

SENATE COMMITTEE ON HUMAN RESOURCES

Wednesday April 10, 1991 Hearing Room A 3:15 p.m. Tapes 63
- 65 MEMBERS PRESENT: Sen. Bill McCoy, Chair Sen. Cliff Trow,
Vice-Chair Sen. Shirley Gold . Sen. Bill Kenemer Sen. Paul
Phillips VISITING MEMBER: Sen. John Kitzhaber Rep. Margaret Carter
Rep. Tom Mason Sen. Grattan Kerans Sen. Larry Hill STAFF
PRESENT: Janice J. Fiegenger, Committee Administrator Mike Meriwether,
Research Assistant Debbie Schieno, Committee Assistant Andra Woodrum,
Page MEASURES CONSIDERED: SB 813-Establishes bone marrow transplant
program. SB 536-Authorizes interstate and intrastate exchange. SB
738-Prohibits placement of vending machines. SB 739-Prohibits sale of
tobacco to minors. SB 837-Prohibits placement of tobacco vending
machines.

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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 63, SIDE A 002 CHAIR MCCOY: Calls the meeting to order at 3:20
p.m. (Tape 63, Side A) PUBLIC HEARING - SENATE BILL 813 Witnesses:
Senator John Kitzhaber Dave Frohnmayer, Attorney General Representative
Margaret Carter Representative Tom Mason Jean Johnson, Donor Center
Patrick Williams, Student Diane Pammenter, National Marrow Donor Program
Cindy Ziel, Martin & Associates Senate Committee ~ Human Resources April
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009 SEN. KITZHABER, DISTRICT 23: Testified in support of SB 813 and
reviewed the purpose of the bill. The bill was introduced at the request
of some groups and individuals who are concerned about the availability
of matched bone marrows for bone marrow transplants. One obstacle in
obtaining the bone marrow transplant is the financing and another even
larger obstacle is the availability of bone marrows that will match the
type of recipient. The odds of an individual finding a match within
their own family are approximately 30% and the odds of finding a match
in the general population is approximately 1/20,000. >SB 813 will
require the Health Division to develop an educational program for
Oregonians, and to recruit potential donors. The Health Division would
also conduct a bone marrow donor drive among state employees, to be
completed by June 30, 1992. The cost of the drive would be paid for by
the National Marrow Donor Program. >SB 813 would make it an unlawful
employment practice for employers to refuse a paid leave of absence to
people who wish to participate in the bone marrow donor program. 062
DAVE FROHNMAYER, OREGON ATTORNEY GENERAL: Testified in support of the
bill and explained its importance. There is a cure for cancer and it
starts with the citizens. This is a life and death issue. It is a
national program that helps meet the need. Between 4,000 and 8,000 times
per year a person in this country is stricken with a fatal disease that
is potentially treatable. The Department of Health and Human Services
has approved a new protocol that will allow the treatment of sickle cell
anemia. >This bill requires the expansion of the pool of available
donors to the degree that there is a chance to get the closely matched
tissue type that is necessary so the graft of the new marrow will hold,
and secondly, matched closely enough so that the body and the marrow
will not fight each other. >This is the only type of organ donation in
which there is neither death nor injury to the donor. >There is an acute
need for the program because the larger the pool of available donors,
the better the likelihood of a match. Chances are 1 in 3 in a family
that any child will match another. Chances are 1 in 20,000 that a person

walking down the street will match someone needing a marrow transplant. >Section 1 provides for a public education program through the Health Division, assisted by the National Marrow Donor Program. This allows employees time off without being discriminated against when participating as a donor. >Special emphasis is placed on minority donors so people of all ethnic groups can have an equal chance at a gift of life. >Recommended an emergency clause be added to the bill. 197 REP. MARGARET CARTER, DISTRICT 18: Testified in support of SB Senate Committee on Human Resources April 10, 1991 - Page 3

