

Thissen Adds Baby DNA Warehouse/Repeal of Genetic Privacy Law to “Technical Bill”

HF 1760 (Thissen)

April 2, 2009

Last HHS Policy Committee Meeting – Partial Transcript

[Start 00:02:48]

Liebling (D-Rochester): Rep. Thissen moves that House File 1760 be recommended to pass and be re-referred to the General Register. And Rep. Thissen has some authors amendments....

Rep. Thissen, to the bill.

[00:03:15]

Thissen (D-Mpls.): Thank you Madam Chair, this is the continuing care policy bill from the Department [DHS]. Ah, it's a [pause] technical bill in its [pause]—currently—and [small laugh] I'll let the Department explain what's in the bill.

[...]

[00:10:16]

Thissen: I'd also like to move the A3 amendment, Madam Chair, um, which is a number of bills that have all previously passed the committee ah, and so , um, it's the, ah, *newborn screening language which is here*, the rest of the compendia from Rep. Norton, which is sections 3 and 4. *Section five again relates to the newborn screening program. Section six does. Sections seven, eight, nine, and ten, and eleven.* This is all language that passed out of the committee or has been amended subsequently in a later committee. Root cause analysis is section 12. The language has been worked out related to the staffing issue that we had, as I understand it. Section 13 is language, um, I don't even know where that one came from to be honest, but it's a licensing provision. Section 14 is the Sudafed prevention plan which has passed this committee and is sitting on the floor right now. That's section 14 and 15. Section 16 is the prescription expiration date moving from two years to one year which we've discussed in the past. Section 17 is the certified doula provision which is Rep. Laine's provision which is I think is also sitting on the floor and section 19 is the safe patient handling act which was worked out in Rep. Fritz's bill and was none controversial in committee. Section 19 [sic] is language about 911 referrals to mental health crisis teams. This has been changed since it was in our committee to be permissive, and that is, oh there is a work group or two related to the staffing issue in section 21.

So these are all bills that have passed our committee and ah, in the form that they passed the committee.

Liebling: OK, Rep. ah, Abeler.

Abeler (R-Anoka): Thank you Madam Chair, Rep. Thissen, can you just outline the DNA thing went to Civil Law right? Can you just outline what changes?

Thissen: I don't think it changed in committee.

Abeler: Oh you said there were changes there.

Thissen: Changes made.[unintelligible] No. changes to that bill.

Abeler: Thank you.

Liebling: Rep. Brod.

Brod (R-New Prague): Thank you Madame Chair and Rep. Thissen. So these bills passed the committee but they're not in possession of our committee and so you're just pulling the bills? Help me understand how you're fitting it all together. So we're essentially bringing bills back into this committee through this amendment?

Liebling: Rep. Thissen.

Thissen: This are all bills that are on the floor, so I, I think they're all on the floor right now and so, but instead of hearing 17 different bills, ah, on the floor, we're, we're going to, we're creating basically a policy omnibus bill.

Liebling: Rep. Brod.

Brod: Thank you Madam Chair and Rep. Thissen. So this will be the policy, health care policy omnibus bill for the year?

Liebling: Rep. Thissen.

Thissen: Yes.

Brod: Madame Chair and Rep. Thissen.

Liebling: Rep. Brod.

Brod: So we aren't going to see another compilation of bills going forward?

Thissen: This is our.

Liebling: Rep. Thissen.

Thissen: Madam Chair. This is our last meeting.

Brod: OK, so we're not going to be called back to act on other bills, Madame Chair and Rep. Thissen?

Thissen: [with chuckle] Madam Chair, my intention is today will be the last meeting. I don't have any, yeah.

Brod: Madame Chair and Rep. Thissen

Liebling: Rep. Brod.

