



## **Week 7 Idaho Legislative Update for February 22-26, 2021**

The seventh week of the First Regular Session of the Sixty-Sixth Idaho Legislature saw many committees shift their focus to lengthy bill hearings and rules reviews as well as extended floor sessions. Bill introductions have slowed down, but there were still several new bills introduced this week. Traditionally, week seven marks the halfway point in the session. This session is expected to go longer than usual due to the budget surplus, transportation debates, the expected addition of more federal funds, as well as the continued power struggles between the legislature and the Governor over his emergency powers.

The House and Senate committees continue to work through bills, and the house and senate calendars continue to pile up, leading to long wait times and extended floor sessions for the next few weeks. Stern debate and close votes resulted in several near failures of agency appropriations and supplemental spending bills on the House floor this week. This very well could become a frequent event as politicking continues.

The Joint Finance and Appropriations Committee (JFAC) is quickly setting agency budgets and granting spending authority ahead of another wave of federal funding. The House and Senate have had a particular interest in the upcoming second wave of CARES Act funding and other possible federal funds. Because these funds could soon be deployed to Idaho, we believe the session will continue in order for the legislature to have oversight of the funding and associated policies. This has created tension between the chambers as well as between the executive and legislative branches. There is a substantial surplus to be dealt with, and as previous sessions have shown, when transportation and a surplus are on the agenda, sessions run very long. This session may also include recessing and returning as a mechanism so not to adjourn until the federal money is allocated.

Despite rumors of a lengthy session, the Capitol's atmosphere continues to be hurried. Each week seems to be faster-paced and more nuanced, and dynamic. New cases of COVID-19 have declined and testing remains available to all who work in the Capitol. Throughout the session, we plan to continue wearing masks and promote best safety practices while participating in the process in-person.

As always, 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 and will keep you updated on legislation in real-time and cover them in this report. We are always happy to look at any legislation with you and give you our insight and help provide an approach for success. While we hope to say we are halfway, we have much yet to accomplish. Thank you for your continued support and trust in us in this unconventional year.



## Policy Update

### [SJR101](#) - Anti-legalization Constitutional Amendment – **Passed Senate (24 – 11 – 0)** – **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. The Resolution was filed with the House State Affairs Committee on February 2<sup>nd</sup> and has not received a full hearing.

*This bill is waiting for a full committee hearing, and it is unclear when that hearing will be.*

### [Senate Bill 1017](#) – District Board of Health – **Passed the Senate (30 – 3 – 2)** – **Passed the House (43 – 27 – 0)** – **Awaiting Governors Signature**

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, 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*

### [House Bill 74](#) - Health Ordinances, City Limits – **Passed the House (70 – 0 – 0)** – **Passed Senate Health and Welfare Committee – Awaiting Senate Floor Vote**

House Bill 74, which Replaced House Bill 34, was passed in the House and the 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, that allows city jurisdiction during public health emergency to 5 miles outside city limits. These sections are contrary to the Idaho Constitution Article 12, Section 2 that limits city jurisdiction to city limits.

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

**[House Bill 36](#) - Vital Statistics Records – Passed the House (69 – 0 – 1) - 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 repeals a reporting requirement for artificial insemination that requires written husband and wife consent to be filed with the Bureau