MONTANA SENATE
2005 LEGISLATURE

ROLL CALL

PUBLIC HEALTH, WELFARE, AND SAFETY

DATE 3/23-05

NAMES	PRESENT	ABSENT	EXCUSED
SEN. BRENT CROMLEY, CHAIRMAN	X		
SEN. JOHN COBB	X		
SEN. JOHN ESP	X		
SEN. DUANE GRIMES	X		
SEN. LYNDA MOSS	X		
SEN. JERRY O'NEIL	X		
SEN. TRUDI SCHMIDT	X		
SEN. DAN WEINBERG	X		
SEN. CAROLL WILLAMS	X		
DAVID NISS, LSD	X		
RITA TENNESON, COMMITTEE SECRETARY	X		

SENATE STANDING COMMITTEE REPORT

March 24, 2005

Mr. President:

We, your committee on **Public Health, Welfare and Safety** recommend that **House Bill 327** (third reading copy -- blue) **be concurred in**.

Signed: _____
Senator Brent R. Cromley, Chair

To be carried by Senator Dan Weinberg

- END -

Committee Vote:
Yes 9, No 0.

650944SC.sjo

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Public Health, Welfare and Safety** recommend that **House Bill 68** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____
Senator Brent R. Cromley, Chair

To be carried by Senator Corey Stapleton

And, that such amendments read:

1. Title, lines 4 and 5.
Strike: "OR PRESCRIPTION DRUG"

2. Title, line 6.
Following: ";"
Insert: "PROVIDING AN EXCEPTION; PROVIDING DEFINITIONS;"

3. Page 1, line 19.
Strike: "or prescription drug"

4. Page 1, line 25.
Following: "if"
Insert: ":
(a)"

5. Page 1, line 27.
Following: "signature"
Insert: "; or
(b) a medical practitioner, emergency services provider, or

Committee Vote:
Yes 9, No 0.

650946SC.sjo

9-1-1 responder verbally directs the employee, owner, or operator of the day-care facility attending the child to immediately administer a medicine to the child and the child is subsequently transported within a reasonable time by the child's parents, an owner, operator, or employee of the child-care facility, a health care provider, or an emergency services provider to a health care facility or a medical practitioner for follow-up care.

(3) A medicine administered to a child pursuant to subsection (1) or (2) may not be inappropriately administered.

(4) An employee, owner, or operator of a day-care facility who has administered medicine to a child in accordance with this section may not be prosecuted for causing bodily injury or severe bodily injury to a child"

Renumber: subsequent subsection

6. Page 1.
Following: line 28
Insert: "(a) "bodily injury" has the meaning provided in 45-2-101;
Renumber: subsequent subsections

7. Page 1, line 30.
Strike: "and"

8. Page 1.
Following: line 30
Insert: "(c) "emergency services provider" has the meaning provided in 50-16-701;

(d) "health care facility" means a profit or nonprofit, public or private physician's office, hospital, critical access hospital, infirmary, clinic, outpatient center for primary care, outpatient center for surgical services, or medical assistance facility, as any of those terms are defined in 50-5-101;

(e) "inappropriately administered" means to give medicine to a child that is not indicated, as to the medicine's type, dosage, or frequency of use or the container instructions, if any, by the medical symptoms exhibited by the child;

(f) "knowingly" has the meaning provided in 45-2-101;"

Renumber: subsequent subsection

9. Page 2, line 1.
Following: 37-2-101
Insert: ";

(h) "9-1-1 responder" means a law enforcement

dispatcher or other person answering a 9-1-1 telephone call, a person answering a telephone call made to a poison control center, or an emergency services provider;

(i) "purposely" has the meaning provided in 45-2-101; and

(j) "serious bodily injury" has the meaning provided in 45-2-101"

10. Page 2, lines 2 through 4.
Strike: subsection (a) in its entirety
Renumber: subsequent subsections

11. Page 2, line 5.
Strike: "UNLAWFULLY"
Insert: "purposely or knowingly"

12. Page 2, lines 5 and 8.
Strike: "OR A PRESCRIPTION DRUG" on lines 5 and 8

13. Page 2, line 6.
Following: "IMPRISONED"
Insert: "in the county jail"

14. Page 2, line 6.
Strike: "10 YEARS"
Insert: "6 months"

15. Page 2, line 7.
Strike: "$50,000"
Insert: "$500"

16. Page 2, line 8.
Strike: "unlawfully"
Insert: "purposely or knowingly"

- END -

PROXY VOTE

I, the undersigned, hereby authorize Senator Schmidt to vote my proxy on any issue before the Senate Public Health Committee held on Mar. 23, 2005, 2005.

HB 327 yes

HB 68 yes

Carol Williams
SENATOR
STATE OF MONTANA

PROXY VOTE

I, the undersigned, hereby authorize Senator Esp to vote my proxy on any issue before the Senate Public Health Committee held on _____, 2005.

Do Concur HB 327 yes

SENATOR
STATE OF MONTANA

PROXY VOTE

I, the undersigned, hereby authorize Senator Esp to vote my proxy on any issue before the Senate Public Health Committee held on March 23, 2005.

Do Concur HB 327 yes

SENATOR
STATE OF MONTANA