



## HOUSE OF REPRESENTATIVES

### COMMITTEE ON HEALTH POLICY

REP. HANK VAUPEL

CHAIR

## COMMITTEE MEETING MINUTES

Thursday, September 24, 2020      8:30 AM      Room 352, House Appropriations, State Capitol Building

The House Committee on Health Policy was called to order by Chair Vaupel.

The Chair requested attendance be called:

Present: Reps. Vaupel, Frederick, Alexander, Calley, Hornberger, Lower, Whiteford, Afendoulis, Filler, Mueller, Wozniak, Liberati, Garrett, Clemente, Ellison, Koleszar, Pohutsky, Stone, Witwer.

Absent: None.

Excused: None.

Representative Frederick moved to adopt the meeting minutes from September 16, 2020.

There being no objection, the motion prevailed by unanimous consent.

The Chair laid HB 5937, HB 5938, HB 5939, HB 5940, HB 5941, HB 5942, HB 5943, HB 5945, SB 669, SB 671, SB 672, SB 673 and SB 674 before the committee:

HB 5937 (Rep. Vaupel)

A bill to require drug manufacturers to report certain information to the department of insurance and financial services; to provide for the powers and duties of certain state officers and entities; to allow for the promulgation of rules; and to prescribe civil sanctions.

HB 5938 (Rep. Liberati)

A bill to license and regulate pharmacy benefit managers; to require reporting of certain data; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies; to require the promulgation of rules; and to require and to provide sanctions for violation of this act.

- HB 5939 (Rep. Vaupel) A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406v.
- HB 5940 (Rep. Wozniak) A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding sections 17748e and 17748f.
- HB 5941 (Rep. Wentworth) A bill to amend 1984 PA 218, entitled "Third party administrator act," by amending the title and section 2 (MCL 550.902), and by adding sections 26 and 27.
- HB 5942 (Rep. Kahle) A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17757 (MCL 333.17757), as amended by 2016 PA 383, and by adding section 17757b.
- HB 5943 (Rep. Tyrone Carter) A bill to amend 1984 PA 323, entitled "The health care false claim act," by amending sections 2 and 4a (MCL 752.1002 and 752.1004a), section 4a as amended by 2016 PA 80.
- HB 5945 (Rep. Paquette) A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 21517.
- SB 669 (Sen. VanderWall) A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20145, 22201, 22203, 22207, 22208, 22209, 22215, 22221, and 22227 (MCL 333.20145, 333.22201, 333.22203, 333.22207, 333.22208, 333.22209, 333.22215, 333.22221, and 333.22227), section 20145 as amended by 2015 PA 104, section 22201 as added by 1988 PA 332, sections 22203, 22207, 22209, 22215, and 22221 as amended by 2002 PA 619, section 22208 as amended by 2011 PA 51, and section 22227 as amended by 1993 PA 88.
- SB 671 (Sen. Theis) A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 22211 and 22215 (MCL 333.22211 and 333.22215), section 22211 as amended by 2014 PA 107 and section 22215 as amended by 2002 PA 619.
- SB 672 (Sen. VanderWall) A bill to amend 1978 PA 368, entitled "Public health code," by amending section 22203 (MCL 333.22203), as amended by 2002 PA 619.
- SB 673 (Sen. VanderWall) A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 100c and 137 (MCL 330.1100c and 330.1137), section 100c as

amended by 2016 PA 320 and section 137 as amended by 2015 PA 59, and by adding section 137a.

SB 674 (Sen. MacDonald)

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 22203 (MCL 333.22203), as amended by 2002 PA 619.

Brett Jackson, representing the Economic Alliance for Michigan, testified in support of HB 5937, HB 5938, HB 5939, HB 5940, HB 5941, HB 5942, HB 5943, HB 5944 and HB 5945.

The following people submitted a card in opposition to HB 5937, HB 5939, HB 5940, HB 5943 and HB 5944, but did not wish to speak:

Scott Breslin, representing Pfizer.

The following people submitted a card with no position on HB 5938, but did not wish to speak:

Scott Breslin, representing Pfizer.

