

**ALASKA STATE LEGISLATURE  
HOUSE JUDICIARY STANDING COMMITTEE**

February 12, 2016

1:04 p.m.

**MEMBERS PRESENT**

Representative Wes Keller, Vice Chair  
Representative Max Gruenberg  
Representative Neal Foster  
Representative Bob Lynn  
Representative Matt Claman

**MEMBERS ABSENT**

Representative Gabrielle LeDoux, Chair  
Representative Charisse Millett  
Representative Kurt Olson (alternate)

**OTHER LEGISLATORS**

Senator Johnny Ellis

**COMMITTEE CALENDAR**

CS FOR SENATE BILL NO. 23(JUD)

"An Act relating to opioid overdose drugs and to immunity for prescribing, providing, or administering opioid overdose drugs."

- MOVED HCS CSSB 23(JUD) OUT OF COMMITTEE

HOUSE BILL NO. 287

"An Act relating to the duties and powers of the attorney general; relating to the governor's power to appoint the attorney general to a state board or commission, the governing body of a public corporation, or any other entity that has a governing body; requesting that the governor replace the attorney general on the Alaska Permanent Fund Corporation board; and providing for an effective date."

- BILL HEARING CANCELED

**PREVIOUS COMMITTEE ACTION**

BILL: SB 23

SHORT TITLE: IMMUNITY FOR PROVIDING OPIOID OD DRUG

SPONSOR(s): SENATOR(s) ELLIS

|          |     |  |
|----------|-----|--|
| 01/21/15 | (S) | READ THE FIRST TIME - REFERRALS                              |
| 01/21/15 | (S) | HSS, JUD   |
| 03/18/15 | (S) | HSS AT 1:30 PM BUTROVICH 205                                 |
| 03/18/15 | (S) | Heard & Held   |
| 03/18/15 | (S) | MINUTE (HSS)   |
| 03/23/15 | (S) | HSS AT 1:30 PM BUTROVICH 205                                 |
| 03/23/15 | (S) | Moved SB 23 Out of Committee                                 |
| 03/23/15 | (S) | MINUTE (HSS)   |
| 03/25/15 | (S) | HSS RPT 3DP 2NR  |
| 03/25/15 | (S) | DP: STEDMAN, ELLIS, GIESSEL                                  |
| 03/25/15 | (S) | NR: KELLY, STOLTZE   |
| 04/01/15 | (S) | JUD AT 1:30 PM BELTZ 105 (TSBldg)                            |
| 04/01/15 | (S) | Moved CSSB 23(JUD) Out of Committee                          |
| 04/01/15 | (S) | MINUTE (JUD)   |
| 04/02/15 | (S) | JUD RPT CS 4DP NEW TITLE                                     |
| 04/02/15 | (S) | DP: MCGUIRE, COGHILL, COSTELLO,<br>WIELECHOWSKI              |
| 04/18/15 | (S) | TRANSMITTED TO (H)   |
| 04/18/15 | (S) | VERSION: CSSB 23(JUD)  |
| 04/19/15 | (H) | READ THE FIRST TIME - REFERRALS                              |
| 04/19/15 | (H) | HSS, JUD   |
| 01/26/16 | (H) | HSS AT 3:00 PM CAPITOL 106                                   |
| 01/26/16 | (H) | Heard & Held   |
| 01/26/16 | (H) | MINUTE (HSS)   |
| 02/04/16 | (H) | HSS AT 3:00 PM CAPITOL 106                                   |
| 02/04/16 | (H) | Moved HCS CSSB 23(HSS) Out of Committee                      |
| 02/04/16 | (H) | MINUTE (HSS)   |
| 02/05/16 | (H) | HSS RPT HCS (HSS) NT 7DP                                     |
| 02/05/16 | (H) | DP: VAZQUEZ, STUTES, TARR, TALERICO,<br>FOSTER, WOOL, SEATON |
| 02/08/16 | (H) | JUD AT 1:00 PM CAPITOL 120                                   |
| 02/08/16 | (H) | Heard & Held   |
| 02/08/16 | (H) | MINUTE (JUD)   |
| 02/12/16 | (H) | JUD AT 1:00 PM CAPITOL 120                                   |

**WITNESS REGISTER**

No witnesses to record

**ACTION NARRATIVE**

1:04:24 PM

**VICE CHAIR WES KELLER** called the House Judiciary Standing Committee meeting to order at 1:04 p.m. Representatives Gruenberg, Lynn, Foster, and Keller were present at the call to

order. Representative Claman arrived as the meeting was in progress.

**SB 23-IMMUNITY FOR PROVIDING OPIOID OD DRUG**

[1:04:35 PM](#)

VICE CHAIR KELLER announced that the only order of business would be (S)CS FOR SENATE BILL NO. 23(JUD), "An Act relating to opioid overdose drugs and to immunity for prescribing, providing, or administering opioid overdose drugs."

VICE CHAIR KELLER advised that the bill is before the committee for comments, discussion, and amendments.

[1:05:32 PM](#)

REPRESENTATIVE GRUENBERG moved to adopt proposed Amendment 1.

Page 1, line 2:

Delete the first occurrence of "**and**"

Page 1, line 3, following "**drugs**":

Insert "**; and providing for an effective date**"

Page 5, following line 24:

Insert a new bill section to read:

"\* **Sec. 7.** This Act takes effect immediately under AS 01.10.070(c)."

