

House Committee on Human Resources April 10, 1991 - Page

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 HUMAN RESOURCES

April 10, 1991Hearing Room D 1:00 p.m.Tapes 111 - 112

MEMBERS PRESENT:Rep. Mary Alice Ford, Chair Rep. Beverly Stein, Vice-Chair Rep. Jerry Barnes Rep. Cedric Hayden Rep. John Meek Rep. Hedy Rijken

MEMBER EXCUSED: Rep. Jackie Taylor

STAFF PRESENT: Melanie Zermer, Committee Administrator Pamela Berger, Committee Assistant

MEASURES CONSIDERED:HB 2612 - Exempts certain alcoholic beverage licenses from food sanitation requirements - Pub HB 3090 - Requires enclosure or other safety measures for certain private swimming pools - Pub

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TAPE 111, SIDE A

010 CHAIR FORD: Calls the meeting to order at 1:09 p.m. - Explains additions to the policy recommendation worksheet (EXHIBIT A).

PUBLIC HEARING: HB 3090 - Requires enclosure or other safety measures for certain private swimming pools

Witnesses: Sara Wiley, Oregon Medical Association Art Keil, Oregon Health Division Dr. James Lace, Oregon Pediatric Society Walt Friday, Oregon Building Codes Agency

010 SARA WILEY, OREGON MEDICAL ASSOCIATION (OMA): Testifies on HB 3090. - Introduces Dr. Lace.

DR. JAMES LACE, OREGON PEDIATRIC SOCIETY: Submits and reads written

testimony in favor of HB 3090 (EXHIBIT D).

WILEY: Injury registrations are reported from hospitals and at times only sketchy information is available as to drownings occurring in private or public pools.

REPRESENTATIVE MEEK: Have you tried to approach this issue through local officials to set pool safety regulations?

LACE: No, we felt that it was a state-wide problem. We could take a local approach. - Multnomah County does have some regulations on pool safety but not sure how well it is enforced.

REPRESENTATIVE STEIN: How many of the 24 drownings in 1989 occurred in Multnomah County?

LACE: The Health Division will need to address that.

120 CHAIR FORD: Have you had any patients who were drowning victims?

LACE: Tells of a near drowning of an 18 month old who had been in the water for 15-20 minutes before found. That child will be in a hospital care facility for rest of life. - Oregon does not have a lot of swimming pools but swimming pool drownings do occur. - There is a recommendation from the National Safety Commission to take preventable measures. - These accidents can be prevented.

CHAIR FORD: What about ponds?

LACE: This bill does not address ponds.

CHAIR FORD: Did any of the 1989 drownings occur in ponds?

LACE: The Health Division will need to address that. - Explains bill, section by section.

CHAIR FORD: Concerned about indoor/outdoor pools and how enclosures would apply to those situations.

LACE: Enclosure outside, door on inside. Section 3 describes specifics.

240 CHAIR FORD: Why does the bill not address hot tubs, since more and more people are installing them?

LACE: My suspicion is that the numbers of drowning in hot tubs are low. - We could try to find out those numbers. - Describes language on page 2 line 18. - Describes Section 5 of HB 3090. - Ideally, pool regulations would come under the Building Codes regulations and this would become part of future building codes regulations. - Have no objections to modifying bill.

REPRESENTATIVE STEIN: Wants to address this problem, not sure if this is the way to do it.

WILEY: A study in New Zealand compared two counties effecting newly constructed pools, one with enclosure features regulated and one county without. Findings were that less drownings occurred in the county with regulated enclosures. - Also, there were findings that parents were not present or were not watching their child for a five minute or less

period when a child drowning occurred.

LACE: Obviously, this bill won't stop those children from drowning but will stop those who wander into a pool area.

TAPE 112, SIDE A

REPRESENTATIVE STEIN: Maybe there should a massive public education effort on pool safety.

LACE: If this bill passed, public education would also be a part. - The State of Arizona try a massive public education effort and it did not work. - After that attempt, they mandated enclosures, which we modeled this bill after.

020 ART KEIL, OREGON HEALTH DIVISION: Testifies on HB 3090. - Comments on September 1990 Oregon Health Division press release (See: Exhibit D). - Discusses motel and hotel pool regulations. - State health sanitarians do inspect pools. We also have standards for slats for fences to make sure that child can't get through. - Discusses youngsters crawling into own or neighbor's pool. - Major cause for older teenage drowning is due to alcohol and drug use. - Try to do pool safety press release every summer. - Health Division maintains injury registry information from hospitals, which is voluntary. - Will be able to provide additional information on children drowning in pools from the injury registry. - Support this concept but feel there should be an exclusion of Section 4 (7). Thinks it should be all ages, not just up to age 5.

094 WALT FRIDAY, OREGON BUILDING CODES AGENCY: Submits and reads written testimony in favor of the concept of HB 3090 (EXHIBIT E).