Brod: Why are we doing this again? Is it just a matter of ease on the floor, I guess I, you're pulling some pretty controversial bills together, um, and it seems like they ought to have, um, full discussion on the floor and with the new rules related to debate on the floor my concern is the goal is really to squelch debate on these pretty controversial issues when the rules committee is going to determine that there's 10, 20, 15 minutes, whatever they determine on, on a bill. On the controversial bills, I think it would be much better that they move on their own and stand and fall and debate alone, so I guess I'm concerned about the move.

Thissen: Madam Chair.

Liebling: Rep. Thissen.

Thissen: And Madam Chair, these are um, part of it is to move along. My my intent on the newborn screening is that that will go alone. And when, and then we will will will we'll send that, we'll include that in here but we'll also, um, I would, I think you're right about that. We should debate that stand alone on the floor and that was, it is on the floor right now and that would be my intention on that.

Liebling: Rep. Brod.

Brod: Well Mister Chairman, um, Madam Chairman, Rep. Thissen, then why does it, why does it need to be in here?

Thissen: Because I'd like it in here as well, Madam Chair. Yeah.

Liebling: Representative Brod, it is what it is!

Thissen: [laugh]

Liebling: [laugh]

Brod: Well, Madam Chair that depends on what is is.

Liebling: Yes, it does [laugh] it depends on what is is! Alright, other members?
(00:15:30)
[...]

REP. BROD ATTEMPTS TO DELETE BABY DNA WAREHOUSE SECTION OF THISSEN AMENDMENT

Liebling: Rep. Brod.

Brod: Thank you Madam Chair, I move to delete sections 1, five, six, seven, eight, nine, ten and eleven. Ah, Madam Chair, that's the newborn screening language.

Liebling: Alright, would you repeat those for me Representative Brod?

Brod: one, five, six, seven, eight, nine, ten, and eleven. I think I have all of them. Maybe staff can double check.

Liebling: Alright, Rep. Brod is moving to delete sections one, five, six, seven, eight, nine, ten and eleven.

Brod: And twenty, Madam Chair.

Liebling: And twenty.

Brod: And Madam Chair, I'd ask for a roll call.

Liebling: And a roll call has been requested. Do members need more time to look at what's being deleted here? Are there any questions on the amendment? Any discussion? Alright, seeing none, the clerk will take the roll.

Clerk: Liebling?

Liebling: No.

Clerk: Thissen?

Thissen: No.

Clerk: Abeler?

Abeler: No.

Clerk: Brod?

Brod: Yes.

Clerk: Bunn? Emmer? Fritz?

Fritz (D-Faribault): No.

Clerk: Gardner?

Gardner (D-Shoreview): No.

Clerk: Gottwalt?

Gottwalt (R-St. Cloud): Yes.

Clerk: Hayden?

Hayden (D-Mpls): No!

Clerk: Huntley? Kelly?

Kelly (R-Red Wing): Yes.

Clerk: Laine?

Laine (D-Columbia Hts.): No.

Clerk: Loeffler?

Loeffler (D-Mpls): No.

Clerk: Mack?

Mack (R-Apple Valley): Yes.

Clerk: Murphy?

Murphy (D-St. Paul): No.

Clerk: Norton?

Norton (D-Rochester): No.

Clerk: Ruud?

Ruud (D-Minnetonka): No.

Clerk: Thao?

Thao (D-St. Paul): Nope!

Clerk: Thorkelson?

Torkelson (R-Nelson Township): Yes.

Liebling: There being five ahs and twelve nays, the motion does not prevail.

Thissen: Madam Chair, I do have one technical change. I don't think we've adopted the amendment yet, right? OK, I'd like to incorporate on line 11.7 strike the (2) where it is and insert the (2) after the "and."

VOTE ON ADDING THISSEN AMENDMENT WITH BABY DNA WAREHOUSE INCLUDED TO THE BILL

Liebling:...then we're going to vote on the amendment.

Brod: Madame Chair, I'd like a roll call on the amendment please.

Liebling: Alright, on the amendment, Rep. Brod requests a roll call. Is there any more discussion on the amendment before we vote?

