

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA ASSEMBLY SESSION

MINUTES

February 10, 1975

Vice Chairman Karen Hayes called to order the meeting of the Assembly Judiciary Committee at the hour of 9:15 a.m. on Monday, February 10, 1975.

MEMBERS PRESENT: Messrs. BANNER, HEANEY, HICKEY, LOWMAN, SENA, Mrs. HAYES and Mrs. WAGNER.

MEMBERS ABSENT: Chairman BARENGO and Mr. POLISH.

Vice Chairman Hayes told the Committee that this meeting had been called to discuss A.B.36.

Guests at this meeting were: Edward H. Kopf, M. D., plastic surgeon from Las Vegas; Donald J. Dombrowski, M. D., plastic surgeon from Las Vegas; Elliott A. Sattler, Attorney General's Office; Joseph R. Radzius, Food and Drug Counsel for Dow Corning Corporation; Ann Ehrenburg, Las Vegas Review-Journal; and Dennis Baughman, Las Vegas Review-Journal. A Guest Register is attached to these Minutes.

First to testify before this Committee regarding A.B.36 was Dr. Edward H. Kopf. He stated the problem primarily was in the southern part of the State. Apparently, the problem has been going on and building to such a point that we can no longer ignore it. The problem relates to the liquid silicone oil, not the other types of silicone. When this substance originally came out, it was not regulated, and a great many people were injected with it. The company which manufactured it set up a number of legitimate research centers in the country to research the problem. Now, 12 to 14 years later, people are seeing frightening and horrendous results from these injections. Dr. Kopf believes that before the end of 1975 this liquid silicone will be approved as a drug, and thus, it will be available to every physician, irregardless of his knowledge of its proper administration.

There were numerous questions from the Committee to Dr. Kopf regarding the procedure of administering the injections, the availability of the liquid silicone, and the various conditions which prompted the use of the liquid silicone.

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Dr. Kopf then showed the Committee slides of the various patients in the Las Vegas area who were being treated for complications due to the silicone injections. He stated that the problems begin to show approximately ten years after the original injections.

Further questions were asked of Dr. Kopf by the Committee after the slides were shown. Mrs. Wagner asked Dr. Kopf if he has the support of all practicing plastic surgeons in the Las Vegas area regarding his thoughts on the liquid silicone. He said he did.

Next to testify was Joseph R. Radzius, Food and Drug Counsel for the Dow Corning Corporation, the only company in the United States which manufactures and distributes liquid silicone. He said possibly there are foreign firms which produce and import this substance to the United States. He mentioned the many types of silicone and the many medical uses for them. He said Dow Corning Corporation supports a bill such as A.B.36, provided it is extremely clear and unambiguous and does not impend upon the use of the many helpful silicone products. Mr. Radzius briefly explained the history of the injections of silicone to this Committee. He stated that he didn't know if the new drug application status of the liquid silicone would be released in 1975. If it is approved by the Federal Drug Administration, he thinks it would be sometime in 1976. Relating to Dow Corning Corporation's study, it specifically excluded the female breast. Mr. Radzius then distributed photographs pertaining to their research for the Committee to view. He stated that if Nevada and numerous other states passed legislation prohibiting silicone products, then Dow Corning Corporation probably would discontinue manufacturing some of their products. Mr. Radzius stated that silicone is used on almost all hypodermic needles in the United States to enable injections to be less painful. He wanted it made clear that the silicone used for these hypodermic needles should clearly be exempted from consideration as the type of liquid silicone to which A.B.36 refers. After he answered questions from this Committee, Mr. Radzius summed up his discourse with the statement that if this bill is passed, that the language used in the final bill be very carefully considered.

Next to testify before this Committee was Elliott A. Sattler, representing the State of Nevada Attorney General's Office. He spoke about the legal problems regarding A.B.36, and stated that he has seen some of the problems which resulted from these liquid silicone injections. He stated

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that the obvious problem regarding banning use of the liquid silicone was one of enforcement. He stated that in the one particular case where this liquid silicone may be helpful (facial hemiatrophy), possibly the patient could be sent to a research center out of state for treatment. He, too, stated that if this liquid silicone is allowed as a drug, that it would be available to every physician. Mr. Sattler stated that the technique used to inject this liquid silicone is to be considered. Mr. Sattler referred again to the problem of enforcement, and he stated that the difficulty with this resulted from the cosmetic use of the liquid silicone. Mr. Sattler pointed out that Section 1(a) does not limit the sale, it just prohibits injection. He also stated that implants, or prostheses, could present a difficulty to this Committee. As written, violation of this statute would be a misdemeanor. He proposes that it be changed to a felony. His feeling is that if a person steals, this is a felony. Therefore, one who disfigures should be guilty of a felony. Mr. Sattler strongly urges perfection of the bill to enable viability without loopholes. Mr. Hickey questioned Mr. Sattler as to what degree of felony he felt should apply. Mr. Sattler said he suggested the first degree of felony.

Next, Dr. Donald J. Dombrowski, Las Vegas plastic surgeon, testified. He stated at the outset that Dow Corning Corporation was a fine company and he had no quarrel with them. He stated some of the positive effects of silicone products. And, he spoke briefly of the use of liquid silicone for the facial hemiatrophy problem. He stated that he has not personally seen a problem of this type since he had begun practice, which has been a period of 12 years. He said a physician should be able to use a product as he feels necessary. He said if the drug company limits the practitioner, it would hinder the reputable practitioner, and it would give more "meat" to a malpractice suit. He stated that forbidding liquid silicone may be limiting experimentation for future beneficial results. But, if there is no other way other than banning the product, then this is the way we should go. He felt that Dow Corning Corporation should be allowed to expand its research. Following Dr. Dombrowski's testimony, the Committee asked questions of him.

Vice Chairman Hayes asked if there were any other persons who wished to testify, and Mr. Radzius stated that he would, in the future, have written testimony for the Committee and would like to expand his oral testimony at some future date.

Mr. Lowman mentioned that possibly Dr. Charles Vinnik, also a plastic surgeon who presently was attending a convention at Lake Tahoe, would like to testify before this Committee.

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There was a motion, and it was seconded that the meeting be adjourned. There being no further business, Vice Chairman Hayes adjourned the meeting.

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GUEST REGISTER

DATE: 2/10, 1975

NAME	BILL NO.	SPEAKING	REPRESENTING
Charles Gulle	A B 36	yes	Las Vegas Plastic Surgery Society
Elliott A. Saper	"	yes	Atty Gen office
Joseph R. Badzius	"	yes	New Morning Corp.
Mary Montowski		no	
Bob Stone		no Leg. interest	
Nancy Dece		no	" "
Jeff Kell	"	NO	Leg Interest
Ed Montowski	"		
Edward J. J.		YES	
Ann Chrenburg		-	Las Vegas Review - Journal
Dennis Baughman		-	Las Vegas Review Journal