

DAVID S. BENTZ
STATE REPRESENTATIVE
18TH District



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

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Health & Human Development Committee Meeting Minutes
5.8.19

Chair Bentz called the meeting to order at 2:57 p.m. Members present included Vice-Chair Seigfried as well as Reps. Baumbach, Chukwuocha, Johnson, Postles, Minor-Brown, Briggs-King, Hensley, Heffernan, Shupe, and Smith.

Chair Bentz introduced **SB 34 W/ SA 1, AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE CREATING A PRESCRIPTION OPIOID IMPACT FUND**. This bill promulgates a Prescription Opioid Impact Fund through a prescription opioid impact fee paid by pharmaceutical manufacturer. The fee goes to support those recovering from opioid abuse. Rep. Bentz added that the bill shifts some responsibilities onto the companies who have helped this issue happen.

Sen. Hansen, the Senate prime sponsor, stated this fund was discussed in depth with stakeholders in the opioid crisis. She emphasized the difference between atax and an impact fee, as an impact fee specifically applies to a particular group or cooperation to offset government costs as it relates to an issue the entity played a role in causing. She discussed the increase of opioid-related drug overdoses in the state and emphasized the need for the fee. She maintained the fee will not significantly increase the cost of prescription drugs for Delaware residents.

Rep. Briggs-King took exception to the findings of the whereas clauses found in the beginning of the bill. She believed the amount of overdose deaths should be clarified as being due to a misuse of opioid abuse instead of the simple use. She also believed language referring to neonatal opioid care should be accurately stated to acknowledge the multiple drugs children were exposed to. She held that Delaware has been making significant advances in addiction management and alternative pain management, and that the patient will ultimately pay for the policy. She would rather companies use funds for research and development to find new pain management.

Chair Bentz echoed support for previous efforts and contended that this is yet another method of achieving that purpose. He stated the lack of certainty that this impact fee will fall on the user and maintained that companies using higher expenses to charge customers more brings this problem full circle and calls for a legislative approach. He also stated the low amount of this fee supports that the bill's purpose is not to assign one-hundred percent of the blame on the pharmaceutical industry; it instead asks them to pay their dues for an issue they helped created.

Rep. Briggs-King maintained overdose deaths have many sources and felt it was negligent to assume all deaths are due to opioid abuse.

Rep. Smith highlighted the need for differentiation between passion and practicality. He stated his concern with companies removing generic brands of medicine and forcing consumers to purchase the name brand in response to the impact fee.

Chair Bentz maintained the low amount of the fee reflects that these companies play a role, although leaves room to account for other drugs that cause overdose deaths.

Rep. Smith again echoed that companies need to do more, but that this is not the way.

Rep. Heffernan asked if fentanyl is subject to the impact fee.

Sen. Hansen said it would.

Rep. Heffernan maintained that manufacturer and distribution companies needed to help the state pay for the collective damage that they have helped cause.

Rep. Smith emphasized the illicit aspect of the use of fentanyl.

Vice-Chair Seigfried stated that the opioid crisis is a very complex problem and this bill is just a start.

Rep. Smith mentioned holding sellers of illicit fentanyl more accountable with longer sentences.

Chair Bentz opened the floor for public comment.

Dr. Sandra Gibney, an emergency room physician, spoke in favor of SB 34 as she accepted her responsibility as a doctor for prescribing such opioids. She stated the nature of misrepresentation from pharmaceutical companies as to the addictive nature of their drugs, and this fee could begin to hold them accountable.

Debbie Hamilton from Pharmaceutical Research and Development asked the committee to table the bill, as there need to be more research done.

Dave Humes from Attack Addiction spoke in favor of this bill and discussed his son's death from the use opioid abuse.

Chris DiPietro from Epic Pharmacies spoke in opposition of this bill as its lack of practicality in the real world as it would cause a devolution of the fee to consumer.

Marybeth Cichocki spoke in favor of this bill as it is holds manufacturing and distribution companies accountable.

Kevin Musto from Atlantic Apothecary stated the costs will fall on companies and pharmacies will elect not to carry the drug.

Doug Keister from Attack Addiction spoke in favor of this bill as it will greatly assist citizens.

Doug Kellogg from Americans for Tax Reform spoke in opposition of this bill; written comments included.

Dustin Thompson from Delaware United spoke in favor of this bill as it holds companies partially liable for the damages they cause.

Tara Ryan from Association for Accessible Medicines spoke in opposition of SB 34 as she opposes any tax in the medical industry because the costs fall to the consumers.

