

SENATE COMMITTEE ON HEALTH CARE AND BIO-ETHICS

May 6, 1993 Hearing Room C 3:00 p.m. Tapes 73 - 76

MEMBERS PRESENT: Senator Bob Shoemaker, Chair Senator Jeannette Hamby, Vice Chair Senator Joyce Cohen Senator Bill McCoy Senator Gordon Smith

STAFF PRESENT: Barbara Coombs, Administrator Dick Shoemaker, Administrator/Assistant Joan Green, Assistant

MEASURES HEARD: SB 989 relating to insurance; declaring an emergency, WS SB 766 relating to health care, WS SB 865 relating to therapeutic use of marijuana, PH

WITNESSES: Rosanna Creighton, Citizens for a Drug Free Oregon John Mangin, Standard Insurance Company Peggy Anet, League of Oregon Cities Sandra Bennett, Drug Watch International Mike McCracken, Oregon Medical Association Sandra Burbank, Mothers Against Misuse and Abuse Ed Patterson, Oregon Association of Hospitals Laird Funk, Citizen Frank Roberts, Oregon State Senator, District 9 Andrea Archer, Citizen Dr. Tod Mikuriya, M.D. Robert Randall, Alliance Cannabis Therapeutics Elly Mossikka, Glaucoma Patient Joe Hutchins, Scleroderma Patient Connie Tillman, Multiple Sclerosis Patient Sharon Place, Hospice Worker William Conde, Citizen Craig Urbani, Department of Insurance and Finance Jim Carlson, Oregon Medical Association Jeff Kushner, State Alcohol and Drug Office Timothy E. Pate, Citizen

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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 73, SIDE A

006 Chair Shoemaker: Meeting called to order at 3:16 p.m.

WORK SESSION

SB 989 RELATING TO INSURANCE; DECLARING AN EMERGENCY

019 Craig Urbani, Department of Insurance and Finance: Reviews the SB 989 -1 amendments, Exhibit A.

080 Sen. McCoy: Why must you have lost coverage from an involuntary basis?

081 Urbani: Responds. Continues with review of the amendments, Exhibit A.

178 MOTION: SEN. COHEN MOVED THE SB 989-1 AMENDMENTS BE ADOPTED.

180 VOTE: HEARING NO OBJECTION, SO ORDERED.

183 Peggy Anet, League of Oregon Cities: They had to do with 1) flexibility and stop loss for large employers, 2) the treatment of independent

contractors under the coverage to be at the discretion of the employer, 3) 125 plans would be allowable, so long as they were in addition to a basic plan and 4) clarification that the small group reforms would not apply to small members of our trust and all of those issues have been resolved to our satisfaction.

200 John Mangin, Standard Insurance Company: Speaks in support of the bill, as amended.

214 MOTION: CHAIR SHOEMAKER MOVED SB 989 AS AMENDED TO THE FLOOR WITH A DO PASS RECOMMENDATION.

219 VOTE: MOTION CARRIED: 5-0.

SB 766 RELATING TO HEALTH CARE

230 Chair Shoemaker: Reviews the 766-3 amendments, Exhibit B.

292 Chair Shoemaker: Amends the 766-3 amendments, Exhibit B: 1) pg. 9, ln. 20, should read "Whether alternative funding mechanisms are desirable to provide for universal access which meet the criteria of:", and 2) on pg. 1, ln. 2, the language should read "creation of a Joint Legislative

Commission".

357 Barbara Coombs, Administrator: Suggests an additional change on pg. 2, ln. 3, after "Committee" insert "to be appointed by the Governor".

368 MOTION: SEN. HAMBY MOVED THE ABOVE CONCEPTUAL AMENDMENTS TO THE SB 766-3 AMENDMENTS.

384 VOTE: HEARING NO OBJECTION, SO ORDERED.

388 MOTION: CHAIR SHOEMAKER MOVED THE SB 766-3 AMENDMENTS, AS AMENDED BE ADOPTED.

390 VOTE: HEARING NO OBJECTION, SO ORDERED.

393 Sen. Cohen: Refers to pg. 2, lns. 11-12, Exhibit B; I think the Commission should either be expired at the convening of the next

Legislative Assembly and let the Health Council return to that status rather than continue acting as a Commission. I would like that clarified.

