

1999 HOUSE HUMAN SERVICES

HB 1391

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1391

House Human Services Committee

Conference Committee

Hearing Date January 25, 1999

Tape Number	Side A	Side B	Meter #
1	X		12.7 - 29.1
Committee Clerk Signature <i>Susann Lindteiger</i>			

Minutes:

Rep. JOE KROEBER, District 48 introduced the bill to the committee. He testified the bill would remove the requirement for a person 17 years of age to have a signed permission slip from a parent in order to donate blood. It also removes the parent/guardian optional authorization regarding United Blood Services releasing AIDS test results..

Rep. CHET POLLERT asked if its optional for parents to sign if test result are desired and where HIV positive report is sent. Rep. Kroeber stated the person is always informed of the HIV positive test results.

Rep. CLARA SUE PRICE stated that this bill will just notify blood donor and parents are not informed of results. Rep. Kroeber said correct.

Rep. ROBIN WEISZ asked a question concerning liability due to minor status. Rep. KROEBER replied they would have to put it into statute.

Page 2

House Human Services Committee

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Rep. PAT GALVIN asked about restrictions on where and to whom collects blood. Rep.

KROEBER said United Blood Services and that they have stringent requirements on weight, age, iron count, medical history, etc.

Rep. CLARA SUE PRICE stated last session BioResource bill proposed to pay donor and send blood to Birmingham, Alabama.

Rep. WILLIAM DEVLIN asked what percent of parents don't want children to give blood?

Rep. KROEBER stated he didn't know but this bill is simply to increase number of blood donors.

Rep. CAROL NIEMEIER asked if along with the permission slips that are sent home, is there literature that accompanies it so the parents are reassured about the health concerns that they have. Rep. KROEBER replied yes but there is a problem with it actually arriving at the home.

TERRY KNUDT, Plasma Center of Fargo, testified that the biggest issue deals with the kids taking home the permission slip and not bringing it back. She stated that kids are not aware of the need to have a signed permission slip. She noted the bill is written only for voluntary blood donations.

OPPOSITION - None.

Committee discussion.

Rep. TODD PORTER moved DO PASS

Rep. AMY KLINISKE second the motion

ROLL CALL VOTE #1: 10 yeas, 3 nays, 2 absent and not voting

Carrier: Rep. SALLY SANDVIG

Date: 1-25-99
 Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1391

House Human Services Committee

- Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Todd Porter Seconded By Amy Kliniske

Representatives	Yes	No	Representatives	Yes	No
Clara Sue Price - Chairwoman	X		Bruce A. Eckre	X	
Robin Weisz - Vice Chairwoman	X		Ralph Metcalf	X	
William R. Devlin		X	Carol A. Niemeier	X	
Pat Galvin		X	Wanda Rose		
Dale L. Henegar	X		Sally M. Sandvig	X	
Roxanne Jensen					
Amy N. Kliniske	X				
Chet Pollert	X				
Todd Porter	X				
Blair Thoreson		X			

Total (Yes) 10 No 3

Absent 2

Floor Assignment Sally Sandvig

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
January 25, 1999 10:46 a.m.

Module No: HR-15-1105
Carrier: Sandvig
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1391: Human Services Committee (Rep. Price, Chairman) recommends DO PASS
(10 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1391 was placed on the
Eleventh order on the calendar.

1999 SENATE HUMAN SERVICES

HB 1391

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1391

Senate Human Services Committee

Conference Committee

Hearing Date MARCH 10, 1999

Tape Number	Side A	Side B	Meter #
1		X	771
3/10/99 1		X	5,375
Committee Clerk Signature <i>Paul Kalodziejchuk</i>			

Minutes:

The hearing was opened on HB1391.

REPRESENTATIVE JOE KROEBER, sponsor, explained bill in written testimony. SENATOR KILZER: Are there minimum weight requirements. REPRESENTATIVE KROEBER stated that there was - 110 lbs.

TERRY KNUTH, United Blood Services, was available to answer questions. We were the unwitting benefactors of this bill. We just had a blood drive at ST. Mary's, with 30 donors and about half of them were 17 year olds. We assumed it was their parents that signed the consent slip. SENATOR KILZER: If a 17 year old donates, do you call them every 2 months? MS.

KNUTH: We don't call, but probably go back twice a year to the school. They are called only when they come into the blood center on their own.

Opposition.

Page 2

Senate Human Services Committee

Bill/Resolution Number HB1391

Hearing Date MARCH 10, 1999

REPRESENTATIVE BETTE GRANDE opposes the bill. Why would I not want to be told that my 17 year old is giving blood. He is still a minor and I have parental authority. SENATOR LEE asked if he wouldn't discuss this with you. REPRESENTATIVE GRANDE: I would hope so. SENATOR DEMERS stated that a number of medical practices can be done without permission.

WILLIAM SCHUH, citizen, opposes bill in written testimony.

The hearing was closed on HB1391.

Discussion was resumed on 3/10/99. SENATOR DEMERS moved a DO PASS. SENATOR FISCHER seconded the motion. Roll call vote carried 6-0-0. SENATOR LEE will carry the bill.

Date: 3/10/99
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1391

Senate HUMAN SERVICES COMMITTEE Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Sen De Mers Seconded By Sen Fischer

Senators	Yes	No	Senators	Yes	No
Senator Thane	✓				
Senator Kilzer	✓				
Senator Fischer	✓				
Senator Lee	✓				
Senator DeMers	✓				
Senator Mutzenberger	✓				

Total 6 (yes) 0 (no)

Absent 0

Floor Assignment Sen Lee

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
March 10, 1999 2:11 p.m.

