

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2139

2001 SENATE HUMAN SERVICES

SB 2139

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2139

Senate Human Services Committee

Conference Committee

Hearing Date January 16, 2001

Tape Number	Side A	Side B	Meter #
1		X	49
January 23, 2001 2	X		3
Committee Clerk Signature <i>Carol Klotzchuk</i>			

Minutes:

The hearing was opened on SB 2139.

MICHAEL J. MULLEN, Senior Policy Advisor, Dept. Of Health, introduced bill and the Dept supports it. (Written testimony)

SENATOR MATHERN: What year did we enact this chapter and did we do any studies? MR.

MULLEN: This chapter was enacted in April of 1979. There were no special studies taken under

this chapter of code. SENATOR POLOVITZ: Does this limit the use of it? MR. MULLEN:

Repealing this chapter doesn't explicitly prohibit the use of laetrile; it simply leaves it up to the Board of Medical Examiners to decide if the particular treatment utilized is going to be harmful to the patient. They evaluate that every day; that is their responsibility.

ROLF SLETTEN, Executive Director of the Medical Board of Directors, supports bill. This will clean up the books. It wouldn't change life very much for anyone. We have never tried to

prosecute anyone for using laetrile. No one has requested this sort of hearing. This would put it in the same class of all other drugs.

Opposition to SB 2139

CLAYANN ALMQUIST. Minot, opposes the bill. (Written Testimony)

SENATOR LEE: Was your physician involved in your alternative treatment? MS.

ALMQUIST: Yes.

DR. BRIAN BRIGGS, Minot, opposes bill. (Written testimony)

MRS. BRIGGS: As of now the FDA has stopped the supply of laetrile. It is difficult to get.

SANDRA SUND, R.N., Bottineau, ND opposes bill (Written testimony).

SENATOR LEE: Everyone in the room wants patient's choices to still be a part of what options for treatment might be. Patient's choices are appropriate. This is so the evaluation is not needed to have a separate factor.

REPRESENTATIVE FRANK WALD, Dickinson, opposes the bill with example of friend being treated. People should have a right to choose.

DON FEIMER: State board has power to determine what is harmful. Leave the thing in tact FDA is threatening.

The hearing was closed on SB 2139.

Discussion was opened on SB 2139 on January 23, 2001, Tape 2, Side A, Meter 3.

SENATOR FISCHER moved DO PASS. SENATOR KILZER seconded it. Roll call vote carried 6-0. SENATOR KILZER will carry the bill.

Date: 1/23/01

Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2199

Senate HUMAN SERVICES Committee

Subcommittee on _____

or

Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Senator Fischer Seconded By Sen Kilzer

Senators	Yes	No	Senators	Yes	No
Senator Lee, Chairperson	✓		Senator Polovitz	✓	
Senator Kilzer, Vice-Chairperson	✓		Senator Mathern	✓	
Senator Erbele	✓				
Senator Fischer	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen Kilzer

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
January 23, 2001 4:16 p.m.

Module No: SR-11-1476
Carrier: Kilzer
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2139: Human Services Committee (Sen. Lee, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2139 was placed on the
Eleventh order on the calendar.

2001 HOUSE HUMAN SERVICES

SB 2139

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2139

House Human Services Committee

Conference Committee

Hearing Date March 6, 2001

Tape Number	Side A	Side B	Meter #
Tape 2		X	2070 to end
Tape 3	X		0 to 2190
Committee Clerk Signature <i>Cornie Easton</i>			

Minutes:

Chairman Price, Vice Chairman Devlin, Rep. Dosch, Rep. Galvin, Rep. Klein, Rep. Pollert, Rep. Porter, Rep. Tieman, Rep. Weiler, Rep. Weisz, Rep. Cleary, Rep. Metcalf, Rep. Niemeier, Rep. Sandvig

Chairman Price: Open hearing on SB 2139.

Mike Mullen: Senior Policy Advisor, State Department of Health. (See written testimony.)

