

**MINUTES OF THE COMMITTEE
ON
JUDICIARY**

Thursday, May 15, 2014

9:00 a.m.

Room 521 House Office Building

The House Standing Committee on Judiciary was called to order by the Chair.

Members present: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Howrylak, Cavanagh, Lipton, Irwin, Clemente.

Members absent/excused: None.

Representative Heise moved to approve the minutes of the May 8, 2014 meeting. There being no objection, the motion prevailed by unanimous consent.

The Chair laid HB 5383 and HB 5385 before the committee:

HB 5383 (Lauwers) Criminal procedure; evidence; expert witness testimony concerning chemical testing and custody of evidence by video communication; allow at preliminary examination and trial for certain prosecutions, and provide for release subject to conditions reasonably necessary for the protection of the public under certain circumstances.

HB 5385 (Lauwers) Crimes; intoxication or impairment; preliminary chemical testing for certain controlled substances; authorize, and provide for procedures and penalties for refusal.

Substitute (H-2) was adopted previously to HB 5383 on 05/08/2014.

Substitute (H-2) was adopted previously to HB 5385 on 05/08/2014.

Representative Lauwers explained the changes made in the proposed substitute to HB 5385. Questions and discussion followed.

Representative Heise moved to adopt substitute (H-3) to HB 5385. The motion prevailed 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Howrylak, Cavanagh, Lipton, Irwin, Clemente.

Nays: None.

Pass: None.

Representative Irwin offered the following amendments to HB 5385 (H-3):

1. Amend page 4, line 30, after “preliminary” by striking out “**ROADSIDE ANALYSIS**”

- and inserting “breath test”.
2. Amend page 7, line 22, after “**INFRACTION**” by striking out the comma and inserting “**AND**”.
 3. Amend page 7, line 23, after “**\$100.00**” by striking out the balance of the subdivision and inserting a period.

Representative Irwin moved to adopt the amendments to HB 5385 (H-3). The motion did not prevail 5-6-0

UNFAVORABLE ROLL CALL

Yeas: Reps. Howrylak, Cavanagh, Lipton, Irwin, Clemente.

Nays: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard.

Pass: None.

Rick Thompson, representing the Americans for Safe Access, submitted a card with a neutral position on HB 5385.

Roger Maufort, representing the Jackson County Compassion Club, submitted a card on HB 5385.

The following people submitted a card in support to the bills, but did not wish to speak:

Robin Schneider, representing the National Patients’ Rights Association.

Ben Bodkin, representing the Michigan Sheriffs Association.

Representative LaFontaine moved to report HB 5383 as substitute (H-2) with recommendation. The motion prevailed 6-0-5.

FAVORABLE ROLL CALL

Yeas: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard.

Nays: None.

Pass: Reps. Howrylak, Cavanagh, Lipton, Irwin, Clemente.

Representative Heise moved to report HB 5385 as substitute (H-3) with recommendation. The motion prevailed 6-0-5.

FAVORABLE ROLL CALL

Yeas: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard.

Nays: None.

Pass: Reps. Howrylak, Cavanagh, Lipton, Irwin, Clemente.

The Chair laid HB 5404, HB 5405, HB 5406, and HB 5407 before the committee:

HB 5404 (Crawford) Health; emergency services; protocols that require emergency response vehicles to carry opioid antagonists and require emergency services personnel to be trained; require medical

control authority to develop.

- HB 5405 (Forlini) Crimes; controlled substances; immunity from criminal prosecution or administrative sanction for prescribing, dispensing, possessing, or administering opioid antagonist; provide for.
- HB 5406 (Forlini) Torts; liability; administration of a drug in response to a drug overdose; provide protection from civil liability.
- HB 5407 (Forlini) Health; pharmaceuticals; opioid antagonist including naloxone hydrochloride; allow prescribers to prescribe and pharmacists to dispense under certain circumstances to friends or family of individuals who may suffer overdose, and require department to publish a report.

Amendments were previously adopted to HB 5404 on 05/08/2014.
Amendments were previously adopted to HB 5406 on 05/08/2014.
An amendment was previously adopted to HB 5407 on 05/08/2014.

