

DAVID S. BENTZ
STATE REPRESENTATIVE
18TH District



HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
LEGISLATIVE HALL
DOVER, DELAWARE 19901

COMMITTEES
Health & Human Development,
Chair
Agriculture
Education
Natural Resources
Energy
Labor

Health & Human Development Committee Meeting Minutes
3.28.18

Chair Bentz called the meeting to order at 3:42 p.m. Members present included Vice-Chair Heffernan, as well as Reps. Baumbach, Matthews, Jaques, Kowalko, Lynn, Williams, Osienski, Kenton, Hensley, and Yearick. For a list of speakers present, please see the list below.

Senator Walsh introduced **SB 101 w/ SA 2 AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO RETIRED RESEARCH ANIMALS**. He explained that the act requires research facilities that receive public funding to offer their cats and dogs for adoption instead of euthanizing them once they are no longer needed. He stated that this allows students or staff members of the institution to adopt these animals directly without waiting for a formal adoption process through the rescue organization or shelter. Sen. Walsh explained that the bill also creates a clear path to transition cats and dogs from the laboratory or testing facility to an adoption center by requiring the research institution to enter into a contract with an animal rescue group or shelter that can offer these animals the possibility of living out the rest of their lives in a loving home. He explained that SA 2 was enacted to change language to allow research facilities the option to contract with other organizations for adoptions purposes. Sen. Walsh then mentioned that HA 1 would remove the changes made by SA 2 and revert back to original language, which requires a research facility to contract with outside organizations for adoption purposes.

With permission from the Chair, Senator Walsh welcomed Gail Thompson of the Rescue and Freedom Project.

Ms. Thompson introduced her dog George Washington who was rescued in 2013 after being a test subject for 4 years. She explained that SB 101 is a simple bill allowing cats and dogs to find loving homes after no longer being needed by research facilities.

With permission from the Chair, Senator Walsh welcomed Wynne Hewitt, district leader of the Humane Society of the United States.

Ms. Hewitt explained that the Humane Society works to improve the quality of life of all animals, and therefore supports SB 101 since the bill would give animals that were previously used in research the opportunity to find loving homes. She added that many of the rescue organizations have employees experienced in assessing behavior traits, and often times have follow-on care, if an adopted animal shows signs of behavioral issues. Additionally, most rescue organizations have a clause where they will take back any animal. Ms. Hewitt emphasized that these animals are generally able to thrive once taken out of the facilities. She concluded that SB 101 does not affect the research itself; it is only providing animals the opportunity to find homes after their research function is concluded.

Senator Walsh stated that agencies that were not originally in the Department of Agriculture report, came forward stating their participation in animal testing.

Chair Bentz requested a motion. A motion was made by Rep. Kowalko and seconded by Rep. Lynn to release SB 101 w/ SA 2 from committee; motion carried. Yes = 7 (Bentz, Heffernan, Matthews, Kowalko, Lynn, Osienski, and Kenton); No = 0; Absent= 7 (Baumbach, Jaques, Williams, Miro, Briggs King, Hensley, and Yearick). The bill was released from committee with an F=0, M=9, U=0 vote.

Rep. Kowalko introduced **HB 331, AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO BENZODIAZEPINE AND NON-BENZODIAZEPINE HYPNOTICS**. This bill creates regulations concerning the use, distribution and education of benzodiazepine and non-benzodiazepine hypnotics. It would require practitioners to obtain consent from a minor's parent or guardian prior to prescribing these drugs, and would require pharmacists to include a cautionary statement explaining the risks associated with the long term use of these drugs. He explained that HB 331 provides a new definition of non-benzodiazepine hypnotics, restores current authority of the Secretary of Safety and Homeland Security, and provides an exception for parental consent in the case of emergency treatment.

With permission from the chair, Rep. Kowalko introduced Chuck and Bonnie Yeatman, Delaware residents, to speak about their experiences and the importance of this HB 331.

Mr. and Mrs. Yeatman discussed the effects that Klonopin had on their son, Michael.

Mrs. Yeatman explained that prior to Michael's death he began talking to her about feelings of anxiety. She stated that he seemed to be doing fine after their initial conversation, and she continued to communicate with him. As time went on, she didn't notice any behavioral changes; however, she identified physical changes including heavy breathing and worry in his eyes. After visiting with a psychiatrist, Michael was given techniques that could remedy the anxiety, such as deep breathing. Additionally, the psychiatrist recommended Michael visit a family doctor to possibly prescribe him medications, due to his anxiety being caused by his physiological make up.

Mrs. Yeatman explained that the family was informed there should be no side effects from the medication. However, Michael seemed disoriented and antisocial. Michael took his own life days after he began taking Klonopin. Mrs. Yeatman concluded her public testimony by thanking Rep. Kowalko and the committee for allowing them to share their experiences.

Rep. Kowalko explained that HB 331 is not intended to control those in the medical field; rather it is to allow parents a better understanding of Benzodiazepines to protect their children.

Chair Bentz thanked the Yeatman's for their persistence pushing policy to address this issue, and for testifying before the committee today.

Chair Bentz opened up the floor for public comment.

