

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.

HOUSE COMMITTEE ON BUSINESS AND CONSUMER AFFAIRS SUBCOMMITTEE NO. 2

May 23, 1991
P.M.

Hearing Room F 3:00
Tapes 23 - 24

MEMBERS PRESENT:Rep. Beverly Stein, Chair Rep. Hedy Rijken Rep. John
Schoon

MEMBER EXCUSED:Rep. Carolyn Oakley

STAFF PRESENT: Terry Connolly, Committee Administrator Annetta
Mullins, Committee Assistant

MEASURES CONSIDERED: SB 553 PH & WS SB 139 PH & WS SB 554
PH SB 1187 PH

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.

TAPE 23, SIDE A

010 CHAIR STEIN calls the meeting to order at 1:33 p.m. as a
subcommittee. Present are Rep. Schoon and Chair Stein. She opens the
public hearing on SB 553.

SB 553 - REQUIRES MANUFACTURER TO PROVIDE WARNING LABEL ON TOYS WITH
SMALL PARTS. Witnesses:Jon Stubenvoll, OSPIRG Art Keil, Oregon Health
Division

010 JON STUBENVOLL, OSPIRG, submits and summarizes a prepared statement
in support of SB 553 (EXHIBIT A).

039 ART KEIL, Oregon Health Division, submits and summarizes a prepared
statement (EXHIBIT B). I have seen and support the SB 553-A5 amendments
(EXHIBIT C). There is no fiscal impact for this biennium, but the
impact in subsequent bienniums is a concern to the Health Division.

Issues discussed: >Effect of this legislation if federal government
acts. >Rule making by the Consumer Product Safety Commission and
effective date of SB 553.

093 CHAIR STEIN closes the hearing on SB 553 and opens the public
hearing on SB 139.

(Tape 23, Side A) SB 139 A-ENG. - REQUIRES CERTAIN HEALTH PRACTITIONERS
LICENSEES TO NOTIFY BOARD OF MEDICAL EXAMINERS OF ANY NEW ADDRESS.
Witnesses:John Ulwelling, Board of Medical Examiners Maralyn Turner,

Board of Medical Examiners Francine Boullosa, Oregon Society of
Physician Assistants Walt Berrie, Department of Justice

100 TERRY CONNOLLY, Administrator, reviews the Senate Staff Measure
Summary (EXHIBIT D).

The Legislative Fiscal Impact Assessment and Revenue Impact Analysis are
hereby made a part of these minutes (EXHIBIT E).

119 JOHN ULWELLING, Executive Director, Board of Medical Examiners,
introduces Maralyn Turner and Walt Berrie of the Department of Justice.

124 MARALYN TURNER, Public Member, Board of Medical Examiners, submits
and reads portions of a prepared statement in support of SB 139 A-Eng.,
explaining the bill and proposing amendments (EXHIBIT F).

Rep. Rijken arrives; a quorum of the subcommittee is present.

Issues discussed: >Definition of "activities." >Confidentiality of
information on licensees.

339 FRANCINE BOULLOSA, Oregon Society of Physician Assistants, submits
and paraphrases a prepared statement regarding Section 5 relating to
advertising (EXHIBIT G).

427 CHAIR STEIN: Is there any objection to adding the term "intends to
deceive?"

431 JOHN ULWELLING: These are reasons for being disciplined. For the
thirteen and one-half years I have been with the board nobody has ever
been disciplined under this provision. We are talking about formal
disciplinary investigation. If there was any misperception and it was
unintentional or inadvertent, it certainly is not the board's intent to
get into that. There is a lot of discussion, especially in Congress,
about untruthful or misleading statements coming from physicians
regarding untruthful comments, false advertising, etc. related to board
certification, etc. Our thinking was if there is going to be increasing
concern in this area both on a national basis and on a local basis, that
we should update our language to reflect the latest Supreme Court
decisions regarding what is an appropriate role for the board related to
untruthful or misleading advertising. We don't have anything in mind
beyond that. Physician Assistants never crossed our minds when we were
amending this.