The following people submitted a card in support of HB 5944, but did not wish to speak:

Rusty Merchant, representing Astellas.

Peter Fotos, representing PhRMA.

The following people submitted a card in opposition to HB 5937 and HB 5940, but did not wish to speak:

Francis Fitzgerald, representing Lilly USA.

Rusty Merchant, representing Astellas.

Peter Fotos, representing PhRMA.

The following people submitted a card in support of HB 5938, but did not wish to speak:

Andrew Martin, representing Meijer.

The following people submitted a card in support of SB 669, SB 671, SB 672, SB 673 and SB 674, but did not wish to speak:

Jared Burkhart, representing the Michigan Chapter, American Academy of Pediatrics.

The following people submitted a card in support of SB 669, SB 671 and SB 674, but did not wish to speak:

Sean Gehle and Autumn Gillard, representing Trinity Health.

Emily Schwarzkopf, representing the Michigan Department of Health and Human Services.

The following people submitted a card in opposition to SB 672 and SB 673, but did not wish to speak:

Emily Schwarzkopf, representing the Michigan Department of Health and Human Services.

Sean Gehle and Autumn Gillard, representing Trinity Health.

Representative Vaupel moved to adopt substitute (H-1) to HB 5937. The motion prevailed 19-0-0:

#### FAVORABLE ROLL CALL

Yeas: Reps. Vaupel, Frederick, Alexander, Calley, Hornberger, Lower, Whiteford, Afendoulis, Filler, Mueller, Wozniak, Liberati, Garrett, Clemente, Ellison, Koleszar, Pohutsky, Stone, Witwer.

Nays: None.

Pass: None.

Representative Witwer offered the following amendment to HB 5937 (H-1):

1. Amend page 7, following line 8, by inserting:

"(c) House Bill No. 5108."

Representative Witwer moved to adopt the amendment to HB 5937 (H-1). The motion did not prevail 8-11-0:

#### UNFAVORABLE ROLL CALL

Yeas: Reps. Liberati, Garrett, Clemente, Ellison, Koleszar, Pohutsky, Stone, Witwer.

Nays: Reps. Vaupel, Frederick, Alexander, Calley, Hornberger, Lower, Whiteford, Afendoulis, Filler, Mueller, Wozniak.

Pass: None.

Representative Pohutsky offered the following amendment to HB 5937 (H-1):

1. Amend page 7, following line 8, by inserting:

"(c) House Bill No. 5109."

Representative Pohutsky moved to adopt the amendment to HB 5937 (H-1). The motion did not prevail 8-11-0:

#### UNFAVORABLE ROLL CALL

Yeas: Reps. Liberati, Garrett, Clemente, Ellison, Koleszar, Pohutsky, Stone, Witwer.

Nays: Reps. Vaupel, Frederick, Alexander, Calley, Hornberger, Lower, Whiteford, Afendoulis, Filler, Mueller, Wozniak.

Pass: None.

Representative Whiteford moved to refer House Bill No. 5937 to the Committee on Ways and Means, with recommendation as substitute (H-1). The motion prevailed 15-0-4:

#### FAVORABLE ROLL CALL

Yeas: Reps. Vaupel, Frederick, Alexander, Hornberger, Lower, Whiteford, Afendoulis, Filler, Mueller, Wozniak, Liberati, Garrett, Koleszar, Pohutsky, Witwer.

Nays: None.

Pass: Reps. Calley, Clemente, Ellison, Stone.

Representative Liberati moved to adopt substitute (H-1) to HB 5938. The motion prevailed 19-0-0:

#### FAVORABLE ROLL CALL

Yeas: Reps. Vaupel, Frederick, Alexander, Calley, Hornberger, Lower, Whiteford, Afendoulis, Filler, Mueller, Wozniak, Liberati, Garrett, Clemente, Ellison, Koleszar, Pohutsky, Stone, Witwer.

Nays: None.

Pass: None.

Representative Koleszar offered the following amendment to HB 5938 (H-1):

1. Amend page 11, line 9, after "exceed" by striking out "\$5,000.00" and inserting "\$100,000.00".

Representative Koleszar moved to adopt the amendment to HB 5938 (H-1). The motion did not prevail 8-11-0:

#### UNFAVORABLE ROLL CALL

Yeas: Reps. Liberati, Garrett, Clemente, Ellison, Koleszar, Pohutsky, Stone, Witwer.

