

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2252

2005 SENATE HUMAN SERVICES

SB 2252

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2252

Senate Human Services Committee

☐ Conference Committee

Hearing Date February 1, 2005

Tape Number	Side A	Side B	Meter #
1	x		00-1002
Committee Clerk Signature <i>Cathy Minard</i>			

Minutes:

Chairman Lee opened the public hearing on SB 2252. All members were present.

This bill is relating to notification of exposure to infectious diseases and to human immunodeficiency virus testing.

There was no legislator to introduce the bill at this time so the committee began hearing testimony.

Testimony in favor of SB 2252

Hope Olsen, Office of the Attorney General See written testimony (Attachment 1)

Chairman Lee: My understanding is that this bill is expanding the very limited number of people for whom this can be done.

Olsen: That's correct

Neutral Testimony on SB 2252

Larry Shireley, Director of the Division of Disease Control for the North Dakota

Department of Health. See written testimony (Attachment 2)

He added that he would be glad to work with this committee to make sure everything necessary gets in.

Chairman Lee: I'm a proponent of redoing things totally instead of piecemeal. Can you get us a copy of what you provided to Rep. Porter. We might hold off on this until we see what happens with the House committee on a similar bill. I understand the ambivalence about lab personnel--who are not providing health care--should they be in there?

Dave Pesky, North Dakota Medical Association. He has been working with the Health Department and the House committee on HB 1410, and the changes Mr. Shireley suggested incorporate the changes we want in HB 1410. I'd been happy to participate in anything you want to do.

There was no more testimony on SB 2252. Chairman Lee indicated the committee would hold off on this until HB 1410 was taken care.

Chairman Lee closed the hearing on SB 2252.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **SB 2252**

Senate Human Services Committee

☐ Conference Committee

Hearing Date February 8, 2005

Tape Number	Side A	Side B	Meter #
1		x	2,587-2820
Committee Clerk Signature <i>Cathy Minard</i>			

Minutes:

Chairman Lee reopened discussion on SB 2252

Senator Lyson asked if they wanted both (SB 2259 & 2252) of these passed just as they were?

Chairman Lee said it sounded like it wasn't totally necessary; just to be sure that components of both of these bills are in 1410. It sounded to me, from what Mr. Peske said that if we passed both of these, then they would move to the House and if something doesn't happen to 1410 and the whole rewrite comes back, we won't feel bad if they kill those two over there. That way we can make sure these two are alive and well.

Senator Lyson moved DO PASS on SB 2252, seconded by Senator Dever.

Senator Warner mentioned that one has an amendment and one doesn't, that they'll be on different orders and that it would be nice if they went in together. Chairman Lee asked that one be held off for a day. (Send 2259 off first)

Vote: 5 yeas, 0 nays, 0 absent Carrier Sen. J. Lee

Date: 2-7-05
Roll Call Vote #: _____

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2252

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Sen Lyson Seconded By Sen Dever

Senators	Yes	No	Senators	Yes	No
Sen. Judy Lee - Chairman	✓		Sen. John Warner	✓	
Sen. Dick Dever - Vice Chairman	✓				
Sen. Richard Brown	✓				
Sen. Stanley Lyson	✓				

Total (Yes) 5 No 0

Absent 0

Floor Assignment Sen. J. Lee

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

REPORT OF STANDING COMMITTEE (410)
February 9, 2005 8:36 a.m.

Module No: SR-26-2244
Carrier: J. Lee
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2252: Human Services Committee (Sen. J. Lee, Chairman) recommends DO PASS
(5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2252 was placed on the
Eleventh order on the calendar.

2005 HOUSE JUDICIARY

SB 2252

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2252

House Judiciary Committee

☐ Conference Committee

Hearing Date 3/14/05

Tape Number	Side A	Side B	Meter #
1	xx		0-8.2
2	xx		43-45.7
Committee Clerk Signature <i>Dawn Penrose</i>			

Minutes: 12 members present, 2 members absent (Reps. Charging & Maragos).

Representative Klemin: We will open the hearing on SB 2252.

Hope Olson, Crime Laboratory Division Director, AG's office: Support (see written testimony).

Representative Meyer: That can't be tested now.

Hope Olson: Currently, under NDCC, we can't request it because it's not specifically mentioned in the century code.

Representative Klemin: Thank you. Further testimony in support of SB 2252, testimony in opposition, testimony neutral.

Kirby Kruger, acting director of Division of Disease Control for ND Dept. of Health:
Neutral (see written testimony).

