



February 9, 2011

2009-2011 Vol. 15

GENERAL SESSION

February 2, 2011

Program Topic: Protection Bills: Adults, Athletes, Children

Presented by: *Judiciary/Law Enforcement & Criminal Justice/
Political Subdivisions, Revenue & Taxation/
Transportation/Government Operations*

Director: Tibby Milne

Co-Chairs: Junko Shimizu & Marilyn Larsen

Speakers: **Rep. Patrice Arent (D) Dist. 36; SL County (Millcreek, Holladay, SLC – sponsor, HB89 “Protection of Children Riding in Motor Vehicles”**

**Rep. Paul Ray (R) Dist. 13; Davis County (Clinton, Sunset, West Point, Syracuse) – sponsor, HB192 “Controlled Substances Advisory Committee Amendments”
HB198 “Tobacco Related Penalty Amendments”
HB201 “Tobacco Licensing Amendments”
HB204 “Protection of Athletes With Head Injuries”**

Rep. Marie Poulson (D) Dist 46; Salt Lake County (Cottonwood Heights) – sponsor, HCR5 “Patient and Safety-Centered Prescription Labels Concurrent Resolution”

Rep. Gage Froerer (R) Dist. 8; Weber County (Ogden) (not able to attend) – sponsor, HB23 “Controlled Substance Modifications”

Rep. Patrice Arent, speaking in favor of **HB89**, briefly explained the bill. It would prohibit a person from smoking in a vehicle if a child who is 15 years old or younger is a passenger. Violation would carry a

maximum fine of \$45, which may be suspended if the offender enrolls in a smoking cessation program. Police enforcement of the smoking prohibition would be only a secondary action, meaning a

motorist must be stopped for another offense first.

HB89 could probably be called a “message bill,” Rep. Arent said, but the message is an important one. Children cannot escape a vehicle’s restricted space and the effects of second-hand smoke. Someone must speak for them, and Rep. Arent hopes her bill will effectively do that.

Responding to questions, Rep. Arent said second-hand smoke is the number one chronic ailment that brings children to the hospital. She believes law enforcement is comfortable with **HB89**. The PTA and The Heart Association are also among the organizations supporting the bill.

Rep. Ray briefly addressed his bills, **HB198** and **HB201**, which amend penalty and licensing provisions of the Cigarette and Tobacco Tax and Licensing Act. He called them benign bills, written to correct clerical problems arising from the master agreement for the tobacco settlement to the states. He believes they have bipartisan support.

HB204 arose from research regarding “the second impact syndrome,” which indicates a second concussion can be fatal. The commissioner for the NFL (National Football League) has urged the Utah legislature to pass this bill.

It requires an amateur sports organization (school or city) to enforce a head injury policy, and obtain a parent or guardian's signature on the policy before permitting a child to participate in a sporting event. It requires removal of a child from a sporting event when a head injury is suspected, and prohibits the child from participating until receiving medical clearance from a qualified healthcare provider.

Responding to questions, Rep. Ray said cheerleading is considered a sport under the terms of this bill. He also said “scope of

practice” (terminology that defines the procedures the law requires for specific education, experience, and competency) determines what type of healthcare professional may provide medical clearance. It could be a physical therapist or team trainer. Coaches must also have concussion training.

HB192 adds two members to the Controlled Substances Advisory Committee: One nurse practitioner and one public representative. Rep. Ray noted that internal memos of tobacco companies have revealed policies specifically targeting youth. Nicotine products made to look and taste like candy are gaining momentum in the marketplace. Two nicotine “mints” can be fatal to a small child. Rep. Ray hopes to ban minors from either working in or entering smoke shops.

Responding to questions, Rep. Ray said Utah tobacco settlement money was calculated on the state’s population and the number of smokers. “E-cigarettes” use water vapor. They deliver nicotine to the smoker, but eliminate second-hand smoke.

Rep. Poulson is working closely with the “Utah Pharmaceutical Drug Crime” project and the statewide “Use Only As Directed” campaign. She also noted that **HCR5** was inspired from her personal experience. She was the primary caregiver for three elderly parents. In managing their prescriptions, she became aware of the confusing and often inconsistent labeling on medications. Rep. Poulson has seen firsthand how dangerous that can be.

