

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 JUDICIARY FAMILY JUSTICE

June 29, 1991Hearing Room 357 3:45 p.m.Tapes 160

MEMBERS PRESENT:Rep. Kelly Clark, Chair Rep. Judy Bauman Rep. Marie Bell Rep. Kevin Mannix Rep. Ron Sunseri

MEMBERS EXCUSED:Rep. Jim Edmunson Rep. Tom Mason Rep. Del Parks

STAFF PRESENT: Holly Robinson, Committee Counsel Jeff Steve, Committee Assistant

MEASURES HEARD:SB 389 - P.H. & W.S.

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TAPE 68, SIDE A

004 CHAIR CLARK: Opens Subcommittee on Family Justice at 3:45 p.m.

Opens public hearing on SB 389.

SB 389 - PUBLIC HEARING Witnesses:Scott Gallant, Oregon Medical Association

008 HOLLY ROBINSON, COMMITTEE COUNSEL: Reviews provisions of SB 389-B8 amendments which add "or not making a report" to the bill.

That creates a provision similar to what was in SB 759; that there is no liability for making a report or not making a report. The issue has been addressed in other bills as well.

SB 389-B9 amendments (EXHIBIT A) expand the implied consent provisions to include chemical testing of a person's blood in addition to the breathalyzer.

SB 389-B10 amendments (EXHIBIT B) are conflict amendments that will be required if SB 389 passes.

030 SCOTT GALLANT, OREGON MEDICAL ASSOCIATION: Mr. Cooney who testified earlier indicated that he was concerned about the consent statute. He has prepared a process for obtaining this information through a petition by district attorneys through circuit or district courts.

Would agree with SB 389-B8 amendments.

The amendments will help us on the bill, but we still have a problem with the philosophical approach of the legislation.

048 CHAIR CLARK: They will make the bill more palatable, but will not remove your opposition?

049 GALLANT: That is correct.

050 CHAIR CLARK: Recesses at 3:49 p.m.

Reconvenes at 3:55 p.m.

Closes public hearing on SB 389.

Opens work session on SB 389.

SB 389 - WORK SESSION

055 MOTION: CHAIR CLARK: Moves adoption of the SB 389-B8 amendments.

057 CHAIR CLARK: Amendments extend the liability for reporting and not reporting.

064 VOTE: Without objection, Chair Clark declares the amendment adopted.

067 MOTION: CHAIR CLARK: Moves adoption of SB 389-B10 amendment (EXHIBIT B).

VOTE: Without objection, Chair Clark declares the amendment adopted.

070 CHAIR CLARK: Recognizing that there is opposition to the bill in the committee, asks the committee to take a light hand in amending the bill given the remaining time in the session.

077 REP. MANNIX: The OMA amendments do not appear to change the operative language of the bill which talks about the health care provider being able to make the report.

Do we assume from this that that is how the information will be provided?

089 GALLANT: That statute references the chemical test with consent. The intent is to provide a procedure which one goes through. Therefore, you have consent to how the information is used. It has the secondary benefit, in our opinion, of providing protection to the health care worker who is doing this activity.

097 REP. MANNIX: Is this setting up a system where the hospital emergency room person could call the police after getting the notice and give the results of a blood test.

100 GALLANT: The amendments would allow them to have access to the

test, in our opinion.

The information could be used in any further proceedings.

118 REP. BELL: Do we still have a situation where, based on the medical provider's code of ethics, he will have to leave the building to use the phone to make an anonymous call to the police officer?

120 GALLANT: Theoretically, this legislation addresses that. That is something that will have to be interpreted by those who adopt rules for implementation of the legislation.

SB 389 is intended to avoid that circumstance.

150 MOTION: REP. BAUMAN: Moves proposed amendment offered by Oregon Medical Association with the correction in (b) to delete "nearest" and insert "in the county where the health care facility is located".

158 CHAIR CLARK: Rep. Bauman moves the O.M.A. amendment which is a procedure for getting the information exchange with the one change mentioned in (b).

168 VOTE: Without objection, Chair Clark declares the amendment adopted.

170 MOTION: REP. MANNIX: Moves SB 389-B, as amended, to the full Judiciary

Committee with a do pass recommendation.

172 VOTE: On a roll call vote, motion passes unanimously. Reps. Edmunson, Mason, and Parks are excused.

180 CHAIR CLARK: Adjourns meeting at 4:05 p.m.

Transcribed by,

Pat Zwick

EXHIBIT LOG A:SB 389-B9 Amendments - Staff - 3 pages B:SB 389-B10 Amendments - Staff - 3 pages