

MINUTES
MONTANA SENATE
68th LEGISLATURE - REGULAR SESSION
COMMITTEE ON (S) PUBLIC HEALTH, WELFARE AND SAFETY

Call to Order: Chair Tom McGillvray-R, on March 29, 2023 at 2:39 PM, in 317

ROLL CALL

Members Present: Sen. Tom McGillvray, Chair (R)
Sen. Dennis Lenz, Vice Chair (R)
Sen. Becky Beard (R)
Sen. Carl Glimm (R)
Sen. Jen Gross (D)
Sen. Steve Hinebauch (R)
Sen. Brad Molnar (R)
Sen. Susan Webber (D)

Members Excused: Sen. Kathy Kelker (D)

Staff Present: Trudy Burke, Secretary
Madelyn Krezowski, Attorney

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted:

HB 293 03/22/2023
HB 655 03/22/2023
HB 657 03/22/2023
HB 684 03/22/2023
SB 552 03/28/2023
SB 563 03/28/2023
SB 564 03/28/2023

Executive Action:

HB 422 BE CONCURRED IN
HB 446 BE CONCURRED IN AS
AMENDED
HB 556 BE CONCURRED IN AS
AMENDED
HB 557 BE CONCURRED IN
HB 567 BE CONCURRED IN AS
AMENDED

HB 616 TO TABLE
HB 619 BE CONCURRED IN AS
AMENDED
SB 564 DO PASS AS AMENDED
SB 552 TO TABLE
SB 563 DO PASS

EXECUTIVE ACTION ON HB 422 - Revise child to staff child care ratios

14:39:45 **Motion:** Sen. Dennis Lenz moved that **HB 422 BE CONCURRED IN.**

Discussion:

14:39:54 Sen. Jen Gross

14:40:22 Sen. Carl Glimm

14:39:45 **Vote:** Motion carried 6 - 3 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Webber, voting no.
Sen. Kelker, By Proxy

14:39:45 **Carrier Assigned:** Sen. Carl Glimm

EXECUTIVE ACTION ON HB 446 - Revise laws related to privacy in health digital services and applications

14:41:41 **Motion:** Sen. Dennis Lenz moved that **HB 446 BE CONCURRED IN.**

14:42:17 **Motion:** Sen. Brad Molnar moved that **HB 446 BE AMENDED.**

Discussion:

14:42:38 Sen. Brad Molnar

14:45:07 Sen. Jen Gross

14:45:48 Sen. Susan Webber

14:46:20 Sen. Brad Molnar

14:42:17 **Vote:** Motion carried 6 - 3 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Webber, voting no.
Sen. Kelker, By Proxy

14:47:48 **Motion:** Sen. Dennis Lenz moved that **HB 446 BE CONCURRED IN AS AMENDED.**

Discussion:

14:47:59 Sen. Jen Gross

14:47:48 **Vote:** Motion carried unanimously by voice vote.

14:47:48 **Carrier Assigned:** Sen. Brad Molnar

EXECUTIVE ACTION ON HB 556 - Revise definitions related to day-care facilities and family day-care homes

14:49:12 **Motion:** Sen. Dennis Lenz moved that **HB 556 BE CONCURRED IN.**

14:49:24 **Motion:** Sen. Dennis Lenz moved that **HB 556 BE AMENDED.**

Discussion:

14:50:16 Chair Tom McGillvray

14:50:33 Madelyn Krezowski

14:51:26 Sen. Steve Hinebauch

14:51:37 Sen. Jen Gross

14:52:03 Madelyn Krezowski

14:53:03 Sen. Jen Gross

14:53:29 Chair Tom McGillvray

14:49:24 **Vote:** Motion carried 6 - 3 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Webber, voting no.
Sen. Kelker, By Proxy

14:54:27 **Motion:** Sen. Dennis Lenz moved that **HB 556 BE CONCURRED IN AS AMENDED.**

14:54:27 **Vote:** Motion carried 6 - 3 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Webber, voting no.
Sen. Kelker, By Proxy

14:54:27 **Carrier Assigned:** Sen. Becky Beard

EXECUTIVE ACTION ON HB 557 - Clarify use of HEART account funds for behavioral health crisis services

14:55:26 **Motion:** Sen. Dennis Lenz moved that **HB 557 BE CONCURRED IN.**

14:55:26 **Vote:** Motion carried unanimously by voice vote.

