing the Montana Hospital, stood in support of the bill. He handed out some amendments which his group felt would improve the bill. See attachments.

With no further proponents, the chairman called on the opponents.

Don Pratt, executive director of the Montana Restaurant Association, stated that suppliers should have to come under this bill, as many times they are the guilty party.

With no further opponents, the meeting was opened to a question and answer period from the Committee.

Senator Hager asked Mr. Peterson about warnings on labels. There are no warnings on labels, however, Mr. Peterson did read a list of foods with sulfite in them. He stated that raw or lightly cooked foods are the ones which make people so ill.

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Senator Newman asked if there are substitutes to sulfites. There are substitutes to sulfites on the market and are being readily used by many restaurants today.

Senator Towe closed. He stated that he would like to make it as easy for the restaurant people. This bill would just be a directive to the department.

CONSIDERATION OF SENATE BILL 254: Senator Dorothy Eck of Senate District 40, the chief sponsor of Senate Bill 254, gave a brief resume of the bill. This bill is an act requiring fines imposed for unlawful transactions with children to be used to fund alcohol and drug abuse programs for persons under the legal drinking age.

Senator Eck stated that this is a small bill to help preventive health. A four to five week stay at Shodair Hospital in Helena for treatment of alcohol or drug abuse could cost upward of \$7,00. Many counties are being asked to pick up the cost of the treatments.

This bill would give the counties some authority to place the fine money in alcohol and drug abuse programs.

Mike Murray, administrator of the Chemical Dependency Programs in Montana, stood in support of the bill.

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

Senator Stephens asked about the fiscal impact. This past year there have been no fines levied against people for unlawful transactions with children.

Senator Himsel stated that with passage of this bill he could see "red flags everywhere".


Senator Eck assured him that the money from the fines would not be misused.

Senator Eck closed. She stated that this bill could be amended so not to interfere with Senator Lynch's Children's Trust Fund Bill.

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ANNOUNCEMENTS: The next meeting of the Public Health,  
Welfare and Safety Committee will be held on Friday, February  
8, 1985 to consider House Bills 180, 189, and 202.

ADJOURN: With no further business the meeting was adjourned.

  
SENATOR JUDY JACOBSON  
CHAIRMAN

eg

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE AND SAFETY

Date FEBRUARY 6, 1985 SENATE Bill No. 211 Time 1:25

| NAME                               | YES | NO |
|------------------------------------|-----|----|
| SENATOR JUDY JACOBSON, CHAIRMAN    |     | L  |
| SENATOR J. D. LYNCH, VICE CHAIRMAN | L   |    |
| SENATOR TOM HAGER                  |     | L  |
| SENATOR MATT HIMSL                 | L   |    |
| SENATOR TED NEWMAN                 |     | L  |
| SENATOR BILL NORMAN                | L   |    |
| SENATOR STAN STEPHENS              | L   |    |
| SENATOR TOM TOWE                   |     | L  |
|                                    |     |    |
|                                    |     |    |
|                                    |     |    |
|                                    |     |    |

Elaine Graveley  
Secretary, ELAINE GRAVELEY

Judy Jacobson  
Chairman SENATOR JUDY JACOBSON

Motion: A motion was made by Senator Lynch that SB 211 DO NOT  
PASS AS AMENDED. Motion failed.



ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE AND SAFETY

Date FEBRUARY 6, 1985 SENATE Bill No. 211 Time 1:25

| NAME                               | YES                                 | NO                                  |
|------------------------------------|-------------------------------------|-------------------------------------|
| SENATOR JUDY JACOBSON, CHAIRMAN    |                                     | <input checked="" type="checkbox"/> |
| SENATOR J. D. LYNCH, VICE CHAIRMAN | <input checked="" type="checkbox"/> |                                     |
| SENATOR TOM HAGER                  |                                     | <input checked="" type="checkbox"/> |
| SENATOR MATT HIMSL                 | <input checked="" type="checkbox"/> |                                     |
| SENATOR TED NEWMAN                 |                                     | <input checked="" type="checkbox"/> |
| SENATOR BILL NORMAN                | <input checked="" type="checkbox"/> |                                     |
| SENATOR STAN STEPHENS              | <input checked="" type="checkbox"/> |                                     |
| SENATOR TOM TOWE                   |                                     | <input checked="" type="checkbox"/> |
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Elaine Graveley  
Secretary, ELAINE GRAVELEY

Judy Jacobson  
Chairman SENATOR JUDY JACOBSON

Motion: A motion was made by Senator Lynch that SB 211 DO NOT  
PASS AS AMENDED. Motion failed.

