

## **HOUSE COMMITTEE ON CONSUMER PROTECTION**

**March 18, 2009  
3:00 P.M.**

**Hearing Room E**

**MEMBERS PRESENT:**        **Rep. Paul Holvey, Chair**  
                                     **Rep. Chuck Riley, Vice-Chair**  
                                     **Rep. Jim Weidner, Vice-Chair**  
                                     **Rep. Brent Barton**  
                                     **Rep. Jean Cowan**  
                                     **Rep. Vic Gilliam**  
                                     **Rep. Wayne Krieger**  
                                     **Rep. Greg Matthews**  
                                     **Rep. Carolyn Tomei**  
                                     **Rep. Matt Wingard**

**STAFF PRESENT:**            **Victoria Cox, Committee Administrator**  
                                     **Cindy Hupp, Committee Assistant**

**MEASURES/ISSUES HEARD: HB 2325 – Work Session**  
                                     **HB 2527 – Public Hearing**  
                                     **HB 2268 – Public Hearing**  
                                     **HB 2268 – Work Session**  
                                     **HB 2680 – Public Hearing**

**This recording log is in compliance with Senate and House Rules. For complete contents, refer to the digital audio recording.**

## HCP

3/18/2009 3:10:06 PM

3:10:10 PM Meeting Called to Order  
3:10:11 PM Chair Holvey  
3:10:35 PM HB 2325-Work Session  
3:10:48 PM Victoria Cox, Committee Administrator  
3:10:50 PM Chair Holvey  
3:11:23 PM {Exhibit} 1: Chair Holvey  
3:11:54 PM Cox  
3:12:10 PM Chair Holvey  
3:12:26 PM Neil Jackson, Member, Oregon Trial Lawyers Association  
3:13:13 PM Chair Holvey  
3:13:17 PM Jackson  
3:13:24 PM Chair Holvey  
3:13:44 PM Jackson  
3:14:07 PM Chair Holvey  
3:14:10 PM Vice-Chair Riley  
3:14:11 PM Chair Holvey  
3:14:13 PM Jackson  
3:14:14 PM Chair Holvey  
3:14:18 PM Jackson  
3:14:57 PM Chair Holvey  
3:15:06 PM Jackson  
3:17:16 PM Chair Holvey  
3:17:25 PM Jackson  
3:17:26 PM {Exhibit} 2: Jackson  
3:17:26 PM {Exhibit} 3: Jackson  
3:19:08 PM Rep. Tomei  
3:19:09 PM Chair Holvey  
3:19:10 PM Rep. Tomei  
3:19:15 PM Chair Holvey  
3:19:16 PM Rep. Tomei  
3:19:37 PM Chair Holvey  
3:19:40 PM Rep. Wingard  
3:19:45 PM Chair Holvey  
3:19:53 PM Rep. Tomei  
3:20:03 PM Chair Holvey  
3:20:14 PM Jackson  
3:20:17 PM Chair Holvey  
3:20:27 PM Rep. Tomei  
3:20:30 PM Chair Holvey

**3:20:33 PM** Vice-Chair Weidner  
**3:20:51 PM** Chair Holvey  
**3:20:53 PM** Vice-Chair Weidner  
**3:21:08 PM** Chair Holvey  
**3:21:11 PM** Jackson  
**3:21:42 PM** Chair Holvey  
**3:21:44 PM** Rep. Wingard  
**3:22:14 PM** Jackson  
**3:22:20 PM** Rep. Wingard  
**3:22:22 PM** Chair Holvey  
**3:22:23 PM** Rep. Wingard  
**3:22:46 PM** Jackson  
**3:22:55 PM** Rep. Wingard  
**3:23:05 PM** Jackson  
**3:24:56 PM** Rep. Wingard  
**3:24:57 PM** Chair Holvey  
**3:24:59 PM** Rep. Wingard  
**3:25:17 PM** Tom D'Amore, Attorney, Oregon Trial Lawyers  
**3:25:20 PM** Chair Holvey  
**3:25:21 PM** D'Amore  
**3:25:42 PM** Rep. Wingard  
**3:25:43 PM** Chair Holvey  
**3:25:44 PM** Rep. Wingard  
**3:26:14 PM** D'Amore  
**3:26:54 PM** Chair Holvey  
**3:26:56 PM** Rep. Barton  
**3:27:10 PM** D'Amore  
**3:27:56 PM** Chair Holvey  
**3:28:26 PM** Cox  
**3:28:27 PM** Chair Holvey  
**3:28:32 PM** MOTION: Vice-Chair Riley moves -1 amendments  
**3:28:41 PM** Chair Holvey  
**3:28:57 PM** VOTE: 10-0-0  
**3:28:57 PM** Ayes: Barton, Cowan, Gilliam, Krieger, Matthews, Tomei, Wingard,  
Weidner, Riley, Holvey  
**3:28:59 PM** Vice-Chair Riley  
**3:29:05 PM** Chair Holvey  
**3:29:06 PM** MOTION: Vice-Chair Riley moves HB 2325 DO PASS as  
AMENDED  
**3:29:11 PM** Chair Holvey  
**3:29:14 PM** Vice-Chair Riley  
**3:29:15 PM** Chair Holvey  
**3:29:17 PM** Cox  
**3:29:19 PM** Chair Holvey  
**3:29:30 PM** Rep. Wingard  
**3:29:35 PM** Chair Holvey