14:55:26 **Carrier Assigned:** Sen. Tom McGillvray

EXECUTIVE ACTION ON HB 567 - Revise health insurance navigator training requirements

14:56:48 **Motion:** Sen. Dennis Lenz moved that **HB 567 BE CONCURRED IN.**

Discussion:

14:57:04 Sen. Jen Gross

14:57:41 Sen. Brad Molnar

14:57:45 Sen. Jen Gross

- 14:58:04 **Motion:** Sen. Dennis Lenz moved that **HB 567 BE AMENDED.**
- 14:58:04 **Vote:** Motion carried unanimously by voice vote.
- 14:58:39 **Motion:** Sen. Dennis Lenz moved that **HB 567 BE CONCURRED IN AS AMENDED.**
- 14:58:39 **Vote:** Motion carried unanimously by voice vote.
- 14:58:39 **Carrier Assigned:** Sen. Carl Glimm

EXECUTIVE ACTION ON HB 616 - Generally revise public-private contracting of services

- 14:59:36 **Motion:** Sen. Dennis Lenz moved that **HB 616 BE CONCURRED IN.**
- Discussion:**
- 15:00:27 Vice Chair Dennis Lenz
- 15:00:31 Sen. Carl Glimm
- 15:01:04 Sen. Jen Gross
- 14:59:36 **Vote:** Motion carried unanimously by voice vote.
- 15:01:40 **Motion:** Sen. Dennis Lenz moved that **HB 616 TO TABLE.**
- 15:01:40 **Vote:** Motion carried 6 - 3 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Webber, voting no.
Sen. Kelker, By Proxy

EXECUTIVE ACTION ON HB 619 - Generally language assessment laws for deaf and hard of hearing children

- 15:02:24 **Motion:** Sen. Dennis Lenz moved that **HB 619 BE CONCURRED IN.**
- 15:02:48 **Motion:** Sen. Dennis Lenz moved that **HB 619 BE AMENDED.**
- Discussion:**
- 15:03:16 Madelyn Krezowski
- 15:02:48 **Vote:** Motion carried unanimously by voice vote.
- 15:04:19 **Motion:** Sen. Dennis Lenz moved that **HB 619 BE CONCURRED IN AS AMENDED.**
- Discussion:**
- 15:04:31 Sen. Jen Gross
- 15:05:18 Sen. Susan Webber
- 15:05:39 Chair Tom McGillvray

15:04:19 **Vote:** Motion carried unanimously by voice vote.

15:04:19 **Carrier Assigned:** Sen. Jen Gross

HEARING ON SB 552 - Generally revise laws related to healthcare insurance risk pools

Opening Statement:

15:07:19 Sen. Greg Hertz (R), SD 6, opened the hearing on SB 552, Generally revise laws related to healthcare insurance risk pools.

Discussion:

15:09:45 Chair Tom McGillvray left the meeting.

Proponent Testimony:

None

Opponent Testimony:

15:12:50 John Doran, Blue Cross Blue Shield of Montana (BCBS)

[EXHIBIT\(230329PHSa1\)](#)

15:18:54 Melissa Shannon, Pacific Source

15:19:43 Sean Slanger, American Health Insurance Plans and on behalf of Cigna

15:22:39 Frank Cote, Commissioner of Securities and Insurance

15:24:09 Mark Walters, Mountain Health Co-op

Informational Witness Testimony:

None

Questions from Committee:

15:26:56 Sen. Carl Glimm

15:27:22 John Doran, BCBS

Closing Statement:

15:27:43 Sen. Greg Hertz (R), SD 6, closed the hearing on SB 552.

HEARING ON SB 563 - Constitutional amendment establishing a mental health trust fund

Opening Statement:

15:30:00 Sen. Kenneth Bogner (R), SD 19, opened the hearing on SB 563, Constitutional amendment establishing a mental health trust fund.

Proponent Testimony:

None

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

15:33:29 Sen. Jen Gross
15:35:30 Sen. Kenneth Bogner-R
15:35:36 Sen. Brad Molnar
15:37:50 Sen. Kenneth Bogner-R
15:38:11 Sen. Steve Hinebauch
15:38:23 Sen. Kenneth Bogner-R
15:38:57 Vice Chair Dennis Lenz
15:40:40 Sen. Becky Beard left the meeting.
15:41:01 Sen. Kenneth Bogner-R

Closing Statement:

15:41:23 Sen. Kenneth Bogner (R), SD 19, closed the hearing on SB 563.