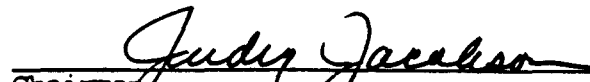
ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE AND SAFETY

Date FEBRUARY 6, 1985 SENATE Bill No. 211 Time 1:30

| NAME                               | YES | NO |
|------------------------------------|-----|----|
| SENATOR JUDY JACOBSON, CHAIRMAN    | ✓   |    |
| SENATOR J. D. LYNCH, VICE CHAIRMAN |     | ✓  |
| SENATOR TOM HAGER                  | ✓   |    |
| SENATOR MATT HIMSL                 |     | ✓  |
| SENATOR TED NEWMAN                 | ✓   |    |
| SENATOR BILL NORMAN                |     | ✓  |
| SENATOR STAN STEPHENS              |     | ✓  |
| SENATOR TOM TOWE                   | ✓   |    |
|                                    |     |    |
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Secretary, ELAINE GRAVELEY

  
Chairman, SENATOR JUDY JACOBSON

Motion: A motion was made by Senator Towe that SB 211 DO  
PASS AS AMENDED. Motion failed.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE AND SAFETY

Date FEBRUARY 6, 1985 HOUSE Bill No. 141 Time 1:45

| NAME                               | YES | NO |
|------------------------------------|-----|----|
| SENATOR JUDY JACOBSON, CHAIRMAN    |     | ✓  |
| SENATOR J. D. LYNCH, VICE CHAIRMAN | ✓   |    |
| SENATOR TOM HAGER                  | ✓   |    |
| SENATOR MATT HIMSL                 | ✓   |    |
| SENATOR TED NEWMAN                 | ✓   |    |
| SENATOR BILL NORMAN                |     | ✓  |
| SENATOR STAN STEPHENS              | ✓   |    |
| SENATOR TOM TOWE                   | ✓   |    |
|                                    |     |    |
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Elaine Graveley  
Secretary, ELAINE GRAVELEY

Judy Jacobson  
Chairman, SENATOR JUDY JACOBSON

Motion: A motion was made by Senator Hager that the Committee  
reconsider their actions of HB 141. Motion carried.

Each day attach to minutes.

# STANDING COMMITTEE REPORT

..... 1935.....

MR. PRESIDENT

We, your committee on..... Public Health, Welfare and Safety.....

having had under consideration..... House Bill..... No..... 116.....

third reading reading copy ( blue )  
color

**REMOVE REQUIREMENT OF PERSON CERTIFIED IN WATER SAFETY FOR PRIVATE POOLS**

Respectfully report as follows: That..... House Bill..... No..... 116.....

BE CONCURRED IN

~~XXXXXX~~

~~XXXXXXXXXX~~

.....  
**Senator Judy Jacobson**

Chairman.

# STANDING COMMITTEE REPORT

February 19 35

MR. PRESIDENT

We, your committee on **Public Health, Welfare and Safety**

having had under consideration **Senate Bill** No. **214**

**Introduced** reading copy ( **white** )  
color

**REVISING LAWS ON LICENSURE AND DENTAL HYGIENISTS**

Respectfully report as follows: That **Senate Bill** No. **214**

DO PASS

~~XXXXXXXXXX~~

**Senator Judy Jacobson**

Chairman.

