

2009 HOUSE HUMAN SERVICES

HCR 3024

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 3024

House Human Services Committee

☐ Check here for Conference Committee

Hearing Date: February 11, 2009

Recorder Job Number: 9187 and 9188

Committee Clerk Signature

Vicky Crabtree

Minutes:

Chairman Weisz called the hearing to order on HCR 3024.

Rep. Delmore sponsored and introduced the bill: I'm concerned about people selling outdated cosmetics that are not safe.

Rep. Nathe: Does the FDA do their own studies as far as the safety ends?

Rep. Delmore: Many of our large pharmaceuticals and cosmetic companies are under FDA regulation, but some of the things that happen after that are not so (inaudible. And that's why I'd like to take a look at.

Rep. Nathe: What kind of things after that are you looking at?

Rep. Delmore: I'm looking at some of the things that may be missed by companies not totally regulated by FDA and then the fact that some of these products are passed on. And passed on sometimes without the knowledge passed out to consumers because they are outdated. There could be all kinds of ramifications from it.

Rep. Conrad: I was at (inaudible) and they had a big table full of outdated cosmetics, but people were signing a waiver when they bought them.

Tim Stanley, Planned Parenthood testified in support of bill.

No name given, from ND Dept. of Health, gave information to committee: The FDA does have the regulatory responsibility over cosmetics and ND Dept of Health has some authority as well in 1902.1 of Century Code. It is modeled after the act. We do have some authority over cosmetics. We can take action against (inaudible) and branded cosmetics for sale and distribution. The FDA does not do any pre-market testing of cosmetics. They do not mandate used by date or shelf life dates.

Chairman Weisz: They don't do any pre-market testing they just (inaudible) based on ingredients tested?

Health Dept representative: They have banned some chemicals in cosmetics. Some industries do own testing, but not mandatory.

Rep. Conrad: California has standards?

Health Dept. representative: Two states that are currently looking laws that I could find information on. California did pass a law that is something like chemicals and cosmetics law.

Washington was looking at it as well.

NO OPPOSITION:

Chairman Weisz closed the hearing.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 3024

House Human Services Committee

☐ Check here for Conference Committee

Hearing Date: February 11, 2009

Recorder Job Number: 9190

Committee Clerk Signature

Ticky Crabtree

Minutes:

Chairman Weisz: Let's look at HCR 3024.

Rep. Uglem: Motion to amend Line 16 and add "may" after the word council.

Rep. Porter: Second.

Voice Vote: 12 yeas, 0 nays, 1 absent.

Rep. Porter: What do we need to study? The industry does all their own testing.

Rep. Holman: That's not what I heard. By adding the "may", the Legislative Council has the choice to follow through.

Rep. Porter: They would have without that language.

Rep. Conrad: (Inaudible) language (inaudible) the chemicals so they don't (inaudible). There are some chemicals that are (inaudible), but not as many.

Rep. Hofstad: I'm confused. Are we asking the state to start a program where they test all these products?

Rep. Conrad: No. We just ask the question, what's going on?

Rep. Conrad: Motion for a DO PASS as amended.

Rep. Holman: Second.

Roll Call Vote: 6 yes, 7 no, 0 absent.

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House Human Services Committee

Bill/Resolution No. 3024

Hearing Date: February 11, 2009

MOTION FAILED.

Rep. Uglem: Motion for a DO NOT PASS.

Rep. Nathe: Second.

Roll Call Vote: 7 yes, 5 no, 0 absent.

MOTION CARRIED ON A DO NOT PASS.

BILL CARRIER: Rep. Frantsvog.

Legislative Council stated the amended is not needed on HCR 3024.

Date: _____
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 3024

House HUMAN SERVICES

Committee

☐ Check here for Conference Committee**Legislative Council Amendment Number**

Action Taken ☒ Do Pass ☐ Do Not Pass ☒ Amended

Motion Made By

Seconded By

[illegible]

Total (Yes)

No

Absent

Bill Carrier

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

Motion Carried
on Amendment
insert "may" in line 16
after council

Date: 2-11-09
Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 3024

House HUMAN SERVICES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☒ Amended

Motion Made By _____ Seconded By _____

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN ROBIN WEISZ	✓		REP. TOM CONKLIN	✓	
VICE-CHAIR VONNIE PIETSCH		✓	REP. KARI L CONRAD	✓	
REP. CHUCK DAMSCHEN		✓	REP. RICHARD HOLMAN	✓	
REP. ROBERT FRANTSVOG		✓	REP. ROBERT KILICHOWSKI	✓	
REP. CURT HOFSTAD		✓	REP. LOUISE POTTER	✓	
REP. MICHAEL R. NATHE		✓			
REP. TODD PORTER		✓			
REP. GERRY UGLEM		✓			

