



Week 4 Idaho Legislative Update for February 1-5, 2021

The fourth week of the First Regular Session of the Sixty-Sixth Idaho Legislature brought an increased number of committee meetings, hearings, and legislators' commitments. At the same time, the traditional receptions and gatherings are still being missed. Freshmen committee members are now comfortable with the process and understand their roles. This inevitably leads to a faster pace and more robust discussion on legislation.

Earlier this week, Governor Little announced an easing of the COVID 19 related restrictions and moved the state to a modified [STAGE 3](#). The new guidelines have helped ease tensions in the Capitol while also giving hope to Idahoans looking forward to overcoming the pandemic. In addition to the loosening of restrictions, Governor Little also announced a new online tool for Idahoans to learn more about the vaccine allocation and distribution in Idaho. The new website details Idaho's plan and outlines priority groups. The [COVID-19 VACCINATION](#) site provides the public with a resource where Idahoans can find out when they are eligible to receive the vaccine and where to access enrolled COVID-19 vaccine providers in their area. The surge of 65 and older adults seeking vaccination appointments has overwhelmed providers. As a result, the Department of Health and Welfare announced that they would be taking back unused vaccine from CVS and Walgreens that was intended for long-term care and assisted living facilities to put back into the vaccination pipeline. Adequate supply to meet the increased demand continues to be an issue.

This was the week that the Department of Health and Welfare presented their budget requests to JFAC, the Joint Finance and Appropriations Committee that approves state budgets. The Governor had initially suggested a \$30M cut in Medicaid spending. Combined with federal matching funds, that would have added up to \$118M in cuts to Medicaid including Medicaid Expansion. However, now that the Biden Administration has announced that federal funding is secure, the Governor has withdrawn his proposed Medicaid cuts.

The Governor's supplemental recommendations for [BUILDING IDAHOS FUTURE](#) continue to be scrutinized by the legislature both in the budget committee and in the germane policy committees who have asked the Governor's agency heads and staff to present, along with legislative services staff, to better understand the roll-out of programs from water, broadband, transportation and more. In order for these plans to move forward, the legislature must appropriate the general funds for these recommendations. They may also produce legislation to define how the funds can be utilized by the agencies.

At the end of the fourth week of the session, rewrites of bills and resolutions continue to be introduced, seeking to reign in the Governor's emergency powers. This week marked a traditional turn in the legislature as February begins, committee members dig-in on policy and floor debates. This week's process and atmosphere throughout the Capitol was much more in line with previous years, but with the continued limitations for health and safety. Committees are becoming more comfortable with remote (virtual) testimony, however some chairmen prefer in-person or written testimony.

As always, all bills from the session can be tracked [HERE](#). We monitor this daily and will be on the lookout for anything that may be of relevance.



Policy Update

[SJR101](#) - Anti-legalization Constitutional Amendment – **Passed Senate – Filed with House State Affairs Committee**

Senator Grow presented SJR 101, a constitutional amendment that would stop Idaho from legalizing-controlled substances. This resolution would add a code reference to the Idaho constitution. As Idaho Code is updated, the Idaho Constitution would refer to that section of the code. On Wednesday February 3rd, the senate passed this resolution with a 24-11-0 vote. It will next be heard in the House State Affairs committee.

This bill will receive a house committee hearing sometime next week.

[Senate Bill 1017](#) – District Board of Health – **Awaiting Senate Floor Vote**

Senate Bill 1017 related to the Uniform Controlled Substances Act was presented to the Senate Health and Welfare Committee by Tim Frost, Regulatory Affairs Manager, Division of Occupational and Professional, to mirror Federal Drug Enforcement Administration substance scheduling and de-scheduling decisions for 2020. The members moved the bill quickly through committee as they do most years, and it will be brought before the full Senate for a hearing next week.

The bill should be debated and voted on next week.

[House Bill 33](#) –District Board of Health – **Awaiting Hearing in House Health and Welfare Committee**

House Bill 33 was introduced by House Health and Welfare. This bill would allow review and override of Public Health District Actions, Orders & Decisions by County Commissioners. The bill would also make public health violations an infraction for the first two offenses and a misdemeanor for a third offense, also includes specified fines.

This bill may receive a full committee hearing sometime early next week



House Bill 34 - Health Ordinances, City Limits - **Awaiting Hearing in House Health and Welfare Committee**

House Bill 34 was introduced by the committee and was presented by Representative Brandon Mitchell (D5). This bill would remove authorization in Idaho code, Chapters 53-04 and 56-06 that allows city jurisdiction during public health emergencies to 5 miles outside city limits. Article 12, Section 2 of the Idaho Constitution that prohibits jurisdiction beyond city limits.

This bill may receive a full committee hearing sometime early next week

House Bill 35 - Idaho Tuberculosis Hospital- **Passed the House Floor – Filed with Senate Health and Welfare Committee**

House Bill 35 was presented by Elke Shaw Tulloch, Department of Health and Welfare. This bill would repeal Chapter 10-66 related to Idaho Tuberculosis Hospital as part of Red Tape Reduction Act. Chapter 10-66 was adopted in 1941, and the Gooding TB Hospital opened in 1942 and closed permanently in 1971. Passed the house with a 69-1 vote and has been filed with the Senate.