# STANDING COMMITTEE REPORT

February 19 85

MR. PRESIDENT

We, your committee on Public Health, Welfare and Safety

having had under consideration Senate Bill No. 173

Introduced reading copy ( white )  
color

## REVISION OF RADIOLOGIC TECHNOLOGIST LAW

Respectfully report as follows: That Senate Bill No. 173

be amended as follows:

1. Page 2, line 22.

Following: "authorization"

Insert: "issued by the department"

AND AS AMENDED

DO PASS

~~ENCLOSURE~~

STATEMENT OF INTENT ADOPTED AND ATTACHED

Senator Judy Jacobson Chairman.

5. Page 9, line 13.

Following: "responsible for"

Strike: "the professional conduct and"

6. Page 9, lines 14 and 15.

Following: "the trainee." in line 14

Strike: remainder of line 14 through "conduct." in line 15.

7. Page 11, line 9.

Following: "~~chapter.~~"

Insert: "No such applicants for a license under this section are required to submit to or undergo a qualifying examination or the like, other than the payment of fees, if the person complies with all other requirements of this chapter."

AND AS AMENDED

DO PASS



# STANDING COMMITTEE REPORT

February 6 1985

MR. PRESIDENT

We, your committee on Public Health, Welfare and Safety

having had under consideration Senate Bill No. 226

Introduced reading copy ( white )  
color

## GENERALLY REVISE HEARING AID DISPENSER LAW

Respectfully report as follows: That Senate Bill No. 226

### BE AMENDED AS FOLLOWS:

1. Page 1, line 3.  
Strike: "BY REQUEST OF THE BOARD OF HEARING AID DISPENSERS"
2. Page 5, line 18.  
Following: "(2)"  
Insert: "(a)"
3. Page 5, lines 20 and 21.  
Following: "person" in line 20  
Strike: "18"  
Insert: "under 19"  
Following: "age" in line 20  
Strike: remainder of line 20 through "funds" in line 21.
4. Page 5, line 25 through page 6, line 3.  
Following: "receipt." on line 25  
Strike: remainder of line 25 through "sales." on page 6, line 3.  
Insert: "(b) Any person practicing the selling, dispensing, or fitting of hearing aids shall, when the aid is to be purchased with state funds, ascertain if the person has been examined by a licensed physician within 90 days prior to the fitting and shall obtain his recommendations. If such not be the case, a recommendation to do so must be made to the purchaser and this fact be noted on the receipt."

~~XXXXXX~~

~~XXXXXXXXXX~~ Page 1 of 2

CONTINUED

Senator Judy Jacobson

Chairman.

FEBRUARY 6, 1985

MR. PRESIDENT:

WE, YOUR COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY  
HAVING HAD UNDER CONSIDERATION SENATE BILL NO. 173, ATTACH  
THE FOLLOWING STATEMENT OF INTENT:

STATEMENT OF INTENT

SENATE BILL 173

This bill is a response to Volume 40 Opinions of the Attorney General No. 50. A statement of intent is required for this bill because it delegates rulemaking authority to the board of radiologic technologists.

It is the intent of the legislature that the board be required by section 3 of this bill to adopt rules establishing the standards of formal classroom training in darkroom procedures for those individuals, who by reason of their training and the fact that they perform only darkroom procedures, are exempt from licensure.

It is the intent of the legislature that the board be required by section 4 of this bill to adopt rules:

- (1) setting standards of formal classroom training for permit holders;
- (2) defining specific x-ray procedures the permit holders will be allowed to perform;
- (3) regarding the renewal of permits;




(4) establishing a written and oral portion of the examination and defining the circumstances under which those portions will be required;

(5) outlining additional eligibility requirements when an applicant fails an examination; and

(6) defining adequate evidence of regional hardship, emergency conditions, and capability to perform high-quality x-ray procedures.

It is the intent of the legislature that section 6 of this bill require that the department of commerce establish renewal dates for licenses.

Further, it is the intent of the legislature that section 7 of this bill delegates authority to the board to adopt rules defining unethical conduct for the purpose of establishing disciplinary standards for limited permit technicians.