Representative Koppelman: Do you know where those other two bills are in the process right now.

Kirby Kruger: I do know that both of those bills have been heard in committee, but I have not seen any action on them.

Representative Delmore: You're saying that the identical language is used and we need to pass both of those other bills if we don't pass this one out, or just one of them. I'm not familiar with the other two bills, we I have no idea what it would be in there, they were not heard before this committee.

Kirby Kruger: The language, the complete rewrite of 1410, cleaned up quite a bit of the language. It included the language for both SB 2252 ad 2259. So, therefore, if HB 1410 were to pass all the way through, that would cover both of the Senate bills.

Representative Delmore: Have you spoken to the prime sponsors of either of those other two bills, so they are aware that it is already before us.

Kirby Kruger: Yes, we have. We have worked with the Crime Lab and we have also worked with the ND Medical Association, which proposed the other changes to SB 2259.

Representative Delmore: But Sen. Schobinger and whoever the prime sponsor of the other bill.

Kirby Kruger: I have not directly spoken to them.

Representative Delmore: That would probably be a good thing, and I'm sure that they would understand, but I would think that you would want to talk to them before we kill a bill that has merit because it's in another one. I'm surprised LC didn't catch any of that.

Kirby Kruger: I have Mike Mullen, with the AG's office here, I'd just like to ask him if he had a chance to speak with the other sponsors at all.

Mike Mullen, AG's Office: We have worked closely with Rep. Grande, who is the lead sponsor on HB 1410, that she is familiar with all of the language and all of the amendments in that bill, HB 1410. We've also worked with Rep. Porter, who is on the House Human Services Committee, and I think he was the bill carrier on that bill. That bill incorporates all the elements of SB 2252 and 2259. I have not personally spoken to the sponsors of SB 2259. But we have worked closely with the agencies who are involved in this. I anticipate that the Senate Human Services Committee may take action on HB 1410 in the next couple of days. They are having a working session this morning and they could well consider that. I think they are going to take favorable action on that bill.

Representative Delmore: I would hope that you would visit with Sen. Schobinger and whoever the other prime sponsor is; however, to let them know what is going on. I don't doubt for a minute, that the bill will pass, but that would be a courtesy, I think to extend it to them, if you would. I don't know who is on the other bill.

Mike Mullen: We will see that is done.

Representative Delmore: Thank you.

Representative Koppelman: Just another thought, I think an even better way to deal with this, if it comes up again, is when you see, and I don't know when you became aware that these bills were duplicative, sometimes early in the session, people become aware of them and one or two bills might even be withdrawn so that the components of them can be melded into a third bill, or something like that; rather than let them get through the whole process. Because that's not only time consuming to have three bills doing the same things and late in the session say, well let's get rid of two of these.

Mike Mullen: That's a good point. I, personally, was not involved in developing these different bills until after they were all introduced, and I think that different parties introduced different bills to address specific issues without knowing that someone else was introducing another translation.

Representative Koppelman: I certainly understand that that happens, which is probably a sign of a good idea, if several people are coming together and having different approaches to try and do the same thing; but I know for example, I've been involved in scenarios like that, over the years, where all of a sudden it has come to peoples' awareness that there are other bills that are similar and there are times where we have, if they were a little bit different but addressed the same thing, or overlapping in some way, the sponsors might all get together and agree to withdraw one or two of those and incorporate the components of them into one bill. That's just a suggestion in the future.

Mike Mullen: I agree.

Representative Klemin: Thank you. Any other testimony on SB 2252. We will close the hearing.

(Reopened later in the same session)

Chairman DeKrey: What are the committee's wishes in regard to SB 2252.

Representative Delmore: I move a Do Pass.

Representative Meyer: Seconded.

12 YES 0 NO 2 ABSENT

DO PASS

CARRIER: Rep. Galvin

Date: 3/14/05
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2252

HOUSE JUDICIARY COMMITTEE

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Delmore Seconded By Rep. Meyer

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Representative Delmore	✓	
Representative Maragos	A		Representative Meyer	✓	
Representative Bernstein	✓		Representative Onstad	✓	
Representative Boehning	✓		Representative Zaiser	✓	
Representative Charging	A				
Representative Galvin	✓				
Representative Kingsbury	✓				
Representative Klemin	✓				
Representative Koppelman	✓				
Representative Kretschmar	✓				

Total (Yes) 12 No 0

Absent 2

Floor Assignment Rep. Galvin

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

REPORT OF STANDING COMMITTEE (410)
March 14, 2005 3:16 p.m.

