

MINUTES OF THE HOUSE JUDICIARY COMMITTEE.

The meeting was called to order by Chairman Michael R. O'Neal at 3:30 p.m. on February 6, 2003 in Room 313-S of the Capitol.

All members were present except:

Representative Paul Davis - Excused
Representative Dale Swenson - Excused

Committee staff present:

Jerry Ann Donaldson, Legislative Research Department
Jill Wolters, Revisor of Statutes
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Representative Jene Vickrey
Richard Sells, Lawrence Athletic Club

Hearings on **HB 2139 - diet programs, consumer protection & HB 2140 - physical fitness centers, consumer protection**, were opened.

Representative Jene Vickrey appeared as the sponsor of both bills. He stated that **HB 2139** would allow for a three day right of rescision and the right of the consumer to cancel the contract if the consumer provides a letter from a physician indicating that there is an adverse health risk. **HB 2140** has many of the same provisions but allows a health facility to lock in the first six months of a contract and then allows the consumer to pay month by month. Both proposed bills allow the termination of a contract if the consumer moves more than 25 miles away from the facility (Attachment 1).

Richard Sells, Lawrence Athletic Club, appeared as an opponent of **HB 2140** but believes there are some good provisions in the bill and that something like it is probably needed due to the fact that not all health clubs have the customers interest in mind. His club turns 10-15% of their clients over to a collection agency. They allow members to "sell" their membership when they are leaving town or no longer feel they need to continue at the club. They do have a 90-day buy-out policy. They provide contracts for the military which allows them to leave at anytime, their contracts are terminated. If and when they return they can rejoin the club at the same fee that they were paying before they left (Attachment 2).

Written testimony in opposition to **HB 2140** was provided by Wade Ferguson (Attachment 3)

Chairman O'Neal appointed a sub committee on the two previous bills. Representative Newton, Chair, Representative Long & Representative Rehorn.

Representative Swenson made the motion to approve the committee minutes from January 16, 23, 27, 28 & 29. Representative Owens seconded the motion. The motion carried.

The committee meeting adjourned at 4:30 p.m. The next meeting was schedule for February 10, 2003 at 3:30

CONTINUATION SHEET

MINUTES OF THE HOUSE JUDICIARY COMMITTEE at 3:30 p.m. on February 6, 2003 in Room 313-S of the Capitol.

p.m. in room 313-S.