To its credit, the National Pharmaceutical Board is working to standardize labels. Information should include the patient’s name, the name of the drug and what it does, in letters no smaller than 10-point font.

HCR5 was originally designed as a bill. However, Rep. Poulson chose to introduce it

as a resolution while further study is done. The wording urges prescribers, dispensers, manufacturers, health insurers, and government agencies to take specific steps to improve prescription labels. It also exhorts related groups to develop a safety-centered prescription label format. Further, it asks these groups to present the improved label format to the Legislature's Business and Labor Interim Committee.

HCR5 recommends that pharmacists give verbal instructions on how to safely use and store prescribed drugs, and urges the Division of Occupational and Professional Licensing to track whether patients are receiving these instructions.

Responding to questions, Rep. Poulson said she is following a California program that would require additional standardized label warnings related to drug interactions.

In **Rep. Gage Froerer's** absence, **Tibby Milne** gave a brief overview of **HB23**, and the drug known as "spice."

Spice is synthetic marijuana, produced by infusing an herb blend with a synthetic "incense," or version of the substance that gives marijuana its potency. Because the real substance is illegal, spice manufacturers lace their herbs with analogs. These man-made chemicals mimic the effects of marijuana.

HB23 modifies provisions relating to the Utah Controlled Substances Act by expanding the definition of a controlled substance to include substances found in the product commonly referred to as spice. In addition, it adds spice to the driver license provisions regarding driving under the influence.

Reported by Pam Grange

General Session 11

Program Topic: Booster Seats – A New Dialogue

Presented by: *Health & Human Services/Retirement & Independent Entities*

Director: Donna Murphy

Co-Chairs: Chris Bray & Dianne Yancey

Speakers: Rep. Chris Herrod (R) Dist. 62; Utah County (Provo) – Sponsor, HB258

Rep. Lee Perry (R) Dist. 2; Box Elder, Cache Counties – Speaking against HB258 "Child Restraint Devices Amendment"

**Janet Brooks – Primary Children's Medical Center
Speaking against HB258**

Rep. Herrod, speaking in favor of his bill **HB258**, said it is meant to cover those

unusual circumstances where a driver without the correct booster seat in the car

may be unwilling to transport a child short distances in a residential area. This need arises from an unintended consequence of the language used in Utah's booster seat requirement law. Research statistics indicate no difference in the number of injuries of seat-belted children with or without booster seats traveling between 25-45 miles/hr. **HB258** would exempt drivers from the booster seat requirement only where the posted speed limit is 45 mph or lower.

Responding to questions, Rep. Herrod said the Good Samaritan law does not protect a driver without a booster seat who, for example, picks up a young neighborhood child walking home alone after soccer practice, during inclement weather, etc. He believes the booster seat requirement should also contain this change in deference to parents' rights.

Rep. Perry apologized for needing to make an early departure, but said he believed the issue was important enough for him to appear and voice his objection to **HB258**. Booster seats are inexpensive enough for any driver to keep an extra one on hand. Although acknowledging the random real-

life circumstances where a neighbor or carpool driver without an extra booster seat may choose to leave a child to wait or walk by himself, Rep. Perry noted that common sense decisions should prevail.

Seat belts often don't fit well on young children without booster seats and may actually do harm. As a patrolman, Rep. Perry has often seen the tragic consequences of children being transported without benefit of seat belts and/or booster seats. He believes **HB258** to be a well-meaning but ill-advised bill.

Janet Brooks, speaking against **HB258**. She declared herself to be passionate about this issue. Data from 2009 indicates booster-seated children have the lowest number of injuries; second lowest are seat-belted-only children; highest injuries occur to unrestrained children. For every child pedestrian injury, there are 85 child passenger injuries. Since Ms. Brooks is also a trained car seat technician, she often sees the reality of these statistics at Primary Children's Hospital.

Reported by Pam Grange

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THE WOMEN'S STATE LEGISLATIVE COUNCIL OF UTAH, INC.**
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*Printed by AlphaGraphics
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Salt Lake City, UT 84101*