Thissen: And Madame Chair, this doesn't have to do with newborn screening....

Liebling: Right, the vote is on the A3 amendment. Alright if there's no further discussion, the clerk will take the roll.

Roll Call Vote:

YES votes by Liebling, Thissen, Abeler, Fritz, Gardner, Hayden, Huntley (D-Duluth), Laine, Loeffler, Murphy, Norton, Ruud, Thao.

Voting NO: Brod, Gottwalt, Kelly, Mack and Torkelson.

Liebling: There being 13 ayes and 5 nays, the motion prevails. The amendment is adopted. OK, we will, ah, is there any further discussion on the bill? Rep. Brod?

REP. BROD CALLS FOR ROLL CALL VOTE ON THE BILL

Brod: Madame Chair, I'd like to request a roll call on the bill. Just turning a technical bill into a controversial vehicle, um, I think, is a really um unfortunate thing. I understand

Rep. Thissen, you want to have things in a number of places. I get that, and I get that it's your prerogative to do so. It just seems like things ought to have the strong debate and the full debate. And we ought to vote on things in a way that gives the most transparency and openness to the folks who are interested and I think that this sets the wrong direction.

Thissen: And Madame Chair, we've had full debates on every one of these bills. *[Actually not. Liebling railroaded the bill in the last Health policy hearing, and a full debate means a full debate by 134 Representatives, not one small committee]*

Liebling: OK, other discussion. Rep. Norton.

Norton (D-Rochester): To that discussion. Rep. Thissen, I understand that this controversial part of the bill has been worked on over the interim and over the summer, and it's my understanding that while this particular, the newborn screening aspect, is not to my liking *[Norton opposes the 2011 discard date for the 12 years of Baby DNA currently stored. She wants NO discard date. There is no assurance however that the blood will ever be discarded. Next year, the date could be extended into the future until the opposition goes away]*, it was a compromise that was reached with the Governor's office and the Department. Is that not correct?

Liebling: Rep. Thissen.

Thissen: Madam Chair, that is correct. *[That point is inconsequential. A compromise between the Governor's office and the health department is not a stamp of approval when it comes to a bill that repeals informed parent consent laws and eviscerates the state genetic privacy law]*

Liebling: Alright. Other discussion. Rep. Abeler?

Abeler: I have a request. Good people disagree on different elements of this bill, and I have a process request. I happen to support the newborn screening part and so this isn't as hard of a vote for me. But I do request that the committee chair would talk to the rules committee chair and let them know that this is not a simple bill. And that there's a couple elements that people find controversial in this and if they could allow for adequate time on the floor that would show, I think this is a convenience and I'm not going to question anybody's motives about why they do things, but at least if this system we have set up would allow for adequate time for the debate on the floor for every element that's controversial, which I suggest could be 2 or 4 hours, that would be reasonable and I think, that's my request.

Liebling: Alright thank you Rep. Abeler. Anything to say Rep. Thissen..
Thissen: Madam Chair, I agree and so I, I, I agree.

Liebling: Alright. Further discussion members? Rep. Murphy?

Murphy: Well, Madam Chair and members, I happen to be lucky enough to sit on the Rules Committee along with Rep. Hayden and we can make sure that the committee members understand that we need a little extra time on this.

Liebling: Thank you. Other discussion? Alright. If not we will vote on the bill. Rep. Thissen renews his motion that House File 1760 as amended be recommended to pass and be re-referred to the General Register. All in favor, please say aye. Oh, I'm sorry, a roll call has been requested.

Roll Call Vote:

YES votes by Liebling, Thissen, Abeler, Fritz, Gardner, Hayden, Huntley, Laine, Loeffler, Murphy, Norton, Ruud, Thao.

Voting NO: Brod, Gottwalt, Kelly, Mack and Torkelson.

Liebling: There being 13 ayes and 5 nays, the motion prevails. (00:28:13)

Transcribed April 4, 2009.