



Week 5 Idaho Legislative Update for February 8-12, 2021

The fifth week of the First Regular Session of the Sixty-Sixth Idaho Legislature brought the completion of several bills. It marks a key moment as the Governor signed the first bill of this session. In addition to the legislative website that tracks each bill's status, the Governor's office runs a [BILL TRACKER](#) on his website to track the status of each bill his office receives. The House and the Senate continue to work through legislation with a flurry of bills being introduced this week and as more bills pass out of committee and head to the floor for full debate.

In previous years there was a definite pattern the legislature took in completing their work. This year, it's a flurry of rules and legislation at the same time. This week the non-privileged committees (afternoon committees) worked quickly to introduce legislation as their deadline for introduction is Monday, February 15th. Legislation can still be introduced after the deadline in these committees, but only with special permissions. This deadline doesn't affect current legislation. The committees this week worked through several bills in a hurry ahead of the deadline. The rules process continues as some committees finish their rule obligations while others are still working through theirs.

The Governor's supplemental recommendations for [BUILDING IDAHOS FUTURE](#) is being debated. The Joint Finance, and Appropriations Committee (JFAC) continues budget presentations and requests from state agencies. Particular interest has been paid to the use of the CARES Act and other federal funds. Detailed presentations and questions over the use of funds for the past year, and plans for the upcoming budget year, continue as JFAC begins setting budgets in week seven.

Several germane policy committees are holding hearings and presentations from the Governor's agency heads and staff to present their plans for supplemental budget requests, to better understand the roll-out of programs for water, broadband, transportation, education, support for small businesses and more. For these plans to move forward, the legislature must appropriate the funds. They may also pass legislation to address how those funds can be used.

At the end of the fifth week, committees worked quickly to introduced legislation. They remain focused on trying to reign in the Governor's emergency powers while also dealing with the rest of the people's work. This week's process and atmosphere throughout the Capitol had an increased sense of urgency, and things are moving at a faster pace than previous weeks. Protocols continue for health and safety, which present limitations, but legislators are now comfortable with virtual/ remote testimony. Overall, everyone in the Capitol is getting more comfortable with the process and the limitations, while most chairmen continue to prefer in-person or written testimony.

All bills from this session can be tracked [HERE](#). We continue to monitor this daily and will keep you updated on all bills that might have a nexus to our work for you.



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 bill 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 bill with a 24-11-0 vote and filed with the House State Affairs Committee for further action.

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

[Senate Bill 1017](#) – District Board of Health – **Passed the Senate – Filed with House Health and Welfare Committee**

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 de-scheduling decisions for 2020. The members moved the bill quickly through committee as they do most years. The Senate voted to pass SB 1017 with a vote of 30-3-2. This bill continues to have strong support and will continue through the process with its filing of the bill to the House Health and Welfare committee.

The bill may receive a full committee hearing sometime early 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 next week.



House Bill 74 - Health Ordinances, City Limits – **Passed the House - Awaiting Hearing in Senate Health and Welfare Committee**

House Bill 74, which Replaced House Bill 34, passed the House and is awaiting a Senate Health and Welfare Committee hearing. The bill Sponsor is Representative Brandon Mitchell (LD5 Cambridge). This bill would remove authorization in Idaho code, Chapters 53-04 and 56-06, allowing city jurisdiction during a public health emergency to 5 miles outside city limits to comply with Idaho Constitution Article 12, Section 2 which prohibits jurisdiction outside city limits. This bill passed the House with a 70-0-0 vote and filed with the Senate Health and Welfare Committee.

This bill may receive a full committee hearing sometime within the next two weeks.

House Bill 35 - Idaho Tuberculosis Hospital- **Passed Senate Health and Welfare Committee – Awaiting Senate Floor Vote**

House Bill 35 was introduced to the committee and 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 the Red Tape Reduction Act. Chapter 10-66 was adopted in 1941, and the Gooding TB Hospital closed permanently in 1971. Passed the House with a 69-1 vote and has been filed with the Senate. HB 35 passed the committee and has been filed with the Senate for a floor vote.

The bill should be debated and voted on the Senate Floor next week.

House Bill 36 - Vital Statistics Records – **Passed Senate Health and Welfare Committee - Awaiting Senate Floor Vote**

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. HB 36 passed committee this week and has been filed with the Senate for a floor vote.

The bill should be debated and voted on the Senate Floor next week.

House Bill 37 - Nursing Disciplinary Action – **Passed Senate Health and Welfare Committee - Awaiting Senate Floor Vote**

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 a criminal conviction. This is related to a 2019 case. In that case, the Board of Nursing



could only take action once the individual was fully convicted in spite of having made a guilty plea. Passed the House with a 69 – 0 – 1 vote and has been filed with the Senate. This week HB 37 passed the committee and has been filed with the Senate for a floor vote.

The bill should be debated and voted on the Senate Floor next week.