  
SENATOR JUDY JACOBSON

DATE \_\_\_\_\_

COMMITTEE ON \_\_\_\_\_

# VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

# DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES



TED SCHWINDEN, GOVERNOR

COGSWELL BUILDING

## STATE OF MONTANA

HELENA, MONTANA 59620

HB 182

TESTIMONY  
February 6, 1985

Senator Jacobson, members of the Committee, for the record I am Yvonne Sylva, Administrator of the Management Services Division, State Department of Health and Environmental Sciences. I am here to speak in support of HB 182.

House Bill 182 was introduced at the request of the Department of Health and Environmental Sciences.

Current Montana statutes state that the Department must approve laboratories performing prenatal serology tests which are defined in Section 50-19-101 as tests for syphilis, rubella, blood grouping and RH factor.

In addition the statutes state that the Department must, upon request, do blood grouping.

While the Department does approve those laboratories performing rubella and syphilis serologies, it does not approve laboratories performing blood grouping. Federal regulations cover blood banking activities. Therefore facilities such as hospitals are generally licensed under federal law to perform these activities. Further, the Department has not been requested to perform blood grouping services since the mid 1940's.

The intent of the proposed legislation is then two-fold. First it is to delete the requirement that the Department of Health and Environmental Sciences approve laboratories performing blood grouping; and second to delete the requirement that the Department of Health and Environmental Sciences perform blood group tests upon request.

Passage of HB 182 will bring the Department into compliance with the law and avoid potential law suits.

If you have any questions, I'll be happy to respond. I urge your favorable consideration of this bill.

Thank you.

PROPOSED AMENDMENT TO SB 173 (introduced version)

1. Page 2, line 22.  
Following: "authorization"  
Insert: "issued by the department"

requested by Diana Cutler, administrative assistant to the  
Board of Radiologic Technologists

PROPOSED AMENDMENTS TO SB 227 (requested by Senator Towe)

1. Title, lines 7 and 8.  
Following: "RULES;" in line 7  
Strike: remainder of line 7 through "PENALTIES;" in line 8  
Following: "AMENDING" in line 8  
Strike: "SECTIONS 50-50-103 AND 50-50-108"  
Insert: "SECTION 50-50-103"
2. Page 1, line 18.  
Strike: "service"
3. Page 1, lines 19 and 20.  
Following: "establishment" in line 19  
Insert: "as defined in 50-50-102"  
Following: "only" in line 19  
Strike: remainder of line 19 through "by" in line 20  
Insert: "in compliance with"
4. Page 1, lines 22 through 25.  
Strike: subsection (3) in its entirety
5. Page 2, line 8.  
Following: "notice"  
Insert: "to the public"
6. Page 2, lines 9 through 21.  
Strike: section 3 in its entirety



(406) 721-4700  
201 WEST SPRUCE STREET — MISSOULA, MONTANA 59802

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January 24, 1985

Senator Tom Towe  
Capitol Station  
Helena, MT 59601

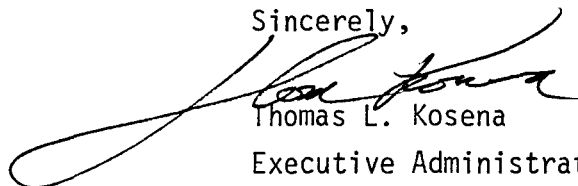
Senator Towe:

Just a brief note to offer my strong support to SB-227,  
the Sulfite Notice bill.

My wife is an asthmatic and has experienced several  
severe reactions from restaurant foods. As I am sure you  
know, the number of people affected may be small, but the  
reaction can be deadly to that group.

Thank you for your action.

