

HOUSE COMMITTEE ON HUMAN DEVELOPMENT

June 22, 1993 Hearing Room E 9:30 a.m. Tapes 234 - 236

MEMBERS PRESENT: Rep. Mary Alice Ford, Chair Rep. Dennis Luke,
Vice-Chair Rep. Marilyn Dell Rep. George Eighmey Rep. Bill Fisher Rep.
John Meek Rep. Frank Shields

STAFF PRESENT: Melanie Zermer, Committee Administrator Barbara
Porter, Committee Clerk

MEASURES CONSIDERED: SB 1088 - Bicycle Helmets - Work Session
SB 706 - Acupuncture - Work Session

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These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in
quotation marks report a speaker's exact words. For complete contents
of the proceedings, please refer to the tapes. [--- Unable To Translate
Graphic ---]

TAPE 234, SIDE A

CHAIR FORD: Calls the meeting to order at 10:00 a.m.

SB 1088 - Work Session

SEN CEASE: comments on the bill

CLAUDIA BLACK: reviews amendments: -18: technical change -19: after
"highway" insert "or on premises open to the public"

(EXHIBIT A) -20: exempts protective headgear for persons operating or
riding on a

three-wheeled non-motorized vehicle on a beach that is closed to motor
vehicle traffic (EXHIBIT B)

REP EIGHMEY: discusses access of motorized vehicles to certain beaches

REP LUKE: discusses bicycle trailers

084 REP EIGHMEY: suggests language

087 JOAN ROBINSON, LEGISLATIVE COUNSEL: eliminate "that" and insert
"while it" on line 7 of the -20 amendment

119 REP EIGHMEY: responsibility is with three-wheeler driver on the
beach 168 BLACK: continues review -22: changes definition of
bicycle to include those with wheels less

than 14" in diameter, exempting children's tricycles (EXHIBIT C) -23:
exempts destination resorts (EXHIBIT D)

097 ROBINSON: discusses destination resort access -the language is unnecessary

SEN CEASE: discusses destination resort issue

248 WALTER MCCALLISTER, TRAFFIC SAFETY: discusses rule making of destination resorts

275 REP FISHER: discusses destination resort exemption -inclusion of destination resort in "public property"

320 ROBINSON: there is no assurance that a certain destination resort is or is not public property

345 SEN CEASE: the department should make a decision on this issue based on rule

357 REP LUKE: concern with liability of destination resort property owners

400 MCCALLISTER: this concerns rental of bicycles to persons under sixteen years of age

TAPE 235, SIDE A

016 ROBINSON: discusses tort liability and class B traffic violations

090 SEN CEASE: discusses need for clarity on destination resort issue

105 REP DELL: does not favor exclusion of destination resorts -suggests public roads or facilities language

130 REP FISHER: suggests naming resorts in the bill

153 REP MEEK: submits -26 amendment (EXHIBIT E)

175 BLACK: the intent is not to place anyone in double jeopardy -there is support of enforcement agencies

225 MCCALLISTER: describes experimental enforcement program in Lake Oswego

275 MOTION: Rep Luke moves the -26 amendment

VOTE: Hearing no objection, the motion carries

280 MOTION: Rep Meek moves -24 amendments which include -18, -19, -20, & -22

SUBSTITUTE MOTION: Rep Fisher moves the -25 amendment instead of the

-24 amendment 300 VOTE: In a roll call vote, the substitute motion fails with Rep Fisher and Chair Ford voting AYE and Rep Dell, Rep Eighmey, Rep Luke, Rep Meek & Rep Shields voting NAY

VOTE: In a roll call vote, the original motion carries with Rep Dell,

Rep Eighmey, Rep Luke, Rep Meek, Rep Shields, and Chair Ford voting AYE.
Rep Fisher votes NAY.

298 MOTION: Rep Luke moves to amend the -24 amendment on line
16 to eliminate "that" and insert "while it".

VOTE: Hearing no objection, the motion carries.