VICE CHAIR KELLER asked Senator Johnny Ellis whether he was aware of the amendments and whether he objected.

[SENATOR ELLIS nodded his agreement with the amendments.]

VICE CHAIR KELLER stated that there being no objection, Amendment 1 was adopted.

REPRESENTATIVE GRUENBERG noted it is an effective date clause.

[1:06:17 PM](#)

REPRESENTATIVE GRUENBERG moved to adopt proposed Amendment 2.

Page 4, line 19, following "physician,":

Insert "osteopath, dentist,"

Page 5, line 14, following "physician,":  
Insert "osteopath, dentist,"

REPRESENTATIVE FOSTER objected for purposes of discussion.

REPRESENTATIVE GRUENBERG advised that the amendment adds osteopaths and dentists to the definition of health care provider in that they also have the legal ability to prescribe generally. He noted that optometrists and podiatrists were not included because they are limited to prescribe only in their particular areas of training and expertise in the human body.

VICE CHAIR KELLER stated that the sponsor did not object to the amendment.

[The committee treated the objection as removed.]

VICE CHAIR KELLER said there being no objection, Amendment 2 was adopted.

[1:07:38 PM](#)

REPRESENTATIVE GRUENBERG moved to adopt proposed Amendment 3.

Page 4, line 8:  
Delete "if the person"  
Insert "."

Page 4, lines 9 - 15:  
Delete all material.

REPRESENTATIVE FOSTER objected for purposes of discussion.

REPRESENTATIVE GRUENBERG advised that the amendment deletes the language on page 4, lines 8 and 9-15, in that the current language could severely undercut the immunity desired in the bill.

[1:08:44 PM](#)

REPRESENTATIVE LYNN asked that his name be added to the [bill] as co-sponsor.

VICE CHAIR KELLER stated that Representative Lynn added his name [as co-sponsor to SB 23].

VICE CHAIR KELLER said, for clarification, this allows a person who happens to be in the vicinity [of an overdose] and has access to the drug, to administer the "essentially an anti-venom" drug without liability.

REPRESENTATIVE GRUENBERG stated "that is correct."

VICE CHAIR KELLER stated that the sponsor did not object to the amendment.

REPRESENTATIVE FOSTER removed his objection.

VICE CHAIR KELLER advised there being no objection, Amendment 3 was adopted.

[1:09:41 PM](#)

REPRESENTATIVE KELLER said that there being no further amendments, the bill is before the committee as amended, and he asked for comments or discussion.

[1:09:50 PM](#)

REPRESENTATIVE LYNN emphasized that this is a very good bill and he will vote yes. Although, he remarked the bill may hold a somewhat enabling component because if a drug addict knows that the antidote is right there, they may be tempted to take more of the opiate than they had previously planned. He then expressed that the good of this bill far outweighs his concern and said he is now a co-sponsor to the bill.

[1:10:50 PM](#)

REPRESENTATIVE GRUENBERG indicated his desire to associate himself with Representative Lynn's comments and also added his name as co-sponsor to the bill.

REPRESENTATIVE CLAMAN agreed this is a very good bill and it will save lives. One of things legislators can do, is make it possible to sometimes save lives and make a difference in every community in Alaska and, he stated, this bill is doing a good thing. He remarked he is pleased to support the bill and will sign on as a co-sponsor to the bill.

[1:11:31 PM](#)

REPRESENTATIVE LYNN added that "pro-life" has many definitions and he considers this a pro-life bill.

REPRESENTATIVE GRUENBERG thanked Senator Ellis, Sarah, Deneen, Nicoli, Kalyssa, Megan, and everyone for working together to produce a really good bill

REPRESENTATIVE KELLER expressed that, to him, this bill is frustrating because it is a reaction to a real problem, and that heroin overdoses affect every level of the economic structure of every community. He stressed, "This is very strictly for the record, a bill that deals with treatment of overdose of opioids, it is not a bill that does anything with the treatment of addiction problems that we have. And this is ... there's a close connection there, and there's a nexus that is kind of confusing, and that is that methadone is an opioid and that is used in the treatment of some of the addiction problems." He acknowledged that the sponsor wisely kept the issues separate in order to get this lifesaving bill through. Therefore, he emphasized, it is also a good bill.

[1:13:30 PM](#)

REPRESENTATIVE FOSTER moved to report House CS for CS for Senate Bill 23(HSS), labeled 29-LS0058\N, as amended, out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE GRUENBERG objected for discussion.

REPRESENTATIVE GRUENBERG commented that after hearing the positive comments from the members, he suggested it is possible to make a motion to pass the bill out with a "Do Pass" recommendation and, of course, sign the bill individually. He remarked that this rarely happens but it may be a bill that merits a "Do Pass" by the committee.

VICE CHAIR KELLER advised that the motion is on the floor and everyone has the option of checking "Do Pass" or "No Recommendation."

REPRESENTATIVE GRUENBERG removed his objection.

REPRESENTATIVE KELLER stated that there being no objection, House CS for CS for Senate Bill 23(JUD) passed out of the House Judiciary Standing Committee.

1:15:01 PM

**ADJOURNMENT**

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 1:15 p.m.