SB 2139 will repeal Chapter 23-23.1 of the Century Code which imposes requirements on the Board of Medical Examiners before they may initiate any disciplinary actions for improper use of Laetrile. Laetrile was first used to treat cancer patients in California in the 1950's. Because there wasn't proof of the safety in using Laetrile, the Food and Drug Administration banned it from interstate commerce in 1971. There was a lot of litigation as to whether they had the authority to do this and because of the uncertainty, North Dakota legalized the intrastate use of the product. In 1979 the United States Supreme Court upheld the authority of the FDA to

regulate the distribution of Laetrile in interstate commerce. There was still continuing dispute over whether or not it was an effective product for the treatment of cancer. So the Cancer Institute began a clinical study. The clinical tests showed it had failed on several accounts. Let me focus on SB 2139 - what it does and what it doesn't do.

All this bill does is to repeal Chapter 23-23.1. This appeal does not make the use of Laetrile unlawful. That is still going to be the judgment for the Board of Medical Examiners to determine on a case by case basis.

Chairman Price: So this legislation is in front of us at the department's request, not at the Board of Medical Examiner's request?

Mike Mullen: We did initiate that recommendation to do this. We were asked by the health officer to review the statutes that apply to the Department of Health. So we had some other bills that were just repealing laws that we didn't think needed to remain on the books.

Chairman Price: And this has been on the books since 1979?

Mike Mullen: That is correct.

Chairman Price: Now part of your testimony said that the board will not be required to conduct a special study - that study would have been completed years ago, or are you saying it has to be done every time there is a patient?

Mike Mullen: No, but the purpose of the law of 1979 was to limit the authority of the board and say you couldn't really exam whether treatment was appropriate or not unless you did this special study. Subsequently, other studies have been conducted so our view is we don't need to have a special study. Studies have already been conducted so the purpose of the law has been fulfilled. All we are trying to do is to repeal a law where we believe its purpose has already been accomplished.

Rep. Dosch: Has the Department of Health received any complaints about Laetrile?

Mike Mullen: No, we have not.

Rep. Weiler: If this bill passes, will the people of North Dakota be able to purchase Laetrile?

Mike Mullen: The Department of Health has no authority and no interest in pursuing this. I don't think the Board of Medical Examiners would either unless there was some evidence that patients were being harmed in some way.

Rep. Klein: Tell me how Laetrile, which I understand is Vitamin B17, can be toxic or harmful to people?

Mike Mullen: It breaks down in the body and it creates cyanide, and if the dosage is strong enough, it could cause harm.

Rep. Dosch: Has the FDA expressed any concerns with this in regards to the bill?

Mike Mullen: We were not contacted by the FDA or NIA.

Rep. Weiler: Are you aware of any natural vitamins, or mineral, or herbs that the N.D. Medical Board has ever approved for medical use by medical doctors in North Dakota?

Mike Mullen: I'm not personally aware of that, but perhaps Mr. Olson could comment on that. The National Institute of Health has established a division or office of alternative medicine. It is a much greater recognition that there are alternatives there that medical persons and others believe may be helpful in the treatment of disease. There is more flexibility and more option than there was 10 or 20 years ago.

John Olson: I am appearing for the North Dakota State Board of Medical Examiners. (See testimony prepared by Rolf Sletten, Executive Secretary, N.D. State Board of Medical Examiners.) The chapter was passed in 1979, and in 23 years no one has ever requested a hearing under this chapter. I have attached to this testimony a copy of the chapter.

Vice Chairman Devlin: If it really doesn't matter whether the chapter is on the books or not, does it hurt to leave it on?

John Olson: I guess it doesn't except for the fact that Mr. Mullen does make a good point. The laws are not there for any reason or purpose. I think it is outdated and doesn't fit for what we perceive to be our responsibility and obligations in enforcing the Medical Practices Act.

Chairman Price: Do you have any idea how much usage there is by the citizens of North Dakota?