394 Chair Shoemaker: It does contemplate that those vacancies would be filled by the Speaker and the President.

395 Sen. Cohen: We're going to keep going then?

400 Chair Shoemaker: This is contemplated as a standing Commission, at least as long as it has work to do.

405 Sen. Cohen: I don't know where you would keep working if you have eight legislators who are supposed to be in session. I'm unclear about how

this would happen and why we would want to create an entity that goes on forever. I would like some sunset date on it.

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007 Sen. Smith: Concurs with Sen. Cohen. It makes sense that there be a separation of powers and this Commission have something else to do, but not to continue as a joint Commission at that point.

010 Sen. Cohen: They have something else to do as the Governor's Council on health care policy.

015 Chair Shoemaker: How should we accomplish that?

018 Coombs: We would delete on pg. 2, ln. 11, Exhibit B, "of a legislator member" so it would read "The term of the commission shall expire upon

convening . . .".

026 MOTION: SEN. COHEN MOVED THE SB 766-3 AMENDMENTS BE FURTHER AMENDED BY DELETING ON PG. 2, LN. 11, EXHIBIT B "OF A LEGISLATOR MEMBER"

028 VOTE: HEARING NO OBJECTION, SO ORDERED.

029 Sen. Cohen: It now reads "The term of the commission . . .", right?

033 Mike McCracken, Oregon Medical Association: Speaks to the amendments, Exhibit B.

074 Sen. Smith: I would not vote for this if there were not a small business representative provided for in the amendments.

081 Chair Shoemaker: It could be fixed by complying with the statute which calls for a balance of nine consumer members and seven provider members. We could provide in the bill that the next consumer vacancy on the

Council would be filled by this small business member who is already a member of the commission we are creating. This small business person is in from the outset, but goes on the Health Council at the first consumer vacancy that occurs.

088 Sen. Smith: I would be uncomfortable if they started taking votes on positions and a small business representative did not have a vote.

092 Chair Shoemaker: Everybody has voting privileges and the voting is by simple majority.

097 Coombs: On pg. 2, ln. 5, Exhibit B would read ". . . first consumer vacancy on the Oregon . . .".

098 MOTION: CHAIR SHOEMAKER MOVED TO FURTHER AMEND THE SB 766 -3 AMENDMENTS BY AMENDING PG. 2, LN. 5, EXHIBIT B TO READ ". . . THE

FIRST CONSUMER VACANCY . . .".

105 Sen. McCoy: When is the next vacancy?

108 Coombs: They are three year terms.

110 Chair Shoemaker: It would be by expiration of terms it would be Larry Abeatte of Freightliner Corp.

114 Coombs: Responds.

117 Chair Shoemaker: I think we can also anticipate some resignations, this bill would expand the workload substantially.

121 Sen. McCoy: Is a small business person considered a consumer?

129 General concurrence.

137 Coombs: Outlines composition of the Council.

151 VOTE: HEARING NO OBJECTION, SO ORDERED.

154 Sen. Cohen: I would like to again express my preference for the Commission being composed of seven Council members and eight

Legislators.

164 Sen. Smith: I shared your concerns, but I have resolved both of those concerns because the Legislature retains ultimate control. The numbers

no longer bother me because I see the need for subcommittees; I now feel it is an asset.

174 Ed Patterson, Oregon Association of Hospitals: Speaks to the amendments, Exhibit B and distributes handout, Exhibit C.

217 Chair Shoemaker: I would prefer the bill go to the Ways and Means Committee after it has gone through the House substantive Committee.

228 MOTION: CHAIR SHOEMAKER MOVED SB 766 AS AMENDED TO THE FLOOR WITH A DO PASS RECOMMENDATION.

235 VOTE: MOTION CARRIED: 4-0. (EXCUSED: SEN. HAMBY).

PUBLIC HEARING

SB 865 RELATING TO THERAPEUTIC USE OF MARIJUANA

Entered for the record a fiscal impact statement, Exhibit E and a letter

from the Attorney General's office, Exhibit F.

352 Frank Roberts, Oregon State Senator, District 9: Speaks to the bill, Exhibit D.

TAPE 73, SIDE B

030 Roberts: Continues with testimony, Exhibit D.

078 Sen. McCoy: Are there any other states that have given the Board of Pharmacy responsibility for administering this?

084 Roberts: Responds.

093 Laird Funk, Citizen: Speaks in support of the bill.

100 Chair Shoemaker: Requests an explanation of the bill.

102 Funk: Responds.

119 Chair Shoemaker: Is there a way to write the bill to address the cultivation of this substance for therapeutic use?

127 Funk: Responds.

140 Sen. McCoy: I was under the impression that the physician with patients who could profit by the use of this would regulate the process through

the Board of Pharmacy. It is a whole different story if this expands the bill to the cultivation of marijuana by anyone who thinks they need to use it.