335 REP LUKE: discusses liability issue being handled by the Traffic
Safety department -rental of bicycles

390 ROBINSON: no rule process exists for addressing this issue

TAPE 234, SIDE B

010 REP EIGHMEY: discusses tort liability

045 MCCALLISTER: suggests language in section 8, line 18, to
protect vendors

055 ROBINSON: clarification

060 CHAIR FORD: directs interested parties to work with Rep Luke for
work session on Friday

SB 706 - Work Session

070 MELANIE ZERMER, COMMITTEE ADMINISTRATOR: reviews the bill -5
amendment, submitted by Oregon Acupuncture Association (EXHIBIT G):
-removes from definition of acupuncture ability to use it for treating

neurological, organic or functional disorders -clarifies that
nutritional substances are vitamins and minerals -defines oriental
pharmacopoeia -clarifies persons are not prohibited from practicing
therapies within

their scope of practice

115 REP SHIELDS: questions still exist -meaning of traditional and
modern techniques in line 15 -therapeutic methods in line 16 -oriental
pharmacopoeia

138 CHUCK BENNETT, CHIROPRACTIC ASSOCIATION OF OREGON: our
concerns are addressed on page 2 of A-engrossed SB 706: -lines 19 & 20:
"limit any other licensed or certified health care

practitioner from practicing" -this bill is not designed to preclude
chiropractic physicians or other health care practitioners from engaging
from any therapy within their

scope of practice

160 ZERMER: explains purpose of limiting the limit with the
insertion of the words, "accupressure and accutherapy"

BENNETT: the language is acceptable -a chiropractor holding forth to
his patient that he practices

accupressure or any other therapy is not going to be stopped -discusses

advertising of specialties

218 DELL ISHAM, OREGON ASSOCIATION OF NATUROPATHIC PHYSICIANS: summarizes concerns: line 15, page 1 line 17 and the following subsection 2 page 1a, line 29 page 2, lines 1 & 2 -would like to delete the above lines -this is definitely expansion of scope of practice -the bill is vague in some parts and needs to be more specific

267 REP MEEK: discusses sections 2 & 5

ISHAM: It appears that those sections are in conflict

290 STEVE KAFOURY, OREGON ACUPUNCTURE ASSOCIATION: this bill does nothing effect the scope of practice of anyone -the lawyers who have written and reviewed this bill say there is no

problem for the naturopaths because of section 5 -this bill was drafted with the Board of Medical Examiners to define

acupuncture 325 -relates background process of the bill

398 KATHLEEN BEAUFIT, LEGISLATIVE COUNSEL: discusses expansion of scope of practice -discusses possible conflict between section 2 & section 5

TAPE 235, SIDE B

010 BEAUFIT: continues testimony

054 REP SHIELDS: clarification of line 29 on page 1a and lines 1 & 2 on page 2

062 BEAUFIT: describes the intention of language in section 5

CHAIR FORD: clarification on page 1, lines 15 & 17 -definitions

090 KAFOURY: explains definition of "modern medicine" -the BME is very restrictive on allowing expansion of scope of practice 135 -describes the difference between Oriental Medicine & Oriental Pharmacopoeia

150 BEAUFIT: In agreement

173 GENE BERNAUT, LICENSED ACUPUNCTURIST: describes difference in education to achieve Doctorate of Oriental Medicine and a degree in Acupuncture -describes intent to indicate qualification

195 REP EIGHMEY: concern about necessity of language

230 ZERMER: this issue is a common way of licensing

245 DON WALKER: concern on line 15 of page 1 -discusses "use of modern diagnostic methods" -discusses Oriental pharmacopoeia

320 KAFOURY: discusses purpose in statute

345 MOTION: Rep Meek moves the -A5 amendments to SB 706

364 REP SHIELDS: not enough information

380 VOTE: In a roll call vote, the motion carries with Rep Dell, Rep Eighmey, Rep Fisher, Rep Luke, Rep Meek, and Chair Ford voting AYE. Rep Shields votes NAY

396 MOTION: Rep Meek moves SB 706A as amended by the committee to the floor with a do pass recommendation

410 VOTE: In a roll call vote, the motion carries with Rep Dell, Rep Eighmey, Rep Fisher, Rep Luke, Rep Meek, and Chair Ford voting AYE. Rep Shields votes NAY

Rep Dell will carry the bill

SB 1088 - Work Session

REP LUKE: submits -27 amendment (EXHIBIT H)

TAPE 236, SIDE A

034 CLAUDIA BLACK: describes amendment

047 MOTION: Rep Luke moves the -27 amendment

VOTE: Hearing no objection, the motion carries

CHAIR FORD: Adjourns the meeting at 12:00 p.m.

Submitted by:

Reviewed by:

Barbara Porter
Administrator

Melanie Zermer Clerk

EXHIBIT LOG:

A - Amendments to SB 1088 - staff - 3 pages B - Amendments to SB 1088 - staff - 3 pages C - Amendments to SB 1088 - staff - 3 pages D - Amendments to SB 1088 - Rep Fisher - 3 pages E - Amendments to SB 1088 - Rep Meek - 1 page F - Testimony on SB 1088 - Samer - 2 pages G - Amendments to SB 706 - OAA - 4 pages H - Amendments to SB 1088 - Rep Luke - 1 page