Total (Yes) 6 No 7

Absent 0

Bill Carrier _____

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

motion failed

Date: 2-11-09
Roll Call Vote #: 3

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 3024

House HUMAN SERVICES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☐ Do Pass ☒ Do Not Pass ☒ Amended

Motion Made By Rep. Uglem Seconded By Rep. Nathe

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN ROBIN WEISZ		✓	REP. TOM CONKLIN		✓
VICE-CHAIR VONNIE PIETSCH	✓		REP. KARI L CONRAD		✓
REP. CHUCK DAMSCHEN	✓		REP. RICHARD HOLMAN		✓
REP. ROBERT FRANTSVOG	✓		REP. ROBERT KILICHOWSKI		✓
REP. CURT HOFSTAD	✓		REP. LOUISE POTTER		A
REP. MICHAEL R. NATHE	✓				
REP. TODD PORTER	✓				
REP. GERRY UGLEM	✓				

Total (Yes) 7 No 5

Absent 1 Rep. Potter

Bill Carrier Rep. Frantsovog

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

Motion carried
on DO NOT PASS

REPORT OF STANDING COMMITTEE (410)
February 12, 2009 1:19 p.m.

Module No: HR-27-2526
Carrier: Frantsvog
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HCR 3024: Human Services Committee (Rep. Welsz, Chairman) recommends DO NOT PASS (7 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HCR 3024 was placed on the Eleventh order on the calendar.

2009 SENATE HUMAN SERVICES

HCR 3024

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HCR 3024

Senate Human Services Committee

☐ Check here for Conference Committee

Hearing Date: 3/23/09

Recorder Job Number: 11388, 11392

Committee Clerk Signature	<i>Mary K. Morson</i>
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Minutes:

Senator J. Lee opened the hearing on HCR 3024 directing the Legislative Council to study the safety of cosmetics.

Representative Lois Delmore (District 43) introduced HCR 3024 and explained that it actually started as a bill. The fiscal note and some other problems with the bill caused her to turn it into a study resolution. This breaks down cosmetics into several areas (1) relationship to cancer, (2) affect on unborn children and, (3) outdated cosmetics. This industry is regulated but not regulated by the FDA to the degree we think they are.

Senator J. Lee viewed this as more of a scientific research and didn't know if legislators are necessarily qualified and prepared to do it. She asked Rep. Delmore how she saw this study being held logistically.

Rep. Delmore replied that she expected looking at some of the facts, the missing things that we can look for legislation to cover. It is a very broad area. It's not an industry that really affects the state but we know of stores and retailers that are selling some of these products and we can attempt to do something with it.

Senator Marcellais asked if she knew how many other states have adopted safe cosmetic laws.

Rep. Delmore was aware of three starting with California and is gaining momentum.

There was no opposing or neutral testimony.

Senator Heckaman agreed with comments from **Senator J. Lee** that an interim committee wouldn't have the expertise in this area. On the other hand she thought there might be something they could look into on the secondhand cosmetics. She could see a lot of transfer of infections or diseases if cosmetics are being donated to a facility.

Senator J. Lee pointed out that some discount stores acquire cosmetics and other items that are on the verge of expiring. That is part of the concern.

She saw this as a federal issue.

Job #11392

Committee discussion that this is an important issue but probably won't get chosen as a study.

There is a specific science involved in some of this.

Senator Heckaman moved a **Do Not Pass**.

Second by **Senator Dever**.

Roll call vote 6-0-0. Motion carried.

Carrier is Senator J. Lee.

Date: 3/23/09

Roll Call Vote #: _____

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. HCR 3024

Senate Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☐ Do Pass ☒ Do Not Pass ☐ Amended ☐ Rerefer to Appropriations

☐ Adopt Amendment ☐ Reconsider

Motion Made By Sen. Heckaman Seconded By Sen. Dever

Senators	Yes	No	Senators	Yes	No
Senator Judy Lee, Chairman	✓		Senator Joan Heckaman	✓	
Senator Robert Erbele, V.Chair	✓		Senator Richard Marcellais	✓	
Senator Dick Dever	✓		Senator Jim Pomeroy	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Judy Lee

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

REPORT OF STANDING COMMITTEE (410)
March 23, 2009 1:35 p.m.

Module No: SR-52-5589
Carrier: J. Lee
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HCR 3024: Human Services Committee (Sen. J. Lee, Chairman) recommends DO NOT PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3024 was placed on the Fourteenth order on the calendar.