PUBLIC HEARING: HB 2612 - Exempts certain alcoholic beverage licenses from food sanitation requirements Witnesses: Jim Black, Oregon Department of Agriculture Paul Romaine, Beer and Wine Distributors Association Jim Brockman, Coast Distributors Phil Warden, Oregon Department of Agriculture Jack Munroe, Association of Oregon Food Industries

MELANIE ZERMER: Submits and explains a fiscal analysis on HB 2612 (EXHIBIT B) and statutes (EXHIBIT C).

PAUL ROMAINE, BEER AND WINE DISTRIBUTORS ASSOCIATION: Testifies in favor of HB 2612. - Introduces JIM BROCKMAN, COAST DISTRIBUTORS. - This bill is designed to take care of dual jurisdiction problem. - Want to make sure there is only one agency which does a sanitation inspection for wine and beer distributors.

BROCKMAN: Very few sanitation inspections occur. Never, in six years, have I seen an inspection from the Department of Agriculture, or from counties.

ROMAINE: Discusses liquor statutes. - The Oregon Liquor Control Commission (OLCC) has sanitation jurisdiction over distributors. - Discusses limiting fee for few services provided by the Department of Agriculture. - There is a potential sanitation problem when a container is open versus sealed. - Explains sanitation statutes relating to OLCC, the Oregon Health Division, and the Department of Agriculture.

TAPE 111, SIDE B

070 - We would like to only deal with one agency, preferably the OLCC because they are quite involved with many of our activities. - If the one agency were to be the Department of Agriculture, we would like a limited fee for the limited inspection. - The Department of Agriculture's inspection fee used to be \$25 per license. They now gone to a sliding scale based on volume.

REPRESENTATIVE STEIN: Is OLCC required by statute to do sanitation inspection?

ROMAINE: They do that have that authority. In the past, the Department of Agriculture has done inspections and reports findings, if problem are found, to OLCC. - Discusses cat droppings on boxes of contained items.

170 JIM BLACK, DEPARTMENT OF AGRICULTURE: Submits and reads written testimony in opposition to HB 2612 (EXHIBIT F). - Distributes pictures of unsanitary warehouse conditions. - Rodents may and do urinate on tops of bottles and can therefore contamination can occur. The Department of Agriculture, not the Health Division deals with contamination issues. - People could put a can to their mouth, which has been urinated on by a rodent, and become contaminated. Cases like this have occurred, but cannot provide documentation.

252 REPRESENTATIVE MEEK: Earlier testimony indicated that the Department of Agriculture has not been inspecting facilities.

BLACK: Incorrect.

REPRESENTATIVE MEEK: Are the pictures you distributed recent problems?

BLACK: Yes, back to 1988. Unsanitary conditions do occur even though we conduct inspections. The picture we are showing you are of problems which mostly have been corrected.

REPRESENTATIVE MEEK: When was your latest inspection of Coast Distributors?

BLACK: Will provide that information at a later date.

BROCKMAN: I represent Coast Distributors and United Beverage. - Inspections may have occurred, but not my knowledge; they may have come in while I was out.

BLACK: There is much confusion over what a beer and wine distributor is. Many facilities make other items. - This is not purely a container issue. - OLCC inspects for other purposes than Department of Agriculture inspects for (i.e. taxable purposes).

295 CHAIR FORD: Staff talked to OLCC representatives who said the Health Division is responsible for inspecting wholesalers and distributors.

REPRESENTATIVE MEEK: This issue was raised because of fee increases.

BLACK: That is not a correct assessment. - When we raise fees, we have a statutory cap.

REPRESENTATIVE MEEK: When was the last time you exercised rule to raise fees?

BLACK: Prior to the last fiscal year (last spring). We raised fees during the last two years, without going above the statutory limitation.

TAPE 112, SIDE B

CHAIR FORD: What was the statutory limit?

BLACK: Will provide that information at a later date.

REPRESENTATIVE HAYDEN: During the interim, didn't we discuss a fee on milk handlers?

PHIL WARDEN, DEPARTMENT OF AGRICULTURE: Yes. Re-caps interim discussion.

085 JACK MUNROE, ASSOCIATION OF OREGON FOOD INDUSTRIES: Testifies on HB 2612. - The question today is if you want facilities that not only have beer and wine in containers (taps, snack food, etc.) subject to sanitation inspections. If not, this bill then is an option. If you do, then you need to determine who will do the inspection. - Currently, the OLCC does not inspect facilities for sanitation related purposes because of the 1979 statute. - The fact that they can suspend a license for having unsanitary conditions does not make a difference. They can suspend a license or not issue a license for a variety of reasons (high noise level, drug activity, etc.). - Grocery stores have OLCC license (if applicable) and 3 or 4 licenses from the Department of Agriculture. - Discusses budget cuts effecting fee increases.

CHAIR FORD: Adjourns the meeting at 2:45 p.m.

Submitted by,

Reviewed by,

Pamela Berger

Melanie Zermer

EXHIBIT LOG: A - Policy Recommendation - staff - 2 pp. B - HB 2612 - fiscal analysis - staff - 1 p. C - HB 2612 - statutes - staff - 5 pp. D - HB 3090 - testimony - Lace - 6 pp. E - HB 3090 - testimony - Friday - 2 pp. F - HB 2612 - testimony - Black - 1 p.