John Olson: I have no idea. We don't have any information on that.

Rep. Kasper: I see this bill as looking for a problem that isn't there. This is really all about, in my opinion, trying to curb the freedom of the people of our state to use natural substances for their own benefit. That is why we feel this bill needs to be killed and the Laetrile section needs to be in place. By keeping the Laetrile section in place we're going to allow physicians to continue to prescribe it if this bill is passed. What will happen is Laetrile will be banned in North Dakota and then the Medical Board will have the power whether or not to determine if it can be prescribed in North Dakota. This is a big step even though it looks like an innocent bill.

Rep. Dan Ruby: I appear before you today in opposition to SB 2139 mainly because I believe the passage of this bill will eventually deny people the freedom to choose the treatment they feel is best for them. (See written testimony.)

Howard Hall: Fargo, ND. I am very opposed to the passage of this bill. (See written testimony.)

David Sliper: Cancer Free Patient. Do not pass SB 2139. (See written testimony.)

Clayann Almquist: Breast Cancer Patient. (See written testimony.) I urge each of you to vote DO NOT PASS when you consider and vote on this bill.

Rep. Klein: How is the drug administered?

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House Human Services Committee

Bill/Resolution Number SB 2139

Hearing Date March 6, 2001

Clayann Almquist: Through IVs and also orally.

Rep. Cleary: Was Laetrile the only drug that you took?

Clayann Almquist: I also did celandine which cleanses and I am also on vitamins.

Ruth Schmidt: Breast Cancer Patient. (See written testimony.) I encourage each of you to vote DO NOT PASS on SB 2139.

Dan Olson: Herbalist, Fargo, ND. I don't use Laetrile or anything like that, but I am concerned about what is going on here - this process. It appears to me that there is an effort underway to circumvent due process by where the safety concerns can be addressed the public, the citizen has access. I don't see any way how this can be improved upon by eliminating this portion of the law. I dread the fact that some day this will probably happen to me in my business. People consult with me on the use of Herbs, but I suspect there will be laws and regulations that will greatly curtail how I can talk to people. Nobody is getting cyanide poisoning from Laetrile. General chemotherapy poisons the whole body and we hope the cancer is killed before the body is destroyed. Laetrile doesn't do that.

Brian Briggs: M.D. Of Minot, North Dakota. (See written testimony.) I am speaking in opposition to SB 2139. If this bill is passed, the use of Laetrile in this state will be ended. This may not seem like a major loss to some of you, but that law from 1979 still represents part of the pressure on the cancer establishment to change its ways. Then we could all work together in the prevention and cure of cancer and other chronic diseases.

Constance Briggs: I just wanted to state the fact that many unwell people are going to Mexico. There are 40 clinics alone in Tiawana, Mexico. Why should our people have to go to Mexico.

Dennis Schmidt: Husband of Ruth Schmidt. I would just like to ask for a DO NOT PASS.

There were no side affects for my wife with Laetrile.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2139 A

House Human Services Committee

Conference Committee

Hearing Date March 12, 2001

Tape Number	Side A	Side B	Meter #
Tape 3	X		115 to 280
Committee Clerk Signature <i>Corinne Easton</i>			

Minutes:

COMMITTEE WORK:

CHAIRMAN PRICE: Let's go to SB 2139.

REP. KLEIN: I will make a motion for a DO NOT PASS.

REP. METCALF: Second.

CHAIRMAN PRICE: Any discussion?

REP. CLEARY: I think this is just cleaning up the code, but it sure raised a lot of ruckus. It would probably be better just to leave it.

CHAIRMAN PRICE: Yes, I think it was just introduced for that reason. I don't see any danger in leaving it as is either.

REP. NIEMEIER: It is a vocal group, but a very small group.

CHAIRMAN PRICE: The clerk will call the roll for a **DO NOT PASS**.

14 YES 0 NO 0 ABSENT CARRIED BY REP. TIEMAN