Nays: Reps. Vaupel, Frederick, Alexander, Calley, Hornberger, Lower, Whiteford, Afendoulis, Filler, Mueller, Wozniak.

Pass: None.

Representative Liberati moved to refer House Bill No. 5938 to the Committee on Ways and Means, with recommendation as substitute (H-1). The motion prevailed 19-0-0:

#### FAVORABLE ROLL CALL

Yeas: Reps. Vaupel, Frederick, Alexander, Calley, Hornberger, Lower, Whiteford, Afendoulis, Filler, Mueller, Wozniak, Liberati, Garrett, Clemente, Ellison, Koleszar, Pohutsky, Stone, Witwer.

Nays: None.

Pass: None.

Representative Vaupel moved to adopt substitute (H-1) to HB 5939. The motion prevailed 19-0-0:

#### FAVORABLE ROLL CALL

Yeas: Reps. Vaupel, Frederick, Alexander, Calley, Hornberger, Lower, Whiteford, Afendoulis, Filler, Mueller, Wozniak, Liberati, Garrett, Clemente, Ellison, Koleszar, Pohutsky, Stone, Witwer.

Nays: None.

Pass: None.

Representative Lower moved to refer House Bill No. 5939 to the Committee on Ways and Means, with recommendation as substitute (H-1). The motion prevailed 17-2-0:

#### FAVORABLE ROLL CALL

Yeas: Reps. Vaupel, Frederick, Alexander, Calley, Hornberger, Lower, Whiteford, Afendoulis, Filler, Mueller, Wozniak, Liberati, Garrett, Ellison, Koleszar, Pohutsky, Witwer.

Nays: Reps. Clemente, Stone.

Pass: None.

Representative Wozniak moved to adopt substitute (H-1) to HB 5940. The motion prevailed 19-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Vaupel, Frederick, Alexander, Calley, Hornberger, Lower, Whiteford, Afendoulis, Filler, Mueller, Wozniak, Liberati, Garrett, Clemente, Ellison, Koleszar, Pohutsky, Stone, Witwer.

Nays: None.

Pass: None.

Representative Wozniak moved to refer House Bill No. 5940 to the Committee on Ways and Means, with recommendation as substitute (H-1). The motion prevailed 19-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Vaupel, Frederick, Alexander, Calley, Hornberger, Lower, Whiteford, Afendoulis, Filler, Mueller, Wozniak, Liberati, Garrett, Clemente, Ellison, Koleszar, Pohutsky, Stone, Witwer.

Nays: None.

Pass: None.

Representative Alexander moved to refer House Bill No. 5941 to the Committee on Ways and Means. The motion prevailed 19-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Vaupel, Frederick, Alexander, Calley, Hornberger, Lower, Whiteford, Afendoulis, Filler, Mueller, Wozniak, Liberati, Garrett, Clemente, Ellison, Koleszar, Pohutsky, Stone, Witwer.

Nays: None.

Pass: None.

Representative Calley moved to adopt substitute (H-1) to HB 5942. The motion prevailed 19-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Vaupel, Frederick, Alexander, Calley, Hornberger, Lower, Whiteford, Afendoulis, Filler, Mueller, Wozniak, Liberati, Garrett, Clemente, Ellison, Koleszar, Pohutsky, Stone, Witwer.

Nays: None.

Pass: None.

Representative Calley moved to refer House Bill No. 5942 to the Committee on Ways and Means, with recommendation as substitute (H-1). The motion prevailed 18-0-1:

FAVORABLE ROLL CALL

Yeas: Reps. Vaupel, Frederick, Alexander, Calley, Hornberger, Lower, Whiteford, Afendoulis, Filler, Mueller, Wozniak, Liberati, Garrett, Ellison, Koleszar, Pohutsky, Stone, Witwer.

Nays: None.

Pass: Rep. Clemente.