150 Funk: Responds.

152 Sen. McCoy: Are there practicing physicians who will prescribe this?

155 Funk: Responds.

167 Chair Shoemaker: Requests the witness's background.

169 Funk: Responds.

181 Dr. Tod Mikuriya, M.D.: Speaks in support of the bill.

264 Sen. McCoy: Why has cocaine continued to be used for medicinal purposes, but not marijuana?

269 Mikuriya: Responds. Continues with testimony.

306 Chair Shoemaker: Requests the witness's background.

310 Mikuriya: Responds.

312 Dick Shoemaker, Administrator: Why is the natural form needed when there is a synthetic available?

320 Mikuriya: Responds.

344 Robert Randall, Alliance for Cannabis Therapeutics: Speaks in support of the bill.

401 Chair Shoemaker: Speaking from personal experience, what is the amount of usage needed?

411 Randall: Responds.

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019 Elly Mossikka, Glaucoma Patient: Speaks in support of the bill.

061 Randall: Responds to Sen. McCoy's previous question about physicians' acceptance of prescribing marijuana.

073 Joe Hutchins, Scleroderma Patient: Speaks in support of the bill.

151 Chair Shoemaker: How much do you use?

153 Hutchins: Responds.

158 Chair Shoemaker: You are off of it for awhile and then the symptoms return and you go back?

159 Hutchins: Responds.

175 Connie Tillman, Multiple Sclerosis Patient: Speaks in support of the bill.

259 Chair Shoemaker: What is your usage?

260 Tillman: Responds.

266 Sharon Place, Hospice Worker: Speaks in support of the bill.

374 Sen. Hamby: Was there testimony on marinol?

378 General consensus that there was.

394 Rosanna Creighton, Citizens for a Drug Free Oregon: Speaks in opposition to the bill for her organization and others.

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029 Chair Shoemaker: For the record, three day notice was provided and we did say that testimony would be accepted next week from medical experts that could not attend today.

035 Creighton: Responds. Continues with testimony.

070 Sen. Cohen: We happily introduce people to methadone at taxpayers' expense, but I need to remind you that as a society we are not

consistent. I am not so concerned about introducing bacteria into a body when we prescribe methadone.

075 Creighton: Responds. Continues with testimony.

158 Sandra Bennett, Drug Watch International: Speaks in opposition to the bill.

272 Bennett: Continues with testimony.

350 Bennett: Continues with testimony.

400 Bennett: Continues with testimony.

450 Shoemaker: Are the side effects you refer to caused by smoking and would they be present with ingestion?

464 Bennett: Responds.

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035 Creighton: Responds.

Testimony entered for the record, Carol Wilson, Exhibit G, Grover Bagby, Exhibit H, Roland Bennetts, Exhibit I.

075 Jim Carlson, Oregon Medical Association: Speaks in opposition to the bill.

096 Jeff Kushner, State Alcohol and Drug Office: Speaks in opposition to the bill, Exhibit J.

141 William Conde, Citizen: Speaks in support of the bill.

156 Chair Shoemaker: What is your own experience?

159 Conde: Responds. Continues with testimony.

239 Timothy E. Pate, Citizen: Speaks in support of the bill.

262 Sandra Burbank, Mothers Against Misuse and Abuse: Speaks in support of the bill.

346 Andrea Archer, Citizen: Speaks in support of the bill.

Submitted by:

Reviewed by:

Joan Green

Dick Shoemaker Assistant Administrator

EXHIBIT LOG:

A - SB 989-1 amendments - Urbani - 16 pages B - SB 766-3 amendments - Staff - 10 pages C - Handout on SB 766 - Patterson - 1 page D - Testimony on SB 865 - Roberts - 1 page E - Fiscal impact statement on SB 865 - LFO - 1 page F - Letter on SB 865 - AG's office - 1 page G - Testimony on SB 865 - Wilson - 3 pages H - Testimony on SB 865 - Bagby - 2 pages I - Testimony on SB 865 - Bennetts - 3 pages J - Testimony on SB 865 - Kushner - 3 pages