

MINUTES
HOUSE HEALTH & WELFARE COMMITTEE

DATE: Thursday, February 16, 2012

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman McGeachin, Vice Chairman Bilbao, Representative(s) Loertscher, Shepherd, Thayn, Wood(27), Guthrie, Roberts, Rusche, Chew

**ABSENT/
EXCUSED:** None

GUESTS: The sign-in sheet will be retained in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.

Chairman McGeachin called the meeting to order at 1:38 p.m. She addressed the committee and public, stating that since the committee agenda was not posted on the internet within the 24-hour time frame, today's meeting will consist of testimony, with no action on the legislation. Monday, February 20th, additional testimony will be heard and action on the legislation will be taken at that time.

H 530: **Rep. Bilbao** presented **H 530**, legislation regarding the Health and Human Services (HHS) mandate for contraception and sterilization insurance coverage. In his view this mandate impacts the First Amendment and an individual's right of conscience, which is also a part of Idaho Code. He said that HHS has made the rules permanent with a non-binding promise to revisit the religious rights issue. Rep. Bilbao stated that no one has a right to interpret or restrain anyone's religious freedom.

Responding to questions, **Rep. Bilbao** stated that constitutionality is the issue, whether it be a corporation or individual providing the insurance. He agreed that **H 530** does not outlaw insurance that provides coverage for these services, but removes the mandate requiring that they be offered.

Hannah Brass, Legislative Director, Planned Parenthood, testified **in opposition to H 530**, detailing the importance of access to birth control to women and their families. She said that lack of coverage by an employer's insurance plan could lead to more unintended pregnancies as women forgo the products. Ms. Brass emphasized that the mandate does not force prescriptions or the use of contraceptives, it just makes sure they are available.

HJM 10: **Rep. Bilbao** presented **HJM 10**, a joint memorial to Congress to stipulate that the Patient Protection and Affordable Care Act does not allow stakeholders, who have moral or religious objections, to decline specific required items or services. **HJM 10** authorizes the Idaho legislature to urge Congress to support the Respect for Rights of Conscience Act.

Monica Hopkins, Executive Director, ACLU of Idaho, testified **in opposition to HJM 10**, stating that individuals should have affordable access to a full range of contraceptive options to plan their lives and protect their health. Insurance policies providing such services do not infringe on religious liberty; instead, employers who would deny such coverage would infringe on women's rights to choose.

Responding to questions, **Ms. Hopkins** stated that an amendment from the President's Administration allows religious groups exemptions from providing such coverage themselves.

Hannah Brass, Legislative Director, Planned Parenthood, spoke **in opposition to HJM 10**, stating that birth control costs are often a financial issue, even when covered by insurance. Churches and non-profit, religious organizations are exempt from providing or subsidizing coverage, and referring for coverage. It will require the employer's health insurer to provide coverage free of charge. The Right of Conscientious Act also allows denial of antidepressant and AIDS medication coverage.

H 500: **Roger Hales**, Board of Occupational Therapy, presented **H 500**, legislation for a self-governing board of Occupational Therapists that eliminates ambiguous language that implies that the only continuing education courses allowed are those recommended by the board.

H 501: **Roger Hales**, Board of Counselors and Marriage and Family Therapists, presented **H 501**. Because Clinical Counselors, Marriage and Family Therapists, and Associate Marriage and Counselor Therapists were added at different times, some clarification and cleanup is needed. The changes include their scope of practice, terminology, out-of-state counselors and therapists, Clinical Professional Counselors, supervisory titles, disciplinary action, and the informed consent form.

Responding to questions, **Mr. Hales** stated that there are currently 1,700 licensees in Idaho. **Chairman McGeachin** invited **Dr. Brenda Freeman**, Counselor of Education, Board of Counselors and Marriage and Family Therapists, to answer additional questions. Dr. Freeman said that the face-to-face process for the three-thousand hour criteria will make no difference to a new applicant. The change from "supervised" to the face-to-face process merely clarifies that the supervision is clinical.