**3:29:42 PM** Rep. Wingard  
**3:31:06 PM** Chair Holvey  
**3:32:20 PM** Rep. Wingard  
**3:32:23 PM** Chair Holvey  
**3:32:30 PM** VOTE: 9-1-0  
**3:32:30 PM** Ayes: Barton, Cowan, Gilliam, Krieger, Matthews, Tomei, Wingard, Riley, Holvey; Nays: Weidner  
**3:32:55 PM** Chair Holvey  
**3:33:09 PM** Rep. Wingard  
**3:33:11 PM** Chair Holvey  
**3:33:15 PM** CARRIER: REP. BARTON will lead discussion on the floor  
**3:33:17 PM** Chair Holvey  
**3:33:34 PM** HB 2527-Public Hearing  
**3:34:05 PM** Representative Sara Gelser, House District 16  
**3:34:06 PM** Chair Holvey  
**3:34:10 PM** Victoria Cox, Committee Administrator  
**3:34:27 PM** Chair Holvey  
**3:34:36 PM** Rep. Gelser  
**3:34:51 PM** Chair Holvey  
**3:35:01 PM** Rep. Gelser  
**3:36:50 PM** Chair Holvey  
**3:36:59 PM** Rep. Wingard  
**3:37:10 PM** Rep. Gelser  
**3:37:12 PM** Rep. Wingard  
**3:37:14 PM** Rep. Gelser  
**3:37:15 PM** Rep. Wingard  
**3:37:18 PM** Chair Holvey  
**3:37:22 PM** Rep. Matthews  
**3:37:40 PM** Rep. Gelser  
**3:38:19 PM** Rep. Matthews  
**3:38:20 PM** Chair Holvey  
**3:38:21 PM** Rep. Matthews  
**3:38:54 PM** Rep. Gelser  
**3:39:24 PM** Chair Holvey  
**3:39:28 PM** Rep. Wingard  
**3:39:54 PM** Rep. Gelser  
**3:39:57 PM** Chair Holvey  
**3:39:58 PM** Rep. Wingard  
**3:40:05 PM** Chair Holvey  
**3:40:06 PM** Vice-Chair Riley  
**3:41:00 PM** Rep. Gelser  
**3:42:12 PM** Chair Holvey  
**3:42:15 PM** Rep. Krieger  
**3:42:36 PM** Chair Holvey  
**3:42:44 PM** Rep. Wingard  
**3:43:26 PM** Rep. Gelser

**3:43:30 PM** Chair Holvey  
**3:43:45 PM** Tom Gallagher, Representative, Oregon Newspapers Publishers Association  
**3:44:28 PM** Chair Holvey  
**3:44:31 PM** Rep. Krieger  
**3:44:32 PM** Chair Holvey  
**3:44:33 PM** Rep. Krieger  
**3:44:43 PM** Chair Holvey  
**3:45:02 PM** HB 2268-Public Hearing  
**3:45:22 PM** Keith Dubanevich, Special Council, Office of the Attorney General, Oregon Department of Justice  
**3:45:23 PM** {Exhibit} 4: Dubanevich  
**3:45:23 PM** {Exhibit} 5: Dubanevich  
**3:48:28 PM** Andrew Shull, Attorney in Charge, Financial Fraud Consumer Protection, Oregon Department of Justice  
**3:54:18 PM** Chair Holvey  
**3:54:21 PM** Rep. Wingard  
**3:54:47 PM** Shull  
**3:55:01 PM** Rep. Wingard  
**3:55:08 PM** Shull  
**3:56:06 PM** Rep. Wingard  
**3:56:07 PM** Shull  
**3:56:31 PM** Chair Holvey  
**3:56:56 PM** Tom Gallagher, Representative, Oregon Automobile Dealers Association  
**3:57:45 PM** Chair Holvey  
**3:57:46 PM** Darrell Fuller, Representative, Northwest Automotive Trades Association  
**3:58:20 PM** Chair Holvey  
**3:58:40 PM** Rep. Wingard  
**3:58:41 PM** Chair Holvey  
**3:58:45 PM** Rep. Wingard  
**3:58:49 PM** Chair Holvey  
**3:58:54 PM** HB 2268-Work Session  
**3:58:56 PM** MOTION: Rep. Wingard moves -1 amendments  
**3:59:03 PM** Chair Holvey  
**3:59:14 PM** Rep. Gilliam  
**3:59:31 PM** Chair Holvey  
**3:59:35 PM** Rep. Gilliam  
**3:59:36 PM** Chair Holvey  
**3:59:48 PM** VOTE: 10-0-0  
**3:59:48 PM** Ayes: Barton, Cowan, Gilliam, Krieger, Matthews, Tomei, Wingard, Weidner, Riley, Holvey  
**3:59:50 PM** Rep. Wingard  
**3:59:53 PM** Chair Holvey  
**4:00:45 PM** Meeting Recessed