813 . The bill has a zero fiscal impact. We need to educate Oregonian's on the issue of disease. >Time is of the essence for this legislation. Resources in the state need to start a minority recruitment program to be totally funded at the national level. We need to encourage state employees to volunteer their time, in terms of being able to give. >Offered support for the emergency clause. 238 REP. TOM MASON, HOUSE DISTRICT 11: Testified in support of SB 813. Transplants are not an issue without controversy. Transplants are in an area of increasing technology. >Offered support for the emergency clause. 298 JEAN JOHNSON, DONOR CENTER: Testified in support of the bill and explained the process of the donor program. There are currently 6,526 donors on file from Oregon and southwest Washington. 354 SEN. KENNEMER: What is required in becoming a donor? 357 JOHNSON: A person needs to be between the ages of 18 and 55 and in good health. They cannot have a disease which can be transmitted through the marrow or a medical condition that would put the donor at risk during the procedure. 386 PATRICK WILLIAMS, STUDENT (EXHIBIT A): Explained his personal experience with a bone marrow transplant. TAPE 64, SIDE A 003 DIANE PAMMENTER, PACIFIC NW REGION GENERAL MANAGER FOR NATIONAL MARROW DONOR PROGRAM (EXHIBIT B): Testified in support of the SB 813 and asked for the opportunity to help save lives. She outlined written testimony and reviewed several statistics regarding the donor program. (Exhibit B) 09i CINDY ZIEL, MARTIN & ASSOCIATES (EXHIBIT C): Testified in support of SB 813 and outlined Exhibit C. (Tape 64, Side A) WORK SESSION ON SENATE BILL 813 153 MOTION: SEN. TROW moved to add an emergency clause to SB 813 and on line 32, page 3, insert the word "or" after the first "donors". VOTE: Hearing no objection, Chair McCoy so moves. 160 MOTION: SEN. TROW moves SB 813 to the Revenue Committee with a do pass recommendation.

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VOTE: In a roll call vote, the motion carries with all members voting AYE. (Tape 64, Side A) WORK SESSION ON SENATE BILL 738 Witnesses: Senator Kerans 202 SEN. TROW: Does the bill have a subsequent referral? 204 FIEGENER: Originally this was referred to the Judiciary Committee because of the civil penalties. These are criminal penalties and the Chair of the Judiciary Committee agreed that the bill could go directly to the floor, with the Senate President's approval. 213 MOTION: SEN. TROW moved SB 738 to the floor with a do pass recommendation. 218 SEN. GOLD: Would like to have Legislative Counsel explain what the bill does. 237 SEN. GRATTAN KERANS, DISTRICT 20: The practical effect of the passage of SB 738 would not allow a vending machine for cigarettes in a place that is legally accessible to a person under 18 years of age. 324 SEN. GOLD: Is this not so much a restriction on tobacco sales to minors as a possible restraint of trade? 330 SEN. KERANS: No, this is a controlled substance which is regulated by statute. It is a clear

extension of the social policy restricting the access of controlled substances to minors and cannot be construed as restraint of trade. The product remains available in many retail locations and cannot be construed as a prevention of marketing controlled substance. 346 SEN. GOLD: Explained her concern, as a former teacher, about educating children and encouraging them not to smoke. We can keep passing laws that make sure the machines are only in cocktail lounges, but we are not getting at the core of the problem, which is education of the children, parents and/or guardians. VOTE: In a roll call vote, the motion carries, with Senators Kennemer and Phillips voting NAY. (Tape 64, Side A) WORK SESSION ON SENATE BILL 739 Witnesses: Senator Kerans Brian DeLashmutt