HEARING ON HB 655 - Require medicaid coverage of home births attended by midwives

Opening Statement:

15:42:24 Rep. Katie Zolnikov (R), HD 45, opened the hearing on HB 655, Require medicaid coverage of home births attended by midwives.

Discussion:

15:44:35 Sen. Becky Beard joined the meeting.

15:44:47 Sen. Susan Webber left the meeting.

Proponent Testimony:

None

Opponent Testimony:

None

Informational Witness Testimony:

15:47:00 Mary LeMieux, Department of Public Health and Human Services (DPHHS)

Questions from Committee:

15:48:04 Sen. Jen Gross

15:48:15 Rep. Katie Zolnikov-R

15:48:47 Sen. Jen Gross

15:49:10 Mary LeMieux, DPHHS

15:49:43 Sen. Steve Hinebauch

15:50:11 Rep. Katie Zolnikov-R

Closing Statement:

15:51:27 Rep. Katie Zolnikov (R), HD 45, closed the hearing on HB 655.

HEARING ON HB 293 - Generally revise alternative nicotine and vapor product laws relating to tobacco

Opening Statement:

15:53:23 Rep. Ron Marshall (R), HD 87, opened the hearing on HB 293, Generally revise alternative nicotine and vapor product laws relating to tobacco.

Discussion:

[EXHIBIT\(230329PHSa2\)](#)

15:56:35 Chair Tom McGillvray joined the meeting.

Proponent Testimony:

15:57:21 Keith Bowman, E-Cig Vapor Juice Store
15:58:20 Danielle Marshall, Freedom Vapes
15:59:35 Brett Clement, Growlers on Main
16:00:20 Robert Cracraft, Vaporology Vape Shop
16:00:26 Wesley Carroll, Voporology Vape Shop

Opponent Testimony:

16:01:21 Dr. Greg Holzman, self and on behalf of the Montana Medical Association (MMA)
16:02:49 Liz Albers, American Heart Association (AHA)
16:06:08 Erin McGowan, Confluence Public Health Alliance and on behalf of the Montana Primary Care Association
16:07:39 Jean Branscum, Montana Medical Association (MMA)
16:09:57 Beth Morrison, self
16:10:55 C.B. Pearson, self
16:13:30 Dr. Cathy White, American Academy of Pediatrics- Montana Chapter (AAP)
16:14:30 Sen. Susan Webber joined the meeting.
16:18:51 Dr. David King, self
16:21:16 Kristin Page-Nei, American Cancer Society-Cancer Action Network (ACS-CAN)

Informational Witness Testimony:

16:24:41 Jason Lay, Montana Department of Revenue (DOR)

Questions from Committee:

16:25:25 Sen. Brad Molnar
16:26:35 Jason Lay, DOR
16:27:13 Sen. Becky Beard

16:29:14 Jason Lay, DOR

Closing Statement:

16:29:38 Rep. Ron Marshall (R), HD 87, closed the hearing on HB 293.

Discussion:

16:30:40 Sen. Jen Gross left the meeting.

HEARING ON HB 657 - Generally revise laws related to child and family ombudsman

Opening Statement:

16:34:43 Rep. Gary Parry (R), HD 39, opened the hearing on HB 657, Generally revise laws related to child and family ombudsman.

Proponent Testimony:

16:38:13 Matt Furlong, Montana Child Protection Alliance (MCPA)

16:42:44 Sen. Susan Webber left the meeting.

16:42:50 Sen. Carl Glimm left the meeting.

16:43:15 Denise Johnson, Montana Child Protection Alliance (MCPA)

16:43:32 Sen. Jen Gross joined the meeting.

Opponent Testimony:

16:46:10 Dana Toole, Montana Department of Justice (DOJ)

[EXHIBIT\(230329PHSa3\)](#)

16:51:08 Heather Webster, Yellowstone County Attorney's Office and the Montana County Attorney Association

16:53:05 Nikki Grossberg, Department of Public Health and Human Services (DPHHS)

16:54:01 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

16:55:41 Quint Nyman, Montana Federation of Public Employees

Informational Witness Testimony:

None

Questions from Committee:

16:58:24 Sen. Jen Gross
16:59:26 Nikki Grossberg, DPHHS
17:00:11 Sen. Jen Gross
17:02:11 Heather Webster, Yellowstone County Attorney's Office
17:02:31 Vice Chair Dennis Lenz
17:03:29 Dana Toole, DOJ
17:07:11 Vice Chair Dennis Lenz
17:07:16 Dana Toole, DOJ

Closing Statement:

17:07:31 Rep. Gary Parry (R), HD 39, closed the hearing on HB 657.