Dr. Kevin Sheahan, chief of primary care of Nemours Children Health Systems in Delaware, stated his concern about emergency situations, which Representative Kowalko already addressed. He stated that in some circumstances they prescribe Benzodiazepine to children who have seizures, as a rescue medication. Additionally, in some cases they are used infrequently, and very rarely for someone with post-traumatic stress disorder (PTSD). Finally, in the realm of cerebral palsy these medications are used on a short term basis.

Rep. Lynn asked Rep. Kowalko if he is willing to work with Dr. Sheahan to amend some lines of the bill to incorporate specifics about the medical situations he identified.

Rep. Kowalko replied he had no problems doing so.

Chair Bentz requested a motion. A motion was made by Rep. Jaques and seconded by Rep. Hensley to release HB 331 from committee; motion carried. Yes = 7 (Bentz, Baumbach, Matthews, Jacques, Kowalko, Lynn, Osienski, Kenton, and Hensley); No = 0; Absent = 7 (Heffernan, Williams, Miro, Briggs King, and Yearick). The bill was released from committee with an F=0, M=12, U=0 vote.

Rep. Kowalko introduced **HB 324, AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO THE DELAWARE CHILD CARE ACT**. He explained that this bill would require the Office of Child Care Licensing include application forms, the specific requirements to obtain a license, and due process provisions in regulations to ensure that child care providers have a clear communication of what is required.

With permission of the chair, Rep. Kowalko introduced Connie Merlet of Willa Road Children's Center to further speak about HB 324.

Ms. Merlet stated that every year her organization is required to reapply for licensing through the state. She stated that each time a regulation changes it must be assessed, published, and allow for public comment. Ms. Merlet continued that this bill is simple; all regulations should be included in the document regulations being published. She provided Chair Bentz copies of her organization's application forms from the last five years, which have changed four times. She stated that the applications were different from year to year, even month to month. She stated that HB 324 would ensure every organization that is relicensing would receive the same form, by ensuring everything is included in regulations.

Rep. Kowalko stated HB 324 would insist the application form be a part of the regulations. This would ensure the application form may not change every year.

Rep. Jaques requested clarification as to how regulations will be included.

Rep. Kowalko, with permission from the Chair, welcomed Legislative Attorney Deborah Gottschalk forward to address Rep. Jaques concerns.

Ms. Gottschalk stated that one of the provisions states that notice is required when a deficiency is alleged. Therefore, if the Office of Childcare Licensing finds a violation upon an inspection, the regulations require notice be provided to the provider of the alleged deficiency. The details of what that notice has to be may be worked out through the Administrative Procedure's Process.

Rep Matthews stated that he has two children attend a homecare daycare. He stated HB 324 would assist in growing these businesses and allowing more children to have access to home-based care in Delaware.

Chair Bentz opened up the floor for public comment.

Jackie Mette, from the Department of Services for Children, Youth and their Families (DSCYF) stated her appreciation to Rep. Kowalko for bringing this bill forward, and for adding HA 1 to the bill. She stated her department was specifically concerned with lines 14 and 15, due to their direct violation of the child care direct block grants. She expressed that DSCYF are not particularly a fan of this bill, however, if it goes forward, it is the pleasure of the committee.

Rep. Bentz requested a motion. A motion was made by Rep. Baumbach and seconded by Rep. Lynn to release HB 324 w/ HA 1 from committee; motion carried. Yes = 9 (Bentz, Baumbach, Matthews, Kowalko, Lynn, Osienki, Kenton, Hensley, and Yearick); No = 0; Absent= 5 (Heffernan, Jaques, Williams, Miro, and Briggs King). The bill was released from committee with an F=1, M=8, U=0 vote.

Chair Bentz introduced **SS1 for SB 143, AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT OF THE BEHAVIORAL HEALTH CONSORTIUM**. He explained the bill amends the membership of the Behavioral Health Consortium to include two members of both the House and Senate, a member from the Ability Network of Delaware, and the Mental Health Association in Delaware. Additionally, the bill extends the date the first report is due from March 1, 2018 to April 16, 2018.

Rep. Bentz requested a motion. A motion was made by Rep. Hensley and seconded by Rep. Kowalko to release SS1 for SB 143/ from committee; motion carried. Yes = 10 (Bentz, Baumbach, Matthews, Jaques, Kowalko, Lynn, Osienki, Kenton, Hensley, and Yearick); No = 0; Absent= 4 (Heffernan, Williams, Miro, and Briggs King). The bill was released from committee with an F=0, M=8, U=0 vote.

Chair Bentz adjourned the meeting at 4:26 p.m.

Respectfully Submitted by:

Juliann Emory

Attendance List:

Gail Thompson, Freedom and Rescue Project

George Washington, Rescued Testing Dog

Wynne Hewitt, Humane Society of the United States

Bonnie Yeatman, Delaware Resident

Chuck Yeatman, Delaware Resident

Dr. Kevin Sheaman, Delaware's Nemours Children Health Systems

Connie Merlet, Willa Road Children's Center

Jackie Mette, Department of Services for Children, Youth, and Families

Deborah Gottschalk, Delaware Division of Research