Module No: SR-43-4479
Carrier: Lee
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1391: Human Services Committee (Sen. Thane, Chairman) recommends **DO PASS**
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1391 was placed on the
Fourteenth order on the calendar.

1999 TESTIMONY

HB 1391

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North Dakota *Family* Alliance

POSITIONAL STATEMENT ON HOUSE BILL 1391

The North Dakota Family Alliance asks you to vote **DO NOT PASS** on House Bill 1391 based on the following statement;

The North Dakota Family Alliance believes that parents and guardians should retain the right to determine if their 17- year -old minors are allowed to give blood. Any loss of these parental rights, no matter how small, is unacceptable. In the case of House Bill 1391 the loss of parental authority far outweighs the amount of blood that will be gained by lowering the age of those consenting to donate. The families of our organization, like those of most of North Dakotas' families, would be most agreeable and pleased if their 17-year-old desired to give blood, and would consent. Likewise if a parent knows of health problems their 17-year-old is experiencing that parent can control the giving of blood by that minor until those health problems are resolved.

Again we ask that you consider the value of parental rights and vote **DO NOT PASS** on HOUSE Bill 1391.

Respectfully Submitted


Gregg Boyer

Testimony on SB 1391 Before the Senate Human Services Committee

March 10, 1999

By W.M. Schuh (Private Citizen)

Chairman Thane and Honorable Members of the Senate Human Services Committee. Please vote **Do Not Pass on HB 1391.** HB 1391 encourages a worthy cause, the giving of blood; but it does so at an unjustifiable price, an undermining of the principle of parental control of unemancipated minors. It also fails to solve any clear definable problem with respect to the giving of blood.

(1) What problem is this bill designed to solve? If one were to frame a problem that this bill is designed to solve it would be: "There is a great need for blood, and a substantial portion of that need could be met by seventeen year olds. There is a large number of 17-year olds willing to give, but their parents won't let them."

Is there a large supply of blood that would be supplied by seventeen-year-olds that are being impeded by parents? Has anybody provided any estimates of the extent of this problem? Are there a large number of willing teens wanting to give? If this need is not proven why would we pass this bill. Just to feel good? Just to do something that sounds nice? Just to make it a little more convenient for the Blood Banks?

In fact, it would seem likely that parents of teens most likely to give would be most likely to sign for them. Generous teens generally have been raised by generous parents. I would be proud of my child if he asked for my signature, and would proudly give it unless there were good reasons of health not to.

(2) This bill comprises an attack on parental authority. The problem of parental authority is a large and important one, and every attack on that authority is a serious problem. Unemancipated minors are wards of their parents. It is parents who love their children, have sacrificed for them for years, and who have prime responsibility for their welfare during the first eighteen years of their lives. However, parental authority is under nearly constant attack by persons, parties, organizations, and foundations who believe that "experts" in various field should have the right and privilege to form "confidential" relationships with their children and advise them, often in ways contrary to parental beliefs and child-rearing objectives. Nearly every legislative session has seen bills of this nature. In previous sessions we have seen bills asking to transfer medical records without parental consent, and bills mandating that any counselor can form a confidential relationship with a minor and cannot tell anyone, including parents.

Usually these bills have been defeated or modified to restore parental rights to exercise their responsibilities. North Dakotans value parental rights greatly.

This is another of those bills. What HB 1391 does is eliminate parental rights to guide a medical procedure on their minor in a selected area of authority. It establishes a selective exemption of minority. But to do so sets a precedent for other selective exemptions. Just like we once heard "if they're old enough to fight for their country they're old enough to vote", I can almost hear the "If they're old enough to give blood they're old enough to _____ refrain." What exemptions will be next? they're old enough to take control of their own reproductive health? Have an abortion? Join the army? To choose their own church? Which sectors of authority will be up for selective exemption next? And how many selective exemptions constitute a wholesale destruction of parental authority. And if we can move it back to seventeen, haven't we set a precedent for moving it back even farther? Why not sixteen if we really need the blood. Don't the same principles apply?

Although the intentions in this bill may be good, the power transfer enacted is neither needed nor justified. I believe that the principle of parental authority is important enough that it should never be tampered with, except for the most serious of circumstances, or under conditions of severe negligence or abuse.

Two other factors need to be brought out.

(3) If a parent objects, is it not possible that there are serious matters of health or other considerations that the teen may be ignoring? Is it not possible that parents may have good reasons for their prohibitions, if and when they give them. Young people often do not think things through thoroughly.

(4) It's only a one year wait. What's the big push? In one year the young people can do as they wish with regard to giving blood and other matters, without legal impediment.

The cost of this bill in erosion of parental control of medical procedures on minors, violates a very important principle, and far exceeds any benefit in convenience that will be gained by it. Please vote do not Pass on HB 1391.

Chairman Thane and members of the Senate Human Services Committee. I'm Joe Kroeber, State Representative from District 48. HB 1391 will remove the requirement for 17 year olds to have a signed permission slip from a parent in order to donate blood. It also removes the optional parent/guardian authorization of where United Blood Services will release the Aids Test Results. All results, regardless of age that show a positive HIV result will be released to the individual, state health office, and a list of other researchers that are affiliated with the health care provider. Remember there are questions during the interview process before the possible donation that emphasize you are not to give blood to receive an AIDS(HIV) test. This bill only removes the parents permission for the 17 year old. This bill only includes donation to noncompensatory blood programs. This law is in effect in Minnesota and in South Dakota. This bill was recommended by our blood drive coordinator at Jamestown High School. United Blood Services is continually looking for additional blood donors. Our High School has been having blood drives for the past few years. United Blood Services receives about 150 pints of blood each year-with many donors being first time donors. Once a person has donated blood there is a good chance that they will continue to donate. I will try and answer any questions the committee may have.