

**LEGISLATIVE INTERIM COMMITTEES
NOVEMBER 2009**

HEALTH AND HUMAN SERVICES INTERIM COMMITTEE	
Bill Title/Subject Matter:	Scheduling of Controlled Substances
Legislator(s) –Sponsor:	Rep. Paul Ray
Interested Parties:	
Code Reference:	Amends UCA, Title 58, Chapter 37
<p>Description: Creates a process for determining whether a drug should be scheduled as a controlled substance under Utah Code Ann. Title 58, Chapter 37 “Controlled Substances.”</p> <p>Action: Passed out as a Committee Bill.</p>	
Bill Title/Subject Matter:	Abortion Amendments
Legislator(s) –Sponsor:	Rep. Carl Wimmer, Rep. Kerry Gibson
Interested Parties:	
Code Reference:	Amends UCA §§ 76-5-201, 76-7-301 and 302, 76-7-327, 76-7-314 and 314.5; Enacts UCA § 76-7-301.5; Repeals 76-7-329
<p>Description: Defines terms, including amending the definition of abortion to relate only to a medical procedure carried out by a physician, or through a substance used under the direction of a physician, with the consent of the woman on whom the abortion is performed. Describes the difference between abortion and criminal homicide of an unborn child. Removes prohibitions against prosecution of a woman for killing an unborn child or committing criminal homicide of an unborn child.</p> <p>Action: Passed out with favorable recommendation.</p>	
Bill Title/Subject Matter:	Controlled Substance Abuse – Reporting to Prescribers
Legislator(s) –Sponsor:	Rep. Bradley M. Daw
Interested Parties:	
Code Reference:	Enacts UCA §§ 26-7-6 and 58-37-7.9
<p>Description: Requires that, when a health care provider admits a patient to a hospital for an overdose involving a prescribed controlled substance, the health care provider must report the overdose and other information to DOPL. Requires that, when DOPL receives a report described in the preceding paragraph, DOPL must notify each practitioner that may have written a prescription for the controlled substance of the overdose and certain information relating to the overdose.</p> <p>Action: Passed out unanimously.</p>	
Bill Title/Subject Matter:	Controlled Substance Database – Reporting Convictions for Driving Under the Influence or Impaired Driving
Legislator(s) –Sponsor:	Rep. Bradley M. Daw
Interested Parties:	
Code Reference:	Amends UCA §§ 41-6a-502, 502.5 and Enacts UCA § 58-37-7.9
<p>Description: Requires a court to report certain information to DOPL when a person is convicted of driving under the influence or of impaired driving, if there is evidence that the person’s driving was under the influence of, or impaired by, a prescribed controlled substance. Requires that when DOPL receives a report described in the preceding paragraph, DOPL must</p>	

notify each practitioner that may have written a prescription for the controlled substance of the conviction and certain information relating to the conviction.

Action: Passed out with a favorable recommendation.

Bill Title/Subject Matter:		Controlled Substance Database Amendments
Legislator(s) –Sponsor:	Rep. Paul Ray	
Interested Parties:		
Code Reference:	Amends UCA §§ 26-1-36, 58-17b-201, 58-37-6, 63J-1-602; Enacts UCA §§ 58-37f-101, 102, 201, 202, 203, 301, 302, 401, 402, 501, 601, 602, 701; Renumbers and Amends UCA §§ 58-37f-502, 801; Repeals UCA § 58-37-7.5	
<p>Description: This bill recodifies and amends provisions relating to the controlled Substance Database and requires an individual who is licensed to prescribe a controlled substance, who is applying for a license, or who is renewing a license, to register to use the database and to take a tutorial and pass a test relating to the database and the prescribing of a controlled substance</p> <p>Action: Passed out unanimously.</p>		
Bill Title/Subject Matter:		Drug Law Definitions – Amendments
Legislator(s) –Sponsor:	Rep. Trisha S. Beck	
Interested Parties:		
Code Reference:	Amends UCA §§ 58-17b-102, 606, 612, 58-37-2, 58-67-102, 58-68-102, 58-71-102	
<p>Description: This bill modifies health care chapters in Title 58, Occupations and Professions, to provide consistency in the use of definitions, including those for “prescribe,” “prescription drug or device,” and “drug.”</p> <p>Action: Passed out unanimously.</p>		
Judiciary, Law Enforcement, and Criminal Justice		
Bill Title/Subject Matter:		Dating Violence
Legislator(s) –Sponsor:		
Interested Parties:	Ned Searle, DV State Coordinator Stewart Ralphs, Legal Aid Society	
Code Reference:		
<p>Description: Provided information regarding dating violence to the committee.</p> <p>Action: No action taken.</p>		
Bill Title/Subject Matter:		Post Conviction Remedies
Legislator(s) –Sponsor:	Rep. Kay McIff	
Interested Parties:		
Code Reference:	Amends UCA §78B-9-106	
<p>Description: Amends a section of the Post-Conviction Remedies Act which lists grounds upon which relief may not be claimed and also lists an exception if there was a failure to timely raise the ground for relief due to ineffective counsel, by including in this section an amendment that directly states that the exemption relating to ineffective counsel is the only ground for</p>		

relief under that section. Makes this amendment with the purpose that it function in conjunction with a rule recently adopted by the Utah Supreme Court.