H 486: **Rep. Rusche** presented **H 486**, legislation that bans the use of tanning beds by minors. He explained that both genetic background and exposure to ultra violet (UV) light contribute to skin cancer, with data showing a significant melanoma increase in young adults.

Mr. Blake Sampson, University of Washington Medical Student, representing various medical organizations **in support of H 486**, spoke to the committee about his personal experience, the data used, his findings, and his sponsorship of this legislation. He said this is an opportunity to protect our youth and educate the public. He discussed how 36 states currently regulate the use of UV tanning devices by minors. In areas where it has been banned, the tanning salons have experienced an increase in revenue from customers, including minors, who now use the more expensive spray tan products.

In response to questions, **Mr. Sampson** said California has already passed a bill banning the use of tanning beds by minors. Eighteen other states are considering legislation to regulate, limit, or ban their use by minors. He stated that the age cap of eighteen follows societal establishment for other important decisions.

Testifying **in support of H 486** were **Dr. Lindsay Sewell**, Dermatologist, Idaho Falls, **Dr. Linda Borton**, Dermatologist, Boise, **Heidi Low**, Director, Government Relations, American Cancer Society, **Lisa Winters**, Idaho Resident, **Dr. Tom Patterson**, Pediatrician, President, American Academy of Pediatrics, **Susie Poulliot**, Chief Executive Officer, Idaho Medical Association, **Robin Martin**, Melanoma Survivor, Idaho Sol Survivors Member, **Christy Christiansen**, Boise Resident, Former Health Teacher, **Dr. KaLynne Harris**, Dermatologist, Canyon County, **Dr. Steven Mings**, Dermatologist, Boise, **Christina McElvoy**, Melanoma Survivor, Idaho Resident, **Dr. Chris Scholes**, Dermatologist, Twin Falls, **Lisa Buelow**, Founder, Idaho Sol Survivors Group.

They described experiences with skin cancer, either personal or professional, and detailed the deeper and more aggressive melanomas being seen, with follow up treatment lasting for years. Testifiers expressed concern about the increasing melanoma rates, lack of education about the hazards, base tans that only provide 2 to 4 SPF (sun protection factor), the view that tanning is a time of bonding for family members, the possible physiological addiction, and the lack of regulatory follow up. They stated that it is our obligation to protect our youth and their health until they are old enough to make their own decisions.

Responding to questions, **Ms. Christiansen** stated that high school students, mostly girls, appear to pursue tanning as a way to impress the opposite sex, with increased use before big events, and a tendency toward a minimum of weekly visits.

Testifying **in opposition to H 486** were **Brook Taylor**, All Hours International, and **Leo Taylor**, Salesman, tanning products,

They pointed out that tanning salon suppliers provide equipment with clearly marked warnings as well as education and training for their operators. They expressed concern that Idaho's outdoor lifestyle, with lots of sun exposure, can cause skin cancers and pointed out that studies from the National Cancer Institute indicate melanoma deaths occur primarily in men who work outdoors. They said that tanning salons are federally regulated, clients are skin typed to determine their safe tanning program, and tanning bed lamps are the same as phototherapy lamps. They were concerned about over regulation and it's effect on small businesses. Responding to questions, **Ms. Taylor** said that the skin type maximum equals the dosage of sunlight you could get in one day and that there is no state regulation, only the Federal Drug Administration and Federal Trade Commission, which regulate tanning at the salon level, including over-exposure issues.

Rep. Rusche introduced an amendment to **H 486** that removes references to "phototherapy device."

Chairman McGeachin thanked Abigail Prigge for her services as the committee's page for the first half of the session.

PRESENTATION: Due to time constraints, **Chairman McGeachin** asked **Denise Chukovitch**, Executive Director, Idaho Primary Care Association, if her presentation on the importance of Idaho Community Health Centers could be rescheduled. Ms. Chukovitch agreed to reschedule the presentation.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 4:04 p.m.

Representative McGeachin
Chair

Irene Moore
Secretary