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Week 6 Idaho Legislative Update for February 15-19, 2021

The sixth week of the First Regular Session of the Sixty-Sixth Idaho Legislature saw a continued increase in workload. As non-privileged committees shift their focus to bill hearings and rules review and away from the introduction of new legislation, the process speeds up. Privileged committees will continue to introduce legislation, but with this deadline, bill introductions will slow down as we near the traditional halfway point in the session. This week, both the House and Senate passed several bills and sent them to the Governor for final approval. Meanwhile, it remains a focus of the majority party in the House and Senate to attempt to reign in the Governor's emergency powers, although the rhetoric around this has generally subsided.

The topic of appropriations and spending has been the focus of many of the conversations in the building over the last several weeks. Strong debate continues over the use of state and federal dollars both for the previous year and looking ahead to the next fiscal year. The Governor's supplemental recommendations for [BUILDING IDAHOS FUTURE](#) continue to be debated as the Joint Finance, and Appropriations Committee (JFAC) prepares to set budgets. While House and Senate leadership wrestle with how to adopt policies and budget recommendations, a small group of House members has made it a point this week to protest their bills that have not gotten a hearing, by objecting and forcing the house clerk to read lengthy bills on the house floor. This has slowed the progress of the House and created additional contention on the floor.

Committees continue to work through their assigned rules and bills. State agencies and staff are presenting their rules and legislation that are traditionally dealt with in the beginning of the session. Particular interest has been the use of CARES Act funding and other federal funds, as well as focusing on the upcoming second wave of federal funding that could come to the state in mid-April. Detailed presentations and questions over the use of these funds for the past year, as well as plans for how to appropriate the upcoming funds continue.

This week's process and atmosphere throughout the Capitol has been faster-paced and more dynamic. This week was also met with fear and concern as a small number of legislators, staff, and others were absent after contracting COVID 19 while performing their duties in the Idaho Capitol. Testing remains available to all who work in the Capitol, and we continue to wear masks and promote best safety practices while participating in the process both in-person and remotely.

All bills from this session can be tracked through the Idaho State Legislative Website [HERE](#). In addition to the legislative website that tracks each bill's status, the Governor's office runs a [BILL TRACKER](#). We are monitoring these daily and will keep you updated on any legislation that might have a nexus to our work by reaching out in real-time and cover them in this report.

Policy Update

[Senate Bill 1012](#) - Board of Dentistry – **Passed Both Chambers – Signed by the Governor**

During the 2020 Idaho Legislative Session, Governor Little vetoed S1295 and instructed the Board of Dentistry to resolve issues with opponents of the bill. This bill has support of the associations. It prohibits interference



with a person's right to file a complaint with the Board and creates grounds for discipline should a dentist interfere or prohibit a complaint to be filed. Some national teledentistry contracts have prevented patients from filing complaints with the Board. It also removes outdated requirements for Board reporting financial information to associations which is now publicly available and an outdated 1949 grandfather exemption for dentists practicing prior to 1949. This Bill has passed both the House and the Senate with unanimous support from both bodies, and has been signed by the Governor.

The bill has been signed by the Governor.

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

Senator Grow presented SJR 101, a constitutional amendment that would prevent 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](#) – Uniform Controlled Substances Act – **Passed the Senate – Passed the House - to Governor**

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 Licenses, 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, and this week houses passed SB 1017 with a vote of 43-27-0.

The bill should be signed by the Governor 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. This bill seems to have stalled in committee, and other actions of the committee have been prioritized over this bill.

This bill may not have a hearing



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[House Bill 74](#) - Health Ordinances, City Limits – **Passed the House – Passed Senate Health and Welfare Committee – Awaiting Senate Floor Vote**

House Bill 74, which Replaced House Bill 34, was passed in the House is awaiting a Senate floor vote. The bill Sponsor Representative Brandon Mitchell (LD5 Cambridge). This bill would remove authorization in Idaho code, Chapters 53-04 and 56-06, that extends city jurisdiction during a public health emergency to 5 miles outside city limits. This provision is in contradiction with the Idaho Constitution, Article 12, Section 2 that limits jurisdiction to city limits. This bill passed House with a 70-0-0 vote and is schedule for a Senate floor vote.