**4:04:49 PM** Meeting Reconvened  
**4:04:50 PM** Chair Holvey  
**4:05:11 PM** HB 2680-Public Hearing  
**4:05:22 PM** Victoria Cox, Committee Administrator  
**4:05:40 PM** Chair Holvey  
**4:05:59 PM** Representative Carolyn Tomei, House District 41  
**4:06:00 PM** {Exhibit} 6: Rep.Tomei  
**4:10:14 PM** Chair Holvey  
**4:10:15 PM** Rep. Gilliam  
**4:10:19 PM** Chair Holvey  
**4:10:43 PM** Rep. Tomei  
**4:11:31 PM** Chair Holvey  
**4:11:34 PM** Vice-Chair Weidner  
**4:12:29 PM** Rep. Tomei  
**4:13:09 PM** Vice-Chair Weidner  
**4:13:10 PM** Chair Holvey  
**4:13:11 PM** Rep. Weidner  
**4:13:32 PM** Rep. Tomei  
**4:13:43 PM** Vice-Chair Weidner  
**4:13:48 PM** Rep. Tomei  
**4:13:58 PM** Chair Holvey  
**4:14:00 PM** Rep. Wingard  
**4:14:21 PM** Rep. Tomei  
**4:14:58 PM** Rep. Wingard  
**4:14:59 PM** Chair Holvey  
**4:15:00 PM** Rep. Wingard  
**4:15:24 PM** Rep. Tomei  
**4:17:26 PM** Rep. Wingard  
**4:17:27 PM** Chair Holvey  
**4:17:29 PM** Rep. Tomei  
**4:17:50 PM** Chair Holvey  
**4:17:53 PM** Rep. Wingard  
**4:17:54 PM** Chair Holvey  
**4:17:56 PM** Rep. Wingard  
**4:19:26 PM** Rep. Tomei  
**4:20:15 PM** Rep. Wingard  
**4:20:49 PM** Rep. Tomei  
**4:21:05 PM** Chair Holvey  
**4:21:17 PM** Ree Armitage, Legislative Aid, Rep. Holvey  
**4:22:01 PM** Rep. Wingard  
**4:22:06 PM** Armitage  
**4:22:24 PM** Rep. Wingard  
**4:22:35 PM** Armitage  
**4:23:11 PM** Rep. Wingard  
**4:23:14 PM** Chair Holvey  
**4:23:15 PM** Rep. Wingard

4:23:38 PM Armitage  
4:23:44 PM Chair Holvey  
4:24:24 PM Rep. Tomei  
4:24:26 PM Chair Holvey  
4:24:43 PM Rep. Tomei  
4:24:45 PM Chair Holvey  
4:25:11 PM Senator Alan Bates, Senate District 3  
4:28:49 PM Chair Holvey  
4:29:41 PM Sen. Bates  
4:31:32 PM Chair Holvey  
4:32:03 PM Sen. Bates  
4:32:18 PM Chair Holvey  
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4:33:17 PM Sen. Bates  
4:33:27 PM Chair Holvey  
4:33:32 PM Sen. Bates  
4:33:34 PM Chair Holvey  
4:33:37 PM Vice-Chair Weidner  
4:33:56 PM Sen. Bates  
4:34:58 PM Chair Holvey  
4:35:05 PM Sen. Bates  
4:35:06 PM Chair Holvey  
4:35:07 PM Sen. Bates  
4:35:10 PM Chair Holvey  
4:35:24 PM Sen. Bates  
4:35:31 PM Chair Holvey  
4:35:48 PM Representative Jim Thompson, House District 23  
4:35:52 PM Chair Holvey  
4:35:55 PM Rep. Thompson  
4:35:58 PM Chair Holvey  
4:36:01 PM Rep. Thompson  
4:36:02 PM Chair Holvey  
4:36:07 PM Rep. Thompson  
4:41:45 PM Rep. Krieger  
4:41:48 PM Rep. Thompson  
4:41:59 PM Chair Holvey  
4:42:02 PM Rep. Thompson  
4:45:40 PM Chair Holvey  
4:46:23 PM Rep. Thompson  
4:47:32 PM Chair Holvey  
4:47:40 PM Rep. Thompson  
4:48:00 PM Chair Holvey  
4:48:07 PM Rep. Thompson  
4:48:11 PM Chair Holvey  
4:48:14 PM Rep. Tomei