House Bill 38 - Telehealth Prescribing – **Passed Senate Health and Welfare Committee – Awaiting Senate Floor Vote**

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

The bill should be debated and voted on the Senate Floor next week.

House Bill 39 - Controlled Substances Authority – **Passed Senate Health and Welfare Committee - Awaiting Senate Floor Vote**

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. This bill passed the House with a 70-0-0 vote. This week HB 39 passed the committee and has been filed with the Senate for a floor vote.

The bill should be debated and voted on the Senate Floor 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 revises the Wholesale Drug Distribution Act and removes outdated sections and relocates other sections. This bill passed the House with a 70-0-0 vote. This week HB 40 passed the committee and has been filed with the Senate for a floor vote.

The bill should be debated and voted on the Senate Floor next week.



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

The Idaho Patient Act was passed in 2020. It sets requirements for medical debt collection. The Act requires hospitals and other medical providers to notice patients and meet strict timelines before pursuing medical debt collections. The Act specified July 1st, 2020, as a deadline for providers to have systems in place to meet the law's requirements. Due to COVID-19 and difficulty adjusting electronic medical records, the provider has been unable to meet the July 2020 deadline. This bill extends the deadline to July 1st, 2021 and allows for collection activities to continue before July 1st, 2021. All other provisions of the Act remain unchanged. This bill passed the House with a 70-0-0 vote. This week HB 42 passed the committee and has been filed with the Senate for a floor vote.

The bill should be debated and voted on the Senate Floor 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 removes 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, Director 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.

[House Bill 108](#) - Medical Cannabis Act – **Introduced in House Health and Welfare Committee**



House Bill 108, Medical Cannabis Act, was introduced to print by the House Health and Welfare Committee and sponsored by Representative Ilana Rubel (LD 18 Boise) and Representative Mike Kingsley (LD 6 Lewiston). This bill would create the regulatory framework for Medical Cannabis. The bill would change the classification of cannabis under the Idaho code from schedule 1 to schedule 2 controlled substance under Idaho Code. The bill outlines that regulator power would be given to the Board of Pharmacy and outlines the limitations in patients' eligibility and the legal amount to be possessed. This bill would not require insurance companies to cover cannabis.

This bill may not receive a hearing

This week the Secretary of State authorized a group to begin collecting signatures on a voter initiative for medical marijuana. If the signature threshold is obtained, the measure would be on the November 2022 ballot.

[House Concurrent Resolution 6](#) - Prescription Formulas, Insurance - **Introduced in House Health and Welfare committee**

House Concurrent Resolution 6 was introduced in the House Health and Welfare committee related to Prescription Formulas. This bill was sponsored by Representative Ilana Rubel (LD 18 Boise). It was presented as a Medicaid expansion for children with rare health conditions that require a special nutritional formula that can cost as much as \$2000/month. Medicaid covers this cost, but not by private health insurance. This Concurrent Resolution would direct the Department of Insurance to work with private health insurance providers to cover the cost of this specialized formula for those rare childhood cases.

This bill may receive a hearing within the next two weeks

[House Bill 146](#) - Health Care, Sharing Ministries – **Introduced in House Business Committee**

House Bill 146 related to Health Care, Sharing Ministries was introduced by Representative Rod Furniss to House Business Committee. This bill clarifies the difference between "insurance" and "health sharing ministries," which are not currently regulated. It stipulates that health sharing ministries be owned and operated by a religious institutions in Idaho. There are bad actors in this industry, including examples where benefits went unpaid because the individual had used alcohol at some point in their life, or another case where full benefits were denied after a \$21,000 deductible was paid. The bill specifies qualifications and requirements for legitimate sharing ministries.

This bill may receive a hearing within the next two weeks

[House Bill 81](#) – Insurance Board Size – **Passed Committee – Awaiting House Floor Vote**



House Bill 81 passed House Business Committee, related to Insurance Board Size. H81 expands from 15 to 25 the number of board directors who can serve in a mutual insurance corporation. It aligns with the current law for domestic insurance corporations (25). This is brought at the requests of the Idaho Farm Bureau. For an Idaho mutual company, it provides better representation across the 44 counties. HB 81 has passed committee and has been filed for the with the House for a floor vote.

The bill should be debated and voted on next week

[House Bill 147](#) – Insurance Data Security Act – **Introduced to House Business committee – Awaiting Committee Hearing**

House Bill 147 was introduced to the House Business Committee. The bill came from the Department of Insurance and United Heritage Insurance Company. This bill would adopt the National Association of Insurance Carriers model data security act. This would become the Idaho model for data security for insurance companies and agents. It creates exemptions for small businesses and independent insurance agents and removes criminal penalties while protecting personal information. Federal law only applies to states that have not adopted their law. This bill would preempt federal regulation while setting Idaho standards and penalties less burdensome than federal regulations.

This bill may receive a hearing within the next two weeks

Rules

No rules presented or schedule this week in either House or Senate Health and Welfare Committees.

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.