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390 FIEGENER: This bill would require licensing of all retail sellers of tobacco. SB 739 has license fees set at \$50 for outlets of annual volume of tobacco sales under \$5,000, and \$300 for outlets with sales of \$5,000 plus. This does include civil penalties. SB 739 has a subsequent referral to the Judiciary Committee, however, it can be referred to the Ways and Means Committee. TAPE 63, SIDE B 009 SEN. KERANS: Offers and explains proposed amendments SB 739-4 (EXHIBIT D). A friendly amendment should be included to allow someone with several franchises to lose all of their licenses for violations occurring. 044 SEN. PHILLIPS: Section 3, page 2, line 6, how many outlets are their in Oregon who have an annual volume of tobacco of less that \$5,000. 049 SEN. KERANS: He does not have that information. In looking at various information there is a tiering system. There are rural stores, one owner stores and small operations in which tobacco sales may be a minimal amount of their business. We ought not put a larger amount on them when they have only incidental sales. 077 SEN. PHILLIPS: How did we pick the level of \$5,000. 080 SEN. KERANS: The Health Division's revenue estimate on those two tier's gives some idea of the actual number of outlets. It is a matter of trying to divide those who have de minimis sales from those who have them as a regular order of business. 084 MOTION: SEN. TROW moved SB 739-4 amendments. 086 SEN. GOLD: Supports the deletion of lines 23 through 26, page 3, although she expressed her opposition to sending a "blank check" to Ways and Means. Is the Health Division in charge of enforcing? 104 BRIAN DeLASHMUTT: The court statute puts that authority in the District Attorney's office. Currently, District Attorney's are reluctant to take up smoking cases because it is a criminal procedure, rather than a civil procedure. 123 SEN. GOLD: If we are trying to change the habits of minors, there continues to be nothing in the bill dealing with this issue other than civil penalties and licensing for retailers. 164 SEN. KERANS: The way in which the present law works regarding licensing is that it is self regulated. >No objection to withdrawing Section 8, in order to provide a Senate Committee on Human Resources April 10, 1991 - Page 6

simple economic disincentive and not add the additional civil penalty. >He suggested the committee further amend SB 739 to say that the health division, if it finds that it has revenues in excess of need for regulation, these might be dedicated for some educational programs, materials, etc. that might be distributed in order to discourage smoking. >Suggested striking all of Section 8, lines 17, 19, 20, 21 and 22, strike the clause "if a fine or civil penalty has been imposed under section 8(1)(b) of this Act". 256 SEN. GOLD: Who would be the responsible party on license? 258 SEN. KERANS: The responsibility runs to the owner and the person to whom the license is drawn. Suggested retaining the language in Section 2(a) as it would apply to the economic sanction of suspension in order to hold harmless the "mom and pop"

grocery. >The economic sanction comes only with the second offense. TAPE 64, SIDE B 004 MOTION: SEN. TROW moved the proposed SB 739-4 amendments. 012 MOTION: SEN. GOLD moved SB 739-4, line 1, insert \$25 instead of \$50. 013 VOTE: Hearing no objection, Chair McCoy so moved. 014 MOTION: SEN. GOLD moved SB 739-4, line 2, insert \$150 instead of \$300. 022 VOTE: Hearing no objection, Chair McCoy so moved. 023 VOTE: Hearing no objection on the SB 739-4 amendments, as amended, Chair McCoy so moved. 027 SEN. KERANS: Suggested the committee delete Section 8(1)(a) and (b). >Line 43-44, delete "fine or civil penalty", and insert "suspension", retain "under", delete "paragraph (b) of subsection (1) of this". >Delete language on page 3, line 1, after "Act", line >Strike the clause on line 17, 19-20 and 21-22, "if a fine or civil penalty has been imposed under Section 8(1)(b) of this Act." 075 SEN. KERANS: Offered a conceptual amendment that stating if the Health Division finds that it has, in any biennium, additional funds left over after the adequate enforcement of the Act, that they be dedicated to the education of minors to not take up the habit of tobacco. - Senate Commitbe on Human Resources April 10, 1991- Page 7