Sincerely,



Thomas L. Kosena  
Executive Administrator

cf



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

NAME: Mary Irene Uher DATE: 2/6/85

ADDRESS: 245 No. Rinn Road

PHONE: 245 No. Rinn Road

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: SB 227

DO YOU: SUPPORT? yes AMEND? yes OPPOSE? \_\_\_\_\_

COMMENT: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

A DREAM THAT BECAME A NIGHTMARE

SEVERAL YEARS AGO WHILE ATTENDING A CONVENTION IN SAN FRANCISCO I PERSUADED A COUPLE TO GO TO THE WHARVE FOR A SEAFOOD DINNER. WHEN WE WERE SEATED IN THE RESTAURANT, WE DECIDED TO HAVE THE COMBINATION SEAFOOD DINNER. I TOOK ONE BITE OF THE SEAFOOD ON THE PLATE AND HAD AN IMMEDIATE REACTION. THE HOSTESS CALLED TRANSPORTATION AND THE NEXT THING THAT I WAS AWARE OF WAS FOUR HOURS LATER IN ONE OF THE EMERGENCY HOSPITAL THAT ABOUNDED AT THAT TIME AROUND THE WHARVE AREA OF S.F.

THE POOR DOCTOR AND NURSHCOULD NOT DETERMINE WHNTHET OR NOT I HAD HAD A HEART ATTACK, OR THAT I WAS IN A DIABETIC COMA, OR JUST WHAT HAD HAPPENED. THEY TOOK ALL KINDS OF TESTS, GAVL ME A SHOT OF ADRENALIN, AND PUT A NITROGLYCERIN TABLET UNDER MY TONGUE, *and put me on oxygen* HOWEVER THEY DID NOT UNDRRESS ME--JUST TOOK MY BLOUSE AND THE TOP HALF OF MY CLOTHES UP AROUND MY NECK AND THE BOTTOM HALF OF MY CLOTHES DOWN AROUND MY KNEES. WHEN I FINALLY CAME TO ABOUT MIDNIGHT, *4 hours later* I THOUGHT THAT I WAS TIED IN THE BED.

AFTER ANOTHER THOROUGH EXAMINATION, THE DOCTOR, CALLED A TAXI AND I WENT BACK TO THE HOTEL. HE GAVE ME ORDERS TO *see him* TWO DAYS LATER. AT THAT TIME, HE DECIDED I WAS ALL RIGHT TO TRAVEL: HE TOLD ME TO SEE MY DOCTOR AS SOON AS I GOT HOME.

*W. Cary Lane, Esq.  
24 S. No. Rim Rd  
Billings, MT 59101*

PERSONAL ACCOUNT OF HAVING BEEN POISONED AFTER EATING LETTUCE:

On August 5, 1984, in Modesto, California, a lettuce salad was eaten at Marie Calendars' Resturant. Immediately afterwards (in a time period of less than 30 minutes), I became ill.

This was approximately 1:00 p.m. By 3:30 p.m. an ambulance was called to take me to the Emergency Room of the Doctor's Hospital in Modesto. It was thought I was having a heart attack.

My illness had all the appearances of a massive heart attack outwardly. I was hyperventilating; chest pains; and my stomach felt it had immense pressure on it.

This was my first (and at this time last) attack of being exposed to the poison, which is put on lettuce to preserve it. I am very hesitant to eat any salad served in resturants at this time.

The hospital emergency personnel did an electro-cardigram; took X-rays; and two different hypos, which I do not know the technical name.

It was at least 24 hours before all the effects were out of my system.

A handwritten signature in cursive script that reads "Patricia M. Burns". The signature is written in dark ink and is positioned above the typed name and address.

Patricia M. Burns  
831 Rimrock Road  
Billings, Montana 59102

Denver Post 2/2/85

# Restrictions sought on vegetable additive

By The Associated Press

WASHINGTON — A scientific advisory committee, citing severe allergic reactions that may have killed four people in restaurants last year, recommended Friday that the government restrict use of a chemical additive that makes vegetables appear fresher.

The panel, in its final report to the Food and Drug Administration, said the government should restrict or ban some uses of sulfiting agents, chemicals that are used by some restaurants and food processors to make fruits, vegetables and some potato products look more appetizing.

"Discontinuance of these uses should be encouraged by appropriate use of the regulatory process," the committee said in its key recommendation.

The committee reversed a preliminary decision last fall to recommend only stronger labeling requirements to alert people who know they are sensitive to sulfite.