TAPE 24, SIDE A

020 CHAIR STEIN: Would you have objection or would it impede your
intent to add on line 18 of page 3, "intends to?"

020 WALT BERRIE, Attorney, Oregon Department of Justice: I think there
are several other licensing board statutes which have language which we
are suggesting in this amendment. One of them is in the chiropractor
law in ORS 684.100. There is nothing said about intent. If you are
going to revamp it here, you might want to do it in the other chapters
to conform.

Another issue is I think the public needs to be protected and if there
is untruthful advertising, do you lean toward protecting the person who
is advertising or lean toward protecting the public. No one is going to
be prosecuted if this were an honest mistake.

042 REP. SCHOON: You said you were not going to do it unless the intent
was there. If that is what you meant, why not say it.

080 MR. ULWELLING: Where would you propose to put "intent?"

CHAIR STEIN: It would read "any form of advertising that intends to deceive or mislead the public...".

084 MR. ULWELLING: That would be fine.

093 CHAIR STEIN closes the public hearing and opens the work session on SB 139 . We have proposed language that is not in LC form from the Board of Medical Examiners and a couple of words to add. I would also want "activities" defined.

100 MOTION: REP. SCHOON moves to adopt, in concept so that Legislative Counsel can draft amendments, the amendments proposed on page 4 of the OMA's testimony.

109 VOTE: CHAIR STEIN, hearing no objection to the motion, declares the motion PASSED. REP. OAKLEY is EXCUSED.

110 MOTION: REP. SCHOON moves, in concept, that on page 3, in line 18, after "that" insert "intends to."

122 VOTE: CHAIR STEIN, hearing no objection to the motion, declares the motion PASSED. REP. OAKLEY is EXCUSED.

127 MOTION: CHAIR STEIN moves, conceptually, that SB 139 A-Eng. be further amended on page 1, in line 20, after "describing" insert "medically-related."

132 VOTE: CHAIR STEIN, hearing no objection to the motion, declares the motion PASSED. REP. OAKLEY is EXCUSED.

135 MOTION: REP. SCHOON moves that SB 139 A-Eng., as amended conceptually by the subcommittee, be sent to the full committee with a DO PASS recommendation.

141 VOTE: In a roll call vote, all members present vote AYE. REP. OAKLEY is EXCUSED.

143 CHAIR STEIN declares the motion PASSED.

137 CHAIR STEIN opens the work session on SB 553.

(Tape 24, Side A) (See also Tape 23, Side A and page 1 of these minutes)
SB 553 A-ENG. - REQUIRES MANUFACTURER TO PROVIDE WARNING LABEL ON TOYS WITH SMALL PARTS.

147 CHAIR STEIN: We have the SB 553-5A amendments (EXHIBIT C).

150 MOTION: REP. SCHOON moves that the SB 553-5A amendments BE ADOPTED.

153 VOTE: CHAIR STEIN, hearing no objection to the motion, declares the amendments ADOPTED. REP. OAKLEY is EXCUSED.

163 MOTION: REP. SCHOON moves that SB 553 A-Eng., as amended, be sent to the full committee with a DO PASS recommendation.

166 VOTE: In a roll call vote, all members present vote AYE. REP. OAKLEY is

EXCUSED.

167 CHAIR STEIN declares the motion PASSED.

163 CHAIR STEIN opens the public hearing on SB 554.

(Tape 24, Side A) SB 554 - IMPOSES LABELING REQUIREMENT ON BOTTLED WATER. Witnesses: Sen. Peg Jolin, Jon Stubenvoll, OSPIRG, Barry Naone, Fred Meyer, Inc., Pam Brown, Fred Meyer, Inc., Susan Schneider, City of Portland, Art Keil, Oregon Health Division

The Senate Staff Measure Summary, Legislative Fiscal Impact and Revenue Impact Analysis are hereby made a part of these minutes (EXHIBIT H).