094 SEN. GOLD: Asked to see the amended bill after it has gone through Legislative Counsel. 096 CHAIR McCOY: We are accepting the amendments conceptually. 098 SEN. KENNEMER: Stated objection to this process and asked that there be hand-engrossed copies of the bill. (Tape 64, Side B) WORK SESSION ON SENATE BILL 837 125 FIEGENER: Outlined the Preliminary Staff Measure Summary (EXHIBIT E). 129 MOTION: SEN. TROW moved SB 837 to the floor with a do pass recommendation. VOTE: In a roll call vote, the motion carries, with Senators Kennemer and Phillips voting NAY. (Tape 64, Side B) PUBLIC HEARING ON SENATE BILL 536 Witnesses: Dennis Murphy, Oregon Fire/Medical Administrators Senator Larry Hill Alec Jensen, Tualatin Valley Fire Joel King, Douglas County Fire District 2 Terrence J. Meagher, Oregon Insurance Division Nan Heim, Oregon State Ambulance Association Randy Garner, Oregon State Ambulance Association 158 FIEGENER: Outlines the Preliminary Staff Measure Summary (EXHIBIT F). 173 DENNIS MURPHY, OREGON FIRE MEDICAL ADMINISTRATORS (EXHIBIT G): Testified in support of SB 536 and reviewed Exhibit G. He further testified in support of the proposed amendments HB 536-2. (EXHIBIT R) >The effect of SB 536 is to encourage the growth of ambulance membership in all areas of Oregon, through all sectors. 263 SEN. TROW: Is there opposition to this bill? 264 MURPHY: No. Of all the sectors involved, public and private, this allows them to offer the same advantage to all citizens. 275 SEN. TROW: Would this increase the cost to the consumer? 278 MURPHY: It should fix the cost, which has been the net effect to date. Providers are willing to take a risk to accept, as payment in full, whatever the thirdparty reimbursement. The balance is the membership fee of \$35-\$50. Senate Committee on Human Resources April 10, 1991 - Page 8

305 CHAIR McCOY: This is the charge for the year? Who decides whether to increase this fee? 308 MURPHY: This is a fixed price. The area will determine the fee base. 330 BEN. LARRY HILL, DISTRICT 21: Testified in support of SB 536 and explained the history of the bill. SB 536 is permissive and does not obligate a public or private ambulance provider to do anything. This allows them to voluntarily enter into agreements allowing the person who purchases the prepaid ambulance service to receive benefits of ambulance service. >No objection to the proposed amendments as policy choices. 394 ALEC JENSEN, TUALATIN VALLEY FIRE: Supports the body of the bill, in that it allows for the inter/intrastate ability to sign reciprocal agreements. Their interest in the bill is in the form of an amendment which is included in the SB 536-2 amendments. TAPE 65, SIDE A 031 JOEL RING, DOUGLAS COUNTY FIRE

DISTRICT 2: Testified in support of SB 536 -2 amendments. 042 TERRENCE J. MEAGHER, OREGON INSURANCE DIVISION: Offered support of the bill and spoke to the concerns of the Insurance Division. 074 NAN HEIN, OREGON STATE AMBULANCE ASSOCIATION (EXHIBIT I): Testified in support of the proposed SB 536-2 amendments. >They need Sections 3-5 of the SB 536-4 (EXHIBIT J) proposed amendments. 103 SEN. PHILLIPS: Who is the Oregon State Ambulance Association? 105 RANDY GARNER, OREGON STATE AMBULANCE ASSOCIATION: The Oregon State Ambulance Association is comprised of approximately 10 private ambulance companies from various parts of the state. WORK SESSION ON SB S36 142 MOTION: SEN. TROW moved the proposed SB 536-2 amendments and the Sections 3-5 of the SB 536-4 amendments. VOTE: Hearing no objection, Chair McCoy so moved. 154 CHAIR MCCOY adjourned the meeting at 5:25 p.m.

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Submitted by: Reviewed by: Debbie Schieno Janice J. Fiegener
Assistant Committee Administrator

EXHIBIT LOG: A - Testimony on SB 813 - Patrick Williams, 1 page B - Testimony on SB 813 - Diane Pammenter, 59 pages C - Testimony on SB 813 - Cynthia Ziel, 8 pages D - Proposed amendments to SB 739 - Senator Kerans, 1 page E - Preliminary Staff Measure Summary on SB 837 - 1 page F - Preliminary Staff Measure Summary on SB 536 - 1 page G - Testimony on SB 536 - Dennis Murphy, 5 pages H - Proposed amendments to SB 536 - Staff, 3 pages I - Testimony on SB 536 - Nan Heim, 2 pages J - Proposed amendments to SB 536, 7 pages

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