

MINUTES

MONTANA SENATE 55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE, & SAFETY

Call to Order: By CHAIRMAN STEVE BENEDICT, on January 27, 1997,
at 1:05 PM, in Room 410

ROLL CALL

Members Present:

Sen. Steve Benedict, Chairman (R)
Sen. James H. "Jim" Burnett, Vice Chairman (R)
Sen. Larry L. Baer (R)
Sen. Chris Christiaens (D)
Sen. Bob DePratu (R)
Sen. Dorothy Eck (D)
Sen. Sharon Estrada (R)
Sen. Eve Franklin (D)
Sen. Fred Thomas (R)

Members Excused: None

Members Absent: None

Staff Present: Susan Fox, Legislative Services Division
Karolyn Simpson, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 33, 1/16/97
Executive Action: SB 8, SB 68, SB 126, HB 33

{Tape: 1; Side: A; Approx. Time Count: 1:05 PM}

EXECUTIVE ACTION ON SB 8

Discussion: SENATOR DOROTHY ECK said other states had taken
alternative approach to ephedrine and thought that Oklahoma's
solution would be workable for Montana, but would not fit under
the title of SB 8.

Susan Fox said the Oklahoma statute puts ephedrine products on
schedule IV, but with exemptions for products conforming to the
FDA monographs, which prohibit advertizing of products containing
ephedrine, and is more to specific to labeling. If products are
labeled appropriately that is alright, but if labels make
exaggerated claims of benefits, then it is not legal under the
FDA labeling. If Montana adds ephedrine to schedule IV and

rewords the exemptions, that may fit under the title of the bill.
(EXHIBIT 1)

CHAIRMAN STEVE BENEDICT said health food store products used by body builders and weight lifters, etc. are not covered under this bill.

Motion: **SENATOR ECK** moved SB 8 DO PASS AS AMENDED.

Discussion: **SENATOR CHRIS CHRISTIAENS** asked about if the amendments are the **HARGROVE** amendments and if the motion is for SB 8 with just these amendments. (EXHIBIT 2)

CHAIRMAN BENEDICT said it had been discussed in committee that the Baker amendments, bringing pseudo ephedrine into it, would not be the way we want to go.

SENATOR EVE FRANKLIN said she had received a fax from a University of Montana nursing instructor who was concerned that some medications, such as over-the-counter asthma medications, would be less available. She said she is confused as to whether these compounds are covered under the bill or not.

CHAIRMAN BENEDICT said he thought these products contained pseudoephedrine.

SENATOR BOB DePRATU said as long as the bill does not cover pseudoephedrine, then those products would still be available.

SENATOR FRANKLIN said she wonders just what products are covered.

SENATOR ECK referring to the testimony of the man from the Nonprescription Drug Manufacturers, he said in states that had passed legislation similar to this, they had added a small amount of some other substance and marketed it in the same way they do now. She said the bill does say a compound mixture of preparation that contains any quantity, and I guess it would still be covered because it would still have a substantial quantity.

(Editor's note: see January 10, 1997 hearing minutes, page three and four, testimony of Kevin Kraushaar)

SENATOR FRANKLIN said she would be willing to call the University of Montana Pharmacy to clarify whether over-the-counter products for asthma are covered or not.

CHAIRMAN BENEDICT said he didn't think that was necessary, but if she could get that information, possibly it would help when the bill goes to the House.

SENATOR ECK said her concern in wanting to salvage this was the fiscal note and it's not as high as the testimony from the Department of Justice led her to believe it might be. But it's there and asked about the likelihood of the bill passing.

CHAIRMAN BENEDICT said it would go to the Finance and Claims committee.

Vote: SB 8 PASSED AS AMENDED with SENATOR LARRY BAER and SENATOR FRANKLIN voting NO.

HEARING ON HB 33

Sponsor: REP. BETTY LOU KASTEN, HD 66, Brockway

Proponents: Robert Moon, Department of Health and Human Services

Opponents: None

Opening Statement by Sponsor:

REP. BETTY LOU KASTEN, HD 66, Brockway, said HB 33 repeals the Hill-Burton Act language in the statutes. In 1946 the Hospital Survey and Construction Act was passed and many of the rural states and rural counties in those states took advantage of the construction program in this act. There are some hospitals still under the act but the enforcement of the act went back to the federal government in 1970. As a result, the language on the books doesn't do anything.

Proponents' Testimony:

Robert Moon, Bureau Chief, Health Policy Services Division, Department of Health and Human Services supports HB 33 because it gets rid of a law that is no longer used. (EXHIBIT 3)

Opponents' Testimony: None

Questions From Committee Members and Responses:

SENATOR CHRIS CHRISTIAENS asked about hospitals that were built using Hill-Burton funds, whether there are some requirements for them such as unreimbursed services still being paid. If someone does not get remedy, where do they go.

Robert Moon said there is an obligation to 21 facilities in Montana to fulfill the free care community service with Hill-Burton, so they have an obligation to provide care for the indigent.

SENATOR CHRISTIAENS asked if they don't, where does the consumer go.

Robert Moon said they go to the regional office of the federal government, who handles the compliance feature of Hill-Burton.

SENATOR EVE FRANKLIN asked if there was nothing at the state level that could be done about the compliance.

Robert Moon said yes.

SENATOR DOROTHY ECK asked about the hospitals providing free services, and whether they do any kind of report.

Robert Moon said they are responsible to reports to the regional office to comply with the features of Hill-Burton.

Closing by Sponsor: None

EXECUTIVE ACTION ON HB 33

Motion/Vote: **SENATOR FRANKLIN** moved HB 33 BE CONCURRED IN. THE VOTE WAS UNANIMOUS.

CHAIRMAN BENEDICT asked **REP. KASTEN** if she had someone to carry the bill. She replied **SENATOR FRED THOMAS** agreed to carry it.

EXECUTIVE ACTION ON SB 68

Motion: **SENATOR CHRISTIAENS** moved SB 68 DO PASS.

Discussion: **SENATOR CHRISTIAENS** said SB 68 does expand the Joint Commission on Health Organizations (JCHO) and Commission on Accreditation of Rehabilitation Facilities (CARP) and **Mona Sumner** and **Pat Melby** said these are good additions to the bill.

Vote: The DO PASS motion for SB 68 PASSED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 126

Motion/Vote: **SENATOR ECK** moved SB 126 DO PASS. The motion PASSED UNANIMOUSLY.

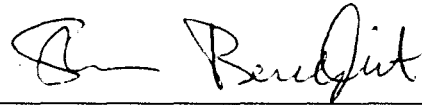
EXECUTIVE ACTION ON SB 90

Discussion: **SENATOR ECK** said she would like to take more time to consider SB 90 before doing executive action. She had sent the amendments and the testimony from the department to the Gallatin County sanitarian.

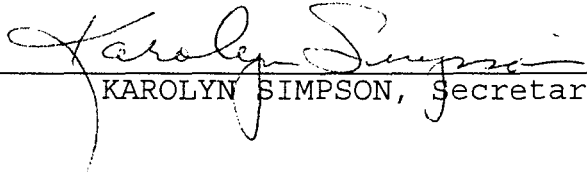
CHAIRMAN BENEDICT asked the committee if they objected to waiting to so executive action on SB 90. They had no objections.

ADJOURNMENT

Adjournment: 1:27 PM



SEN. STEVE BENEDICT, Chairman



KAROLYN SIMPSON, Secretary

SB/ks