4:48:33 PM Rep. Thompson  
4:49:36 PM Rep. Tomei  
4:49:37 PM Chair Holvey  
4:49:38 PM Rep. Tomei  
4:49:55 PM Rep. Thompson  
4:50:18 PM Rep. Tomei  
4:50:23 PM Rep. Thompson  
4:50:28 PM Chair Holvey  
4:50:34 PM Rep. Thompson  
4:50:42 PM Rep. Tomei  
4:51:07 PM Rep. Thompson  
4:51:10 PM Rep. Tomei  
4:51:14 PM Rep. Thompson  
4:51:19 PM Rep. Tomei  
4:51:30 PM Rep. Thompson  
4:51:55 PM Rep. Tomei  
4:52:02 PM Chair Holvey  
4:52:03 PM Rep. Thompson  
4:52:05 PM Chair Holvey  
4:52:56 PM Randy Frankel, Vice President, External Affairs, IMS Health  
4:53:11 PM Chair Holvey  
4:53:18 PM Frankel  
4:53:19 PM Chair Holvey  
4:53:20 PM Frankel  
4:53:21 PM {Exhibit} 7: Frankel  
4:53:22 PM {Exhibit} 8: Frankel  
5:10:58 PM Chair Holvey  
5:12:42 PM Frankel  
5:14:59 PM Chair Holvey  
5:15:01 PM Rep. Tomei  
5:15:02 PM Chair Holvey  
5:15:03 PM Rep. Tomei  
5:15:08 PM Frankel  
5:15:15 PM Rep. Tomei  
5:15:23 PM Frankel  
5:15:24 PM Rep. Tomei  
5:15:46 PM Frankel  
5:15:56 PM Rep. Tomei  
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5:16:23 PM Rep. Tomei  
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5:18:30 PM Rep. Tomei

**5:18:32 PM** Chair Holvey  
**5:18:33 PM** Rep. Tomei  
**5:18:45 PM** Frankel  
**5:19:14 PM** Rep. Tomei  
**5:19:28 PM** Frankel  
**5:19:32 PM** Chair Holvey  
**5:19:32 PM** Rep. Tomei  
**5:19:35 PM** Chair Holvey  
**5:19:45 PM** Rep. Barton  
**5:19:46 PM** Chair Holvey  
**5:19:48 PM** Rep. Barton  
**5:19:49 PM** Chair Holvey  
**5:19:50 PM** Rep. Barton  
**5:19:51 PM** Chair Holvey  
**5:19:55 PM** Jack Isselman, Representative, Oregon Bioscience Association  
**5:19:56 PM** {Exhibit} 9: Isselman  
**5:22:41 PM** Chair Holvey  
**5:23:42 PM** Tom Holt, Representative, Eisai, Incorporated  
**5:23:43 PM** {Exhibit} 10: Holt  
**5:28:50 PM** Chair Holvey  
**5:28:53 PM** Jim Gardner, Representative, Pharmaceutical Research and  
Manufacturers of America  
**5:30:39 PM** {Exhibit} 11: Gardner  
**5:30:39 PM** {Exhibit} 12: Gardner  
**5:30:39 PM** {Exhibit} 13: Gardner  
**5:30:39 PM** {Exhibit} 14: Gardner  
**5:35:48 PM** Chair Holvey  
**5:35:55 PM** Gardner  
**5:36:08 PM** Rep. Wingard  
**5:36:10 PM** Gardner  
**5:36:13 PM** Chair Holvey  
**5:36:22 PM** Gardner  
**5:36:24 PM** Chair Holvey  
**5:36:55 PM** Rep. Gilliam  
**5:37:05 PM** Chair Holvey  
**5:37:19 PM** Laura Etherton, Consumer Advocate, Oregon State Public Interest  
Research Group, (OSPIRG)  
**5:37:20 PM** {Exhibit} 15: Etherton  
**5:43:27 PM** Chair Holvey  
**5:43:33 PM** Rep. Wingard  
**5:46:14 PM** Etherton  
**5:48:55 PM** Chair Holvey  
**5:48:57 PM** Vice-Chair Weidner  
**5:49:26 PM** Etherton  
**5:50:01 PM** Vice-Chair Weidner  
**5:50:06 PM** Etherton