This bill may receive a full committee hearing sometime early next week

House Bill 36 - Vital Statistics Records – **Passed the House Floor – Filed with Senate Health and Welfare Committee**

House Bill 36 was introduced in House Health and Welfare by James Aydelotte, Bureau Vital Statistics. The Bill would repeal a reporting requirement for artificial insemination that requires written husband and wife consent to be filed with the Bureau of Vital Statistics. Passed the house with a 69-1 vote and has been filed with the Senate.

This bill may receive a full committee hearing sometime early next week

House Bill 37 - Nursing Disciplinary Action – **Passed the House Floor – Filed with Senate Health and Welfare Committee**

House Bill 37 was introduced by House Health and Welfare, and presented by Tim Frost, Department of Occupational and Professional Licensing. This bill would extend license action under the Nurse Practice Act to include “guilty pleas” for criminal conviction. This is related to a 2019 case. In that case the Board of Nursing could only take action once the individual was convicted in spite of having made a guilty plea. Passed the house with a 69-1 vote and has been filed with the Senate.

This bill may receive a full committee hearing sometime early next week



[House Bill 38](#) - Telehealth Prescribing – Passed the House Floor – Filed with Senate Health and Welfare Committee

House Bill 38 was presented by Tim Frost, Department of Occupational and Professional Licensing, to align federal DEA exemptions to the prescribing of controlled substances during emergencies. Passed the house with a 70-0-0 vote and has been filed with the Senate.

This bill may receive a full committee hearing sometime early next week

[House Bill 39](#) - Controlled Substances Authority – Passed the House Floor – Filed with Senate Health and Welfare Committee

House Bill 39 was introduced to House Health and Welfare committee by Tim Frost, Department of Occupational and Professional Licensing (DOPL) as updates to the Idaho Controlled Substances Act. This bill moves the Prescription Drug Monitoring Program from the Board of Pharmacy to DOPL. Passed the house with a 70-0-0 vote and has been filed with the Senate.

This bill may receive a full committee hearing sometime early next week

[House Bill 40](#) - Pharmacy Act – Passed the House Floor – Filed with Senate Health and Welfare Committee

House Bill 40 was introduced and presented by Tim Frost, Department of occupational and professional Licensing. This Bill updates definitions to allow childhood immunizations and over-the-counter compounding. It also clarifies that Naloxone and Epi-Pens can be dispensed to anyone. This bill also updates the Wholesale Drug Distribution Act and removes outdated sections and relocates other sections. Passed the house with a 70-0-0 vote and has been filed with the Senate.

This bill may receive a full committee hearing sometime early next week

[House Bill 42](#) Idaho Patient Act – Medical Debt Collection Extension – Passed the House Floor – Filed with Senate Commerce and Human Resources Committee



The Idaho Patient Act was passed in 2020. It sets requirements for medical debt collection. The act requires hospitals and other medical providers to give advance notice to patients and meet strict timelines before pursuing medical debt collections. The act specified July 1, 2020, as a deadline for providers to have systems in place to meet the requirements of the law. Due to COVID-19 and difficulty adjusting electronic medical records, providers have been unable to meet the July 2020 deadline. This bill extends the deadline to July 1, 2021 and allows for collection activities to continue prior to July 1, 2021. All other provisions of the Act remain unchanged.

This bill may receive a full committee hearing sometime early next week

Senate Bill 1038 - Relating to Public Assistance - **Passed House Health and Welfare Committee – Awaiting House Floor Vote**

Senate Bill 1038 was presented by Matt Wimmer, the Administrator for Division of Medicaid and Idaho Department of Health and Welfare. This bill would remove outdated sections of code related to Medicaid programs that no longer exist. These programs and sections are as listed; 56-209 – Pilot weight management program, 56-236 – Insurance access card program, 56-241 – Small Business Insurance Program – providing temporary health insurance for small businesses, 56-242 – Access Card Program including subsidies for those under 100% of federal poverty to purchase subsidized health insurance – replaced by the Health Insurance Exchange. This bill has passed the committee and sent to the floor for a Senate vote.

The bill should be debated and voted on next week

House Bill 79 – Annuity Consumer Protection Act – **Introduced in House Business Committee**

House Bill 79 was introduced in House Business Committee by Dean Cameron, Administrator of the Department of Insurance. This bill would adopt the received NAIC model regulation into statute rather than into rules. This bill would clarify chapter 19 Title 41 of Idaho Code to provide provision for insurance producers and insurers to "act in the best interest of the consumer when making a recommendation of an annuity, to establish producer training expectations, and to require insurers to establish and maintain a system to supervise recommendations."

This bill should have a full hearing sometime early next week.

Rules

No rules were presented or scheduled this week in House or Senate Health and Welfare Committees.



Benn Brocksome
&
ASSOCIATES

As a reminder, if the rules pass either the House or the Senate, they are set to go into effect. If the legislature fails to pass the “go home bill” that enacts the rules, the Governor will likely sign an executive order enacting all the rules as temporary for one year as he has the past few years.