Representative Ellison moved to refer House Bill No. 5943 to the Committee on Ways and Means. The motion prevailed 19-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Vaupel, Frederick, Alexander, Calley, Hornberger, Lower, Whiteford, Afendoulis, Filler, Mueller, Wozniak, Liberati, Garrett, Clemente, Ellison, Koleszar, Pohutsky, Stone, Witwer.

Nays: None.

Pass: None.

Representative Frederick moved to adopt substitute (H-1) to HB 5944. The motion prevailed 19-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Vaupel, Frederick, Alexander, Calley, Hornberger, Lower, Whiteford, Afendoulis, Filler, Mueller, Wozniak, Liberati, Garrett, Clemente, Ellison, Koleszar, Pohutsky, Stone, Witwer.

Nays: None.

Pass: None.

Representative Clemente offered the following amendment to HB 5944 (H-1):

1. Amend page 2, line 19, by striking out Enacting section 1.

Representative Clemente moved to adopt the amendment to HB 5944 (H-1). The motion did not prevail 8-11-0:

UNFAVORABLE ROLL CALL

Yeas: Reps. Liberati, Garrett, Clemente, Ellison, Koleszar, Pohutsky, Stone, Witwer.

Nays: Reps. Vaupel, Frederick, Alexander, Calley, Hornberger, Lower, Whiteford, Afendoulis, Filler, Mueller, Wozniak.

Pass: None.

Representative Frederick moved to refer House Bill No. 5944 to the Committee on Ways and Means, with recommendation as substitute (H-1). The motion prevailed 16-0-3:

FAVORABLE ROLL CALL

Yeas: Reps. Vaupel, Frederick, Alexander, Calley, Hornberger, Lower, Whiteford, Afendoulis, Filler, Mueller, Wozniak, Liberati, Garrett, Koleszar, Pohutsky, Witwer.

Nays: None.

Pass: Reps. Clemente, Ellison, Stone.

Representative Afendoulis moved to refer House Bill No. 5945 to the Committee on Ways and Means. The motion prevailed 19-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Vaupel, Frederick, Alexander, Calley, Hornberger, Lower, Whiteford, Afendoulis, Filler, Mueller, Wozniak, Liberati, Garrett, Clemente, Ellison, Koleszar, Pohutsky, Stone, Witwer.  
Nays: None.  
Pass: None.

At 9:13 AM, the Chair laid the committee at ease.

At 9:17 AM, the Chair called the committee back to order.

Brett Jackson, representing the Economic Alliance for Michigan, testified in opposition to SB 671 and SB 672.

Representative Hornberger moved to adopt substitute (H-1) to SB 669. The motion prevailed 19-0-0:

#### FAVORABLE ROLL CALL

Yeas: Reps. Vaupel, Frederick, Alexander, Calley, Hornberger, Lower, Whiteford, Afendoulis, Filler, Mueller, Wozniak, Liberati, Garrett, Clemente, Ellison, Koleszar, Pohutsky, Stone, Witwer.  
Nays: None.  
Pass: None.

Representative Wozniak moved to refer Senate Bill No. 669 to the Committee on Ways and Means, with recommendation as substitute (H-1). The motion prevailed 11-8-0:

#### FAVORABLE ROLL CALL

Yeas: Reps. Vaupel, Frederick, Alexander, Calley, Hornberger, Lower, Whiteford, Afendoulis, Filler, Mueller, Wozniak.  
Nays: Reps. Liberati, Garrett, Clemente, Ellison, Koleszar, Pohutsky, Stone, Witwer.  
Pass: None.

Representative Lower moved to refer Senate Bill No. 671 to the Committee on Ways and Means. The motion prevailed 19-0-0:

#### FAVORABLE ROLL CALL

Yeas: Reps. Vaupel, Frederick, Alexander, Calley, Hornberger, Lower, Whiteford, Afendoulis, Filler, Mueller, Wozniak, Liberati, Garrett, Clemente, Ellison, Koleszar, Pohutsky, Stone, Witwer.  
Nays: None.  
Pass: None.