That tentative recommendation was criticized by many as inadequate, however, and the panel's final report concluded, "additional labeling requirements alone would not assure protection."

A public-interest health group that has pressed for a total ban on cosmetic uses of sulfiting agents said Friday it was pleased that the panel abandoned the labeling recommendation.

But Mitchell Zeller, an attorney with the Center for Science in the Public Interest, said the panel should have gone further, recommending a ban on all use of sulfiting agents except those required to

protect public health.

The panel's recommendation went further than FDA has proposed, however. The food safety agency has proposed tougher labeling requirements, arguing that would be enough to protect health, and last year launched a campaign to persuade restaurants to post warning signs if sulfites are used.

Sulfites are a type of chemical used as a preservative. They are present in beer and wine as well as some baked goods and processed foods.

But the main concern has been the use of sulfite agents to improve the appearance of fruits and vegetables. The increasing popularity of salad bars in recent years prompted some restaurants to increase use of sulfites, to keep let-

tuce from wilting and other salad ingredients looking fresh.

But, the advisory committee said, a small percentage of people, mainly asthmatics, can suffer a severe allergic reaction to the chemical. At its most severe, the reaction can cause unconsciousness and suffocation.

The FDA has reported four deaths in the past year that may have been caused by sulfiting agents, and has said it is investigating 50 other severe reactions.

The National Restaurant Association was concerned enough that it recommended two years ago its members quit using sulfiting agents, the advisory committee noted. A subsequent survey found less than 4 percent of the association's members were still using sulfites.

2-66-4m6  
additives

ON JANUARY 21, 1985, I TURNED THE TV ON TO LISTEN TO GARY COLLINS' HOUR MAGAZINE:  
IN THE HEALTH PORTION OF THE PROGRAM, A DR. RONALD SIMMONS DISCUSSED THE HAZARDS OF  
SULFITE USED ON MANY SALAD BARS, ON POTATOES, FISH, AND MANY FRUITS. HE HAD JUST RETURNED  
FROM WASHINGTON, D.C. WHERE HE HAD BEEN TESTIFYING BEFORE THE FOOD AND DRUG ADMINISTRATION.

ANOTHER ARTICLE THAT I CLIPPED FROM SOME MAGAZINE OR NEWSPAPER FOLLOWS:  
(AT THAT TIME, IT WAS IMPORTANT TO ME TO KEEP THE NAME AND DATE OF THE PUBLICATION.)

GIVE THE CONTENTS.

FROM THE BETTER HOMES AND  
GARDENS MAGAZINE FOR  
FEBRUARY, I CLIPPED  
ANOTHER ARTICLE.

## Making a meal of death

A WIDELY-USED food preservative may cause life-threatening reactions in allergic people, new studies reveal.

Researchers at the Scripps Clinic and Research Foundation in La Jolla, California, found that sodium bisulfite caused bronchial spasms, with swelling of the mouth and throat, in 10 per cent of asthma sufferers tested.

"The windpipe closes and the face turns blue," says Michael Jacobsen of the Center For Science In The Public Interest in Washington, D.C., which is seeking to ban sodium bisulfite.

The preservative is used in packaged foods, shrimp and other shellfish, wine and many beers. Restaurants use it in salads to prevent discoloration.

Jacobsen says: "Most reactions follow a restaurant meal.

The government calls for a very small safety margin, and we just don't know how dangerous the preservative is."

Mary Irene Viles  
245 780. Pine Road  
Bellevue, UT 84001

## HEALTH

### Salad Bar Hazard

A trip through a restaurant salad bar could net you more than a plate of fresh veggies—particularly if you have asthma. The compounds sprayed on lettuce to prevent browning may trigger an allergic reaction.

The culprits are sulfites. Approximately 5 percent of the 8-10 million Americans with asthma (plus an unknown number *without* asthma) may react to the antioxidants used to prevent spoilage, estimates Dr. Robert Bush, chief of allergy at the William S. Middleton Veterans Administration Hospital in Wisconsin.