HEARING ON HB 684 - Prohibit use of vaccination status in certain administrative/legal proceedings

Opening Statement:

17:09:21 Rep. Caleb Hinkle (R), HD 68, opened the hearing on HB 684, Prohibit use of vaccination status in certain administrative/legal proceedings.

Proponent Testimony:

17:10:30 Rebecca Schwartz, self
17:11:40 Denise Johnson, self
17:13:01 Anna Shchemelinin, self

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

17:14:25 Sen. Jen Gross

17:15:29 Rep. Caleb Hinkle-R

Closing Statement:

17:15:54 Rep. Caleb Hinkle (R), HD 68, closed the hearing on HB 684.

17:16:35 **Recessed**

17:23:59 **Reconvened**

HEARING ON SB 564 - Revise laws related to immunity for free health care services

Opening Statement:

17:24:08 Chair Tom McGillvray (R), SD 23, opened the hearing on SB 564, Revise laws related to immunity for free health care services.

Proponent Testimony:

17:26:08 Mark Taylor, self

17:27:36 Sen. Carl Glimm joined the meeting.

17:31:00 Scott Boulanger, Montana Medical Association and on behalf of the Montana Primary Care Association

17:31:50 Dr. Melissa Friedman Levine, self

Opponent Testimony:

17:34:42 Quinlan O'Connor, Department of Labor and Industry (DLI)

Informational Witness Testimony:

None

Questions from Committee:

17:37:21 Sen. Becky Beard

17:37:54 Mark Taylor

17:38:20 Sen. Carl Glimm

17:38:47 Dr. Melissa Friedman Levine

17:39:29 Sen. Carl Glimm

17:39:58 Mark Taylor
17:41:06 Sen. Carl Glimm
17:41:25 Sen. Jen Gross
17:45:27 Mark Taylor
17:45:57 Sen. Brad Molnar
17:47:45 Mark Taylor
17:48:16 Sen. Brad Molnar
17:48:19 Quinlan O'Connor, DLI

Closing Statement:

17:49:16 Chair Tom McGillvray (R), SD 23, closed the hearing on SB 564.

EXECUTIVE ACTION ON SB 564 - Revise laws related to immunity for free health care services

17:51:17 **Motion:** Sen. Dennis Lenz moved that **SB 564 DO PASS.**

17:51:49 **Motion:** Sen. Dennis Lenz moved that **SB 564 BE AMENDED.**

Discussion:

17:52:07 Madelyn Krezowski

17:52:57 Sen. Jen Gross

17:51:49 **Vote:** Motion carried 6 - 3 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Webber, voting no.
Sen. Kelker, Sen. Webber, By Proxy

17:54:27 **Motion:** Sen. Dennis Lenz moved that **SB 564 DO PASS AS AMENDED.**

Discussion:

17:55:10 Chair Tom McGillvray

17:54:27 **Vote:** Motion carried 6 - 3 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Webber, voting no.
Sen. Kelker, Sen. Webber, By Proxy

EXECUTIVE ACTION ON SB 552 - Generally revise laws related to healthcare insurance risk pools

17:56:42 **Motion:** Sen. Dennis Lenz moved that **SB 552 DO PASS.**

Discussion:

17:57:01 Sen. Jen Gross

17:58:03 Sen. Becky Beard

17:58:36 Sen. Steve Hinebauch

17:58:41 Vice Chair Dennis Lenz

17:56:42 **Vote:** Motion failed unanimously by roll call vote.

17:59:30 **Motion:** Sen. Carl Glimm moved that **SB 552 TO TABLE.**

17:59:30 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 563 - Constitutional amendment establishing a mental health trust fund

18:00:01 **Motion:** Sen. Dennis Lenz moved that **SB 563 DO PASS.**

Discussion:

18:00:13 Sen. Carl Glimm

18:01:11 Sen. Jen Gross

18:02:08 Sen. Steve Hinebauch

18:02:15 Chair Tom McGillvray

18:00:01 **Vote:** Motion carried 5 - 4 by roll call vote with Sen. Beard, Sen. Kelker, Sen. Molnar, Sen. Webber, voting no.
Sen. Kelker, Sen. Webber, By Proxy

ADJOURNMENT

Adjournment: 18:03:57

Trudy Burke, Secretary

Additional Documents: [EXHIBIT\(230329PHSaad\)](#)