Representative Alexander moved to adopt substitute (H-1) to SB 672. The motion prevailed 14-0-5:

#### FAVORABLE ROLL CALL

Yeas: Reps. Vaupel, Frederick, Alexander, Calley, Hornberger, Lower, Whiteford, Afendoulis, Filler, Mueller, Wozniak, Liberati, Koleszar, Witwer.  
Nays: None.  
Pass: Reps. Garrett, Clemente, Ellison, Pohutsky, Stone.



Representative Lower moved to refer Senate Bill No. 672 to the Committee on Ways and Means, with recommendation as substitute (H-1). The motion prevailed 10-8-1:

FAVORABLE ROLL CALL

Yeas: Reps. Vaupel, Frederick, Alexander, Calley, Hornberger, Lower, Whiteford, Afendoulis, Mueller, Wozniak.

Nays: Reps. Liberati, Garrett, Clemente, Ellison, Koleszar, Pohutsky, Stone, Witwer.

Pass: Rep. Filler.

Representative Whiteford moved to refer Senate Bill No. 673 to the Committee on Ways and Means. The motion prevailed 10-7-2:

FAVORABLE ROLL CALL

Yeas: Reps. Vaupel, Frederick, Alexander, Calley, Hornberger, Lower, Whiteford, Afendoulis, Mueller, Wozniak.

Nays: Reps. Liberati, Clemente, Ellison, Koleszar, Pohutsky, Stone, Witwer.

Pass: Reps. Filler, Garrett.

Representative Frederick moved to adopt substitute (H-1) to SB 674. The motion prevailed 17-1-1:

FAVORABLE ROLL CALL

Yeas: Reps. Vaupel, Frederick, Alexander, Calley, Hornberger, Lower, Whiteford, Afendoulis, Filler, Mueller, Wozniak, Liberati, Garrett, Clemente, Pohutsky, Stone, Witwer.

Nays: Rep. Koleszar.

Pass: Rep. Ellison.

Representative Whiteford moved to refer Senate Bill No. 674 to the Committee on Ways and Means, with recommendation as substitute (H-1). The motion prevailed 11-8-0:

FAVORABLE ROLL CALL

Yeas: Reps. Vaupel, Frederick, Alexander, Calley, Hornberger, Lower, Whiteford, Afendoulis, Filler, Mueller, Wozniak.

Nays: Reps. Liberati, Garrett, Clemente, Ellison, Koleszar, Pohutsky, Stone, Witwer.

Pass: None.

The Chair laid HB 5408 before the committee:

HB 5408 (Rep. Hammoud)

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 109f (MCL 400.109f), as amended by 2017 PA 224.

Representative Hammoud testified in support of HB 5408.

Dr. Cara Anne Poland, MD, MED, FACP, DFASAM, Past-president, Michigan Society of Addiction Medicine, testified in support of HB 5408.

The following people submitted a card in support of HB 5408, but did not wish to speak:

Judge Harvey Hoffman, representing the Michigan Association of Treatment Court Professionals.

Scott Masi, representing Unite to Face Addiction Michigan.

Matt Black, representing the Michigan Academy of Family Physicians.

At 9:39 AM, the Chair laid the committee at ease.

At 9:41 AM, the Chair called the committee back to order.

The Chair laid HB 6195 before the committee:

HB 6195 (Rep. Vaupel)

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16215, 16284, 18802, 18805, 18811, 18812, and 18814 (MCL 333.16215, 333.16284, 333.18802, 333.18805, 333.18811, 333.18812, and 333.18814), section 16215 as amended by 2019 PA 140, section 16284 as added by 2016 PA 359, section 18802 as amended by 2000 PA 22, section 18805 as amended by 1982 PA 353, section 18811 as amended by 2006 PA 406, and section 18812 as amended by 1982 PA 337, and by adding sections 18811a, 18817, 18819, and 18829.

Chairman Vaupel and Larry Letsche testified in support of HB 6195.

Richard Angelo, representing the Best Friends Animal Society, testified in opposition to HB 6195.

There being no further business before the committee, Rep. Hank Vaupel adjourned the meeting at 9:56 AM.

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Representative Hank Vaupel, Chair

Melissa Sweet  
Committee Clerk  
msweet@house.mi.gov