Action: Passed out unanimously.

Bill Title/Subject Matter:		Juvenile Transfers from Justice Court
Legislator(s) –Sponsor:	Rep. Kay McIff	
Interested Parties:		
Code Reference:	Amends UCA §78A-7-106	
<p>Description: Provides discretion to a justice court judge to transfer a matter concerning a child from justice court to juvenile court.</p> <p>Action: Passed out unanimously.</p>		
Bill Title/Subject Matter:		Penalties for Violent Crime in the Presence of a Child
Legislator(s) –Sponsor:	Rep. Janice M. Fisher	
Interested Parties:		
Code Reference:	Enacts UCA § 76-3-203.10	
<p>Description: Provides a class A misdemeanor penalty for a person who, while in the presence of a child: commits or attempts to commit criminal homicide against a third party; or intentionally causes or attempts to cause serious bodily injury to a third party or uses a dangerous weapon or other means or force likely to produce death or serious bodily injury against a third party. Provides for a class B misdemeanor penalty for a person who commits any other violent criminal offense in the presence of a child. Requires the court to order a person who commits a violent offense in the presence of a child to pay restitution for any necessary counseling for the child or children who were present when the offense was committed, unless the court states on the record why the court finds the restitution would not be appropriate. Provides that a charge of committing a violent criminal offense in the presence of a child is separate and distinct from a charge of domestic violence when the victim is the cohabitant and specifies that either or both charges may be filed by the prosecutor. Provides that a person who commits a violent offense in the presence of a child when more than one child is present is guilty of one violation regarding each child who is present when the offense occurred.</p> <p>Action: No action taken.</p>		
Bill Title/Subject Matter:		Criminal Background Checks on Motor Vehicle Dealer and Sales Person
Legislator(s) –Sponsor:		
Interested Parties:	<p>Commissioner D’Arcy Dixon Pignanelli, USTC Wayne Jones Craig Bickmore Alice Erickson Kent Jorgensen</p>	
Code Reference:	Amends UCA §§ 41-3-209, 53-10-202; Enacts UCA §41-3-205.5	
<p>Description: Requires every applicant for a motor vehicle dealer or salesperson license to submit fingerprints with a completed application to the Motor Vehicle Enforcement Division (MVED). Provides that the MVED shall submit fingerprints for each applicant to the Bureau of</p>		

Criminal Identification. Requires the BCI to: compare motor vehicle dealer and salesperson applicant fingerprints with certain criminal databases and inform the MVED of its findings; and maintain a separate file of motor vehicle dealer and salesperson fingerprints and notify the Motor Vehicle Enforcement Division when a new entry is made concerning a person in the file regarding an arrest for certain offenses. Provides that the MVED shall pay the costs incurred by the BCI from fees paid by those submitting fingerprints. Provides that the MVED shall use information received from the BCI to determine whether a license should be denied, suspended, or revoked.

Action: Passed out unanimously.

Bill Title/Subject Matter:	Expungement Amendments
Legislator(s) –Sponsor:	Rep. Julie Fisher
Interested Parties:	
Code Reference:	Various
<p>Description: Creates a specific definition of expunge. Sets out the steps a petitioner must take to obtain an expungement. Specifies what cannot be expunged. Allows the Bureau of Criminal Identification to charge application and issuance fees for a certificate of eligibility for expungement. Provides for notice of a petition for expungement to be given to the prosecutor, victim and, in the court's discretion, the Division of Adult Probation and Parole. Allows the bureau to deny a petitioner a certificate of eligibility if the petitioner provides false or misleading information on an application. Requires the bureau to expedite the eligibility process for a person who is acquitted. Provides rulemaking authority to the Department of Public Safety for the expungement process. Changes how agencies handle expunged records.</p> <p>Action: Passed out unanimously.</p>	
Bill Title/Subject Matter:	Joint Resolution on Combating and Reducing Gang Activity
Legislator(s) –Sponsor:	Sen. Luz Robles
Interested Parties:	
Code Reference:	
<p>Description: Urges state and local governments to take a comprehensive, collaborative, and communitywide approach to combat and reduce gang activity. Expresses support for sports, arts, academic, targeted counseling, and employment programs to counter gang recruitment.</p> <p>Action: Passed out unanimously.</p>	