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

[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, 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. It passed the House with a 69-1 vote and is awaiting a Senate 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 and Health Records. The bill would Repeals a reporting requirement for artificial insemination that requires written husband and wife consent to be filed with the Bureau of Vital Statistics. There is no record of a consent ever being filed. Passed 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 finally convicted in spite of having made a guilty plea. Passed



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 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 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 – Passed Senate Health and Welfare Committee – Awaiting Senate Floor Vote

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 and revises the Wholesale Drug Distribution Act removing outdated code sections and relocating other sections. This bill passed 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



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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 have 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 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 in the 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 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, and 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 House committee and set for a floor vote.

The bill should be debated and voted on next week

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

House Bill 108, the Medical Cannabis Act, was introduced by the House Health and Welfare Committee and is 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 a schedule 1 to a schedule 2 controlled substance under Idaho Code. The bill outlines that regulatory power would be under 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 medical cannabis. There has been no change in the status of this bill over the past week.

This bill may not receive a hearing

[House Concurrent Resolution 6](#) - Prescription Formulas, Insurance - **Passed the House with a Voice Vote – Awaiting Committee hearing**



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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 private health insurance. This Concurrent Resolution would direct the Department of Insurance to work with private health insurance providers to seek ways to cover the cost of this specialized formula for those rare childhood cases. This Resolution was passed with a House Voice Vote.

This bill may receive a hearing in Senate Commerce and Human Resources Committee within the next two weeks

[House Bill 146](#) - Health Care, Sharing Ministries – **Held in 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 institution 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 has been held in committee and will not advance to the floor.

No Further Action will be taken on this bill.

[House Bill 208](#) - Pharmacy, FDA labeling – **Introduced in House Health and Welfare Committee**

House Bill 208 related to Pharmacy, FDA labeling was introduced by Representative Marco Erickson (LD 33 Idaho Falls). This bill updates the Pharmacy Practice Act and remove obsolete provisions regarding Federal Food and Drug administration-approved labeling that were waived during the COVID-19 crisis.

This bill may receive a hearing within the next two weeks

[House Bill 209](#) – Medicaid Budget Stabilization Fund – **Introduced in House Health and Welfare**

House Bill 209, the Medicaid Budget Stabilization Fund, was introduced in House Health and Welfare Committee by both Chairmen of the House and Senate Health and Welfare Committees, Representative Fred Wood (LD 27 Burley) and Senator Fred Martin (LD 15 Meridian). The bill would create a framework to handle any surplus in the Division of Medicaid at the end of the fiscal year which would then be transferred into a protected Medicaid Budget Stabilization Fund. This bill also creates the framework for the department to handle the funds in the cases of a deficit.



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

[Senate Bill 1126](#) - Virtual Care Access – Introduced in Senate Health and Welfare Committee

Senate Bill 1126 was introduced in the Senate Health and Welfare Committee, which would implement the Telehealth Task Force's recommendation and create the Virtual Care Access Board. This bill has been framed as a technical correction bill to the Telehealth Care Act to clean up the process in this code section.

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

[Senate Bill 1127](#) - Telehealth – Introduced in Senate Health and Welfare Committee

Senate Bill 1127 was introduced in the Senate Health and Welfare Committee, to broaden telehealth availability to include new technology. This is in line with the Telehealth Task Force Recommendation to include asynchronous communication and assures compliance with the community standard of care.

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

[House Bill 179](#) – Interstate Telehealth – Introduced in House Business Committee

House Bill 179 related to Interstate Telehealth was introduced in House Business Committee by Representative Gayann DeMordaunt (LD 14 Eagle). This bill would allow out-of-state telehealth providers who hold an unrestricted license in another state to practice in Idaho without an Idaho license. This bill comes from the 2020 Occupational Licensing and Certification Laws Interim Committee, the committee debated and voted to support the introduction of the bill for consideration by the full legislature.

This bill was routed to the House Health and Welfare Committee and is not schooled for a hearing.

Rules

No rules were presented or scheduled 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.