Reactions vary from mild to occasionally life-threatening. Persons who have asthma may cough, wheeze, or feel a tightness in the chest and shortness of breath. Other symptoms include shock, loss of consciousness, and abdominal pain.

#### What to do if you're allergic

Dr. Bush stresses identifying people with sulfite sensitivity so that appropriate precautions can be taken. "People who react severely can carry adrenalin with them to help buy time to get emergency medical care," he notes.

In many restaurants, sulfites are sprayed on lettuce, avocado dips, french fries, and other foods to prevent discoloration and spoilage. Sulfites also are used in wine and beer to control fermentation, and in some fruit drinks, dried fruit, and medications.

If you are sensitive to sulfites, Dr. Bush recommends asking restaurant personnel whether or not sulfites are used. The restaurant staff may not know, however, because the compound is sometimes sprayed on food at processing plants. Sulfites are not required to be listed on food labels; but when amounts are substantial, they may be indicated. Avoid such products if you are sensitive to the compounds.

The Food and Drug Administration (FDA) currently is studying the issue of sulfite sensitivity to see if health warnings should be included on products containing sulfites. 

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

NAME: JAMES M. PETERSON DATE: 6 Feb 85

ADDRESS: GOESWELL Building

PHONE: 444-2408

REPRESENTING WHOM? Montana Dept. of Health & Environmental Sciences

APPEARING ON WHICH PROPOSAL: SENATE bill 227

DO YOU: SUPPORT? X AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENT: Prepared Testimony provided

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE  
Judy Jacobson, Chairman

RE: Senate Bill 227

The Montana Department of Health and Environmental Sciences has been concerned for quite some time over the health hazards of sulfites in or on foods. We took special action in June, 1983 to alert local health officials and to institute an information, corrective, and enforcement procedure. This was done using a general food protection requirement that foods must be "of sound condition" and "safe".

Specifically, we require that food purveyor establishments that use any of the six acceptable sulfite products on foods that would be served raw or only lightly cooked must inform the consumer of the use of sulfites through a conspicuous easily readable label, sign, placard, or menu statement. This has improved the situation.

We believe, however, that the emphasis given to the sulfite problem by Senate Bill 227 and the rules promulgated in response to the law will cause food purveying establishments and public health regulatory personnel to give priority to this health issue and further reduce the hazards.

As the agency charged with the administration of the law, with the responsibility for developing administrative rules, and for assuring implementation through local health department sanitarians, we fully support Senate Bill 227.

No additional personnel will be required, and only minimal expense will be incurred during the rule adoption process.

Thank you for receiving this testimony.

Presented by:

James M. Peterson, Chief  
Food & Consumer Safety Bureau  
Department of Health & Environmental Sciences  
444-2408

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

NAME: Don Allen DATE: 2/6

ADDRESS: Helena

PHONE: 445-4795

REPRESENTING WHOM? \_\_\_\_\_

APPEARING ON WHICH PROPOSAL: \_\_\_\_\_

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENT: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



*Don. Allen*

SENATE BILL NO. 227

Madam Chairman:

I move to amend Senate Bill No. 227 as follows:

On page 1, in lines 20 and 21 by deleting "pursuant to 50-50-103", and by substituting in lieu thereof the words "by the department"

On page 2, in lines 7 and 8 by deleting ", and prescribing notice of the use of sulfite as a food preservative"

AB 227

## 1 STATEMENT OF INTENT

2 \_\_\_\_\_ BILL \_\_\_\_\_

3  
4 A statement of intent is required for \_\_\_\_\_ Bill No. \_\_\_\_\_  
5 [LC No. 688] because the bill amends section 50-50-103, MCA,  
6 to give the department of health and environmental sciences  
7 rulemaking authority regarding notice of the use of sulfite  
8 as a food preservative.

9 It is the intention of the legislature that the rules:

10 (1) prescribe the type, size, and content of warnings  
11 that must be given to the public by establishments applying  
12 sulfites; and

13 (2) require that the warnings given set forth the  
14 penalties prescribed in \_\_\_\_\_ Bill No. \_\_\_\_\_ [LC No. 688].