Chair Bentz requested a motion. A motion was made by Rep. Heffernan and seconded by Rep. Chukwuocha to release SB 34 W/ SA 1 from committee; motion carried. Yes= 9 (Bentz, Seigfried, Chukwuocha, Johnson, Smith, Heffernan, Minor-Brown, Hensley, Baumbach) No = 3 (Briggs-King, Postles, Shupe); Absent = 0. This bill was released from committee with an F=1, M=6, U=0 vote.

Rep. Baumbach introduced **HB 140, AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO END OF LIFE OPTIONS**. This bill permits a terminally ill individual who is an adult resident of Delaware to request and self-administer medication to end the individual's life in a humane and dignified manner, so long as the individual has sufficient decision-making capacity, is making an informed decision, and is acting voluntarily. He gave comment from the namesakes of the bill; and presented statistics on the support of this bill from various parties.

Chair Bentz stated that this bill is about choice and allowing people to have autonomy in making those choices.

Chair Bentz opened the floor for comment from the committee; seeing none, he opened the floor for public comment.

Dr. Robert Varipapa, a neurosurgeon, supported this bill as it allows patients to have open and honest conversations with their doctors to make decisions for their life.

Terri Hancharik from the State Council on People with Disabilities spoke in opposition to this bill as it perpetuates a stigma of those with disabilities.

Mike Spencer, Mayor of Newport, spoke in favor of this bill, as it will help citizens make decisions regarding their own life.

Daniese McMullin-Powell from ADAPT Delaware spoke in opposition of this bill as quality of life should not be used as a marketing technique for death assurance.

Salila Shen spoke in favor of this bill as it allows people safe passage out of this world.

John McNeal from State Council on Persons with Disabilities spoke in opposition of this bill as it negatively affects those with disabilities and lessens the importance of life.

Karen Lantz from ACLU of Delaware supports this bill, as it is an aspect of personal autonomy and ensures decisions benefit no one but the patient.

Marybeth Brocklebank spoke in opposition of this bill in favor of education of care options.

Tom Curly, a private attorney in Delaware, spoke in favor of this bill as citizens want and need the full assortment of end-of-life care options.

Neil Kay from the Medical Society of Delaware spoke in opposition of this bill, as physician-assisted suicide is fundamentally divergent from the code of professional ethics.

Dr. Anne Marie Damico from American College of Obstetricians and Gynecologists spoke in favor of this bill as her organization has adopted engaged neutrality in favor of leaving the decision to the doctor and patient.

Bess McAnany spoke in opposition of this bill, as it uses the power of words and suggestions to promote death.

Joanne Hasse from League of Women Voters supports this bill, as state law should give patients the options in end-of-life care while offering safeguards to protect from misuse.

Donna Latteri opposed this bill as people receive incorrect diagnoses and others may have ulterior motives in pursuing death for the patient.

Don Peterson from Unitarian Universalists Delaware Advocacy Network (UUDAN) supported this bill, as it includes all safeguards necessary to ensure that individuals maintain dignity in dying.

Wendy Griffin spoke in opposition of this bill as mistaken diagnoses occur and every life, even those with disabilities, has value and purpose.

Molly Keogh from UUDAN spoke in favor of this bill; written comments are included.

Dr. Mary McCrossan spoke in opposition of this bill as it violates the ethics related to physicians.

Chair Bentz asked Rep. Baumbach for any closing remarks.

Rep. Baumbach asked committee to take no action on this bill.

Chair Bentz adjourned the meeting at 4:43 p.m.

Respectfully Submitted by:

Adriante Carter

Attendance List:

Sandra Gibney

Dave Humes, Attack Addiction

Marybeth Cichocki

Don Keister, Attack Addiction

Dustin Thompson, Delaware United

Tara Ryan, AAM

Debbie Hamilton

Chris DiPietro, Epic Pharmacies

Kevin Musto, Atlantic Apothecary

Doug Kellogg, Americans for Tax Reform

Dr. Robert Varipapa

Terri Hancharik

Mike Spencer

Daniese McMullin-Powell, ADAPT Delaware

Salila Shen

John McNeal, State Council on People with Disabilities

Karen Lantz, ACLU Delaware

Marybeth Brocklebank

Tom Hurley

Neil Kaye, Medical Society of Delaware

Dr. Anne Marie Damico, ACOG

Bess McAnany

Joanne Hasse, League of Women Voters

Donna Latteri

Don Patterson, UUDAN

Wendy Griffin

Molly Keough, UUDAN

Dr. Mary McCrossan