Mark Helmker, representing the Michigan Department of Community Health, submitted a card with a neutral position on HB 5404 and HB 5407, and was available for questions.

Representative Kesto offered the following amendment to HB 5404:

1. Amend page 3, line 20, after "**WITHIN**" by striking out "**6**" and inserting "**12**".

Representative Kesto moved to adopt the amendment to HB 5404. The motion prevailed 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Howrylak, Cavanagh, Lipton, Irwin, Clemente.
Nays: None.
Pass: None.

Representative Heise offered the following amendment to HB 5406.

1. Amend page 1, line 6, after "**APPLY**" by striking out "**IF**" and inserting "**IN ANY OF THE FOLLOWING CIRCUMSTANCES:**

(A) IF THE INDIVIDUAL WHO ADMINISTERS THE OPIOID ANTAGONIST IS A PHYSICIAN, PHYSICIAN'S ASSISTANT, REGISTERED NURSE, OR LICENSED PRACTICAL NURSE AND THE OPIOID ANTAGONIST IS ADMINISTERED IN A HOSPITAL.

(B) IF".

Representative Heise moved to adopt the amendment to HB 5406. The motion prevailed 10-1-0.

FAVORABLE ROLL CALL

Yeas: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Howrylak, Cavanagh, Lipton, Clemente.

Nays: Rep. Irwin.

Pass: None.

Representative Kesto moved to report SB 5404 with recommendation, as amended. The motion prevailed 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Howrylak, Cavanagh, Lipton, Irwin, Clemente.

Nays: None.

Pass: None.

Representative Kesto moved to report HB 5405 with recommendation. The motion prevailed 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Howrylak, Cavanagh, Lipton, Irwin, Clemente.

Nays: None.

Pass: None.

Representative Heise moved to report SB 5406 with recommendation, as amended. The motion prevailed 9-0-2.

FAVORABLE ROLL CALL

Yeas: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Howrylak, Cavanagh, Irwin.

Nays: None.

Pass: Reps. Lipton, Clemente.

Representative Kesto moved to report HB 5407 with recommendation, as amended. The motion prevailed 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Howrylak, Cavanagh, Lipton, Irwin, Clemente.

Nays: None.

Pass: None.

The Chair laid HB 5558 before the committee:

HB 5558 (Leonard) Consumer protection; unfair trade practices; application of consumer protection act to unfair trade practices in insurance code;

modify.

Representative Leonard and Kenneth Brooks, representing the Michigan Insurance Coalition, testified in support of the bill. Questions and discussion followed.

Thomas Biscup, Jim Burnett, Paul Zebrowski, and Tina Marie Dell, all representing the Michigan Association for Justice, all testified in opposition to the bill. Questions and discussion followed.

Tim Diemer, representing the Michigan Defense Trial Counsel, testified in support of the bill. Questions and discussion followed.

Jenita Moore, representing the Michigan Department of Insurance and Financial Services, submitted a card in support of the bill, but due to time constraints was unable to speak.

The following people submitted a card in support but did not wish to speak:

Christine Shearer, representing the Michigan Association of Health Plans.
Heather Drake, representing the AAA Michigan.
Dyck VanKoeverias, representing the Insurance Institute of Michigan.
George Carr, representing the Property Casualty Insurers Association of America.
Jim Miller, representing the Life Insurance Association of Michigan.
Amy Mass, representing the Michigan Insurance Coalition.
Amy Mass, representing the Citizens Insurance Company.
Carol Hutchinson, representing Farmers Insurance.
Eric Collins, representing the National Association of Mutual Insurance Companies.
Wendy Block, representing the Michigan Chamber of Commerce.
Rob Anderson, representing Farm Bureau.
Eric Munser, representing Auto-Owners Insurance.
Amy Drumm, representing the Michigan Retailers Association.
Amanda Fisher, representing the National Federation of Independent Businesses.
Life Insurance Association of Michigan.
Steve Schneider, representing the American Insurance Association.

There being no further business before the committee, the Chair adjourned the meeting at 10:33 a.m.

Representative Kevin Cotter, Chair _____

Angie Lake, Committee Clerk
alake@house.mi.gov
(517) 373-5795