Module No: HR-46-4914
Carrier: Galvin
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2252: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS
(12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2252 was placed on the
Fourteenth order on the calendar.

2005 TESTIMONY

SB 2252

**Testimony on SB 2252
Presented by: Hope Olson
Office of Attorney General
February 1, 2005**

Same given to House

If laboratory personnel from the Office of Attorney General – Crime Laboratory Division become exposed to an infectious disease or human immunodeficiency virus, SB 2252 will allow the exposed individual(s) to request that the biological sample be tested to determine the presence of any infectious disease or human immunodeficiency virus. Allowing this testing will minimize the anxiety of the exposed individual.

Testimony

Senate Bill 2252

Senate Human Services Committee

Tuesday, February 1, 2005; 9 a.m.

North Dakota Department of Health

Good morning, Chairman Lee and members of the Senate Human Services Committee. My name is Larry Shireley, and I am director of the Division of Disease Control for the North Dakota Department of Health. I am here today to provide information on Senate Bill 2252.

The Department of Health is not opposed to the concepts in Senate Bill 2252; however, two other bills – House Bill 1410 and Senate Bill 2259 – also propose amendments to N.D.C.C. 23-07.5-01. The North Dakota Department of Health is working with Rep. Porter on House Bill 1410, which would revise 23-07.5-01 to include appropriate testing not only for human immunodeficiency virus (HIV) but also for other blood-borne pathogens such as hepatitis B and C. The revisions included in House Bill 1410 should address the concerns highlighted by this bill.

The first amendment proposed in Senate Bill 2252 would add laboratory personnel and health-care providers to the definition of “exposed individual.” In N.D.C.C. 23-07.5-01, a health-care provider is defined as “any person licensed, certified, or otherwise authorized by the law of this state to provide health care services.” Because both laboratory personnel and health-care providers are included in the definition, this amendment is unnecessary.

The second amendment in Senate Bill 2252 again adds laboratory personnel and also adds “or other individual’s” to the definition of significant exposure. Under the revisions proposed in House Bill 1410, exposure is defined as “a percutaneous injury (e.g., a needlestick or cut with a sharp object) or contact of mucous membrane or nonintact skin (e.g., exposed skin that is chapped, abraded, or afflicted with dermatitis) with blood, tissue, or other body fluids that are potentially infectious as determined under guidelines of the United States public health services.” This definition, therefore, makes the addition of the proposed wording in Senate Bill 2252 unnecessary.

Finally, I recommend consideration of repealing N.D.C.C. 23-07.3-01, since the revisions to House Bill 1410 incorporate the intent of the chapter. The Department of Health will be pleased to work with representatives of this committee to ensure that the concerns included in Senate Bill 2252 are incorporated into House Bill 1410.

This concludes my testimony. I am happy to answer any questions you may have.

Testimony

Senate Bill 2252

House Judiciary Committee

Monday, March 14, 2005; 9 a.m.

North Dakota Department of Health

Good morning, Chairman DeKrey and members of the House Judiciary Committee. My name is Kirby Kruger, and I am the acting director of the Division of Disease Control for the North Dakota Department of Health. I am here today to provide information about Senate Bill 2252.

The amendments proposed in Senate Bill 2252 add laboratory personnel to the definition of "exposed individual" in subsection 3 of section 23-07.3-01 of the century code and add "or other individual's blood" to the definition of significant exposure in subsections 1 and 9 of 23-07.5-01 of the century code. Two other bills, House Bill 1410 and Senate Bill 2259, also propose amendments to 23-07.5-01.

The North Dakota Department of Health worked with Representative Porter on House Bill 1410, which completely revises 23-07.5-01 to include appropriate testing not only for human immunodeficiency virus (HIV), but also for other blood-borne pathogens and to include definitions for health-care providers and exposure. Therefore, if House Bill 1410 receives favorable action (which is expected) the amendments proposed in Senate Bill 2252 are unnecessary.

This concludes my testimony. I am happy to answer any questions you may have.

**Testimony on SB 2252
Presented by: Hope Olson
Office of Attorney General
March 14, 2005**

If laboratory personnel from the Office of Attorney General – Crime Laboratory Division become exposed to an infectious disease or human immunodeficiency virus, SB 2252 will allow the exposed individual(s) to request that the biological sample be tested to determine the presence of any infectious disease or human immunodeficiency virus. Allowing this testing will minimize the anxiety of the exposed individual.