**5:50:25 PM** Vice-Chair Weidner  
**5:50:30 PM** Rep. Tomei  
**5:50:35 PM** Vice-Chair Weidner  
**5:50:40 PM** Rep. Tomei  
**5:50:50 PM** Vice-Chair Weidner  
**5:50:51 PM** Rep. Tomei  
**5:50:53 PM** Chair Holvey  
**5:50:58 PM** Rep. Gilliam  
**5:51:01 PM** Chair Holvey  
**5:51:04 PM** Rep. Gilliam  
**5:51:39 PM** Etherton  
**5:52:03 PM** Chair Holvey  
**5:53:39 PM** The following written testimony was submitted for the record without public testimony:  
**5:53:40 PM** {Exhibit} 16: Ree Armitage, Legislative Aid, Chair Holvey  
**5:53:40 PM** {Exhibit} 17: Ree Armitage, Legislative Aid, Chair Holvey  
**5:53:40 PM** {Exhibit} 18: Meredith Jacob, Pharmaceutical Policy Fellow, American University Washington, College of Law  
**5:53:40 PM** Meeting Adjourned  
**5:53:40 PM** {Exhibit} 19: David M. Dederichs, Director, Minnesota State Government Affairs  
**5:53:40 PM** {Exhibit} 20: Steve Dixon, Advocacy Director, Oregonians For Health Security  
**5:53:40 PM** {Exhibit} 21: Tom Cantor, President, Scantibodies Laboratory, Incorporated

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## HCP

3/18/2009 3:10:06 PM

- 3:11:23 PM {Exhibit} 1: HB 2325, -1 amendments, staff, 3 pp
  - 3:17:26 PM {Exhibit} 2: HB 2325, Personal Injury Protection Premium Comparisons, Neil Jackson, 12 pp
  - 3:17:26 PM {Exhibit} 3: HB 2325, Personal Injury Protection premium information, Neil Jackson, 1 p
  - 3:45:23 PM {Exhibit} 4: HB 2268, written testimony, Keith Dubanevich, 3 pp
  - 3:45:23 PM {Exhibit} 5: HB 2268, -1 amendments, Keith Dubanevich, 4 pp
  - 4:06:00 PM {Exhibit} 6: HB 2680, written testimony, Rep. Tomei, 3 pp
  - 4:53:21 PM {Exhibit} 7: HB 2680, written testimony, Randolph Frankel, 3 pp
  - 4:53:22 PM {Exhibit} 8: HB 2680, pharmaceutical information packet, Randolph Frankel, 25 pp
  - 5:19:56 PM {Exhibit} 9: HB 2680, written testimony, Jack Isselman, 1 p
  - 5:23:43 PM {Exhibit} 10: HB 2680, written testimony, Tom Holt, 1 p
  - 5:30:39 PM {Exhibit} 11: HB 2680, written testimony, Jim Gardner, 2 pp
  - 5:30:39 PM {Exhibit} 12: HB 2680, Federal Register Risk Evaluation and Mitigation Strategies, Jim Gardener, 2 pp
  - 5:30:39 PM {Exhibit} 13: HB 2680, LexisNexis court information, Jim Gardner, 7 pp
  - 5:30:39 PM {Exhibit} 14: HB 2680, letter from Dr. Michael D. Maves, submitted by Jim Gardner, 2 pp
  - 5:37:20 PM {Exhibit} 15: HB 2680, written testimony, Laura Etherton, 2 pp
  - 5:53:40 PM {Exhibit} 16: HB 2680, RX Fact Check, The Prescription Project, Ree Armitage, 4 pp
  - 5:53:40 PM {Exhibit} 17: HB 2680, Legal Analysis, The Prescription Project, Ree Armitage, 19 pp
  - 5:53:40 PM {Exhibit} 18: HB 2680, written testimony, Meredith Jacob, 8 pp
  - 5:53:40 PM {Exhibit} 19: HB 2680, written testimony, David M. Dederichs, 2 pp
  - 5:53:40 PM {Exhibit} 20: HB 2680, written testimony, Steve Dixon, 1 p
  - 5:53:40 PM {Exhibit} 21: HB 2680, written testimony, Tom Cantor, 2 pp
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