174 SEN. PEG JOLIN: SB 554 is a truth-in-labeling bill as it relates to bottled water. Under current practices if one chose to turn on the tap, put it in a bottle and label it, they could do that. This bill would prevent that from happening. The International Bottled Water Association sent the Senate committee a large packet of information and said the bill is great and wish you would go further. We are excited to have the industry support.

207 JON STUBENVOLL, OSPIRG, submits and summarizes a prepared statement in support of SB 554 (EXHIBIT I).

243 CHAIR STEIN: I have a letter from the International Bottled Water Association and they refer to the definition they have enclosed on the definition of mineral water. They also talk about a standard version we should be advocating. Have you seen it?

246 MR. STUBENVOLL: I haven't seen the change in the definition of mineral water. I believe the expanded version of the bill which they are interested in calls for testing of the water. We had that discussion in the Senate committee. They are obviously concerned with the fiscal impact should that route be traveled. That is the reason we didn't go down that road because there would be a fiscal impact to the state. We are very interested in pursuing that, but we believe at this time it is prudent to enact the labeling and standards provisions of the IBWA's model act. That is what SB 554 does.

266 BARRY NAONE, Public Affairs Assistant, Fred Meyer, Inc., introduces Pam Brown, Vice President of Environmental Affairs, submits and reads a prepared statement in support of SB 554 and proposing an amendment (EXHIBIT J).

Prior to the hearing I talked to Mr. Stubenvoll and if it is appropriate we could omit the last four words of the proposed amendment "before entering the state."

CHAIR STEIN: We will have Rep. Jolin review the proposed definition of mineral water.

328 CHAIR STEIN: We will have Legislative Counsel work on the amendment and the witnesses can work with staff and Senator Jolin.

340 SUSAN SCHNEIDER, City of Portland: The City of Portland supports SB 554 as amended. Consumers have been buying a lot of product under the impression that it is safer than tap water which may or may not be the case. We think this goes toward helping that situation.

338 ART KEIL, Oregon Health Division, submits and paraphrases a prepared statement in support of SB 554 A-Eng. (EXHIBIT K).

370 CHAIR STEIN closes public hearing on SB 554 A-Eng. and asks that participants work together on amendments to the bill.

392 CHAIR STEIN opens the public hearing on SB 1187.

(Tape 24, Side A) SB 1187 - ENACTS ARTICLE 4A OF UNIFORM COMMERCIAL CODE RELATING TO FUNDS TRANSFERS. Witness: Frank Brawner, Oregon Bankers Association

The Senate Staff Measure Summary, Legislative Fiscal Impact Assessment and Revenue Impact Analysis are hereby made a part of these minutes (EXHIBIT L).

405 FRANK BRAUNER, Oregon Bankers Association, submits a background paper and prepared testimony in support of SB 1187 (EXHIBIT M). He briefly summarizes his statement.

TAPE 23, SIDE B

MR. BRAUNER continues with his summary.

046 CHAIR STEIN, due to other scheduled meetings of the committee, closes the public hearing on SB 1187 and declares the meeting adjourned at 2:32 p.m.

Respectfully submitted, Reviewed by,

Annetta MullinsTerry Connolly AssistantAdministrator

EXHIBIT SUMMARY

A -SB 553, prepared statement, Jon Stubenvoll B -SB 553, prepared statement, Art Keil C -SB 553, SB 553-A5 amendments, Rep. Stein D -SB 139, Senate Staff Measure Summary, staff E -SB 139, Legislative Fiscal Impact Assessment and Revenue Impact Analysis F -SB 139, prepared statement, Maralyn Turner G -SB 139, prepared statement, Francine Boullosa H -SB 554, Senate Staff Measure Summary, Legislative Fiscal and Revenue Impact Analysis I -SB 554, prepared statement, Jon Stubenvoll J -SB 554, prepared statement, Barry Naone K -SB 554, prepared statement, Art Keil L -SB 1187, Senate Staff Measure Summary, Legislative Fiscal Impact Assessment and Revenue Impact Analysis, staff M -SB 1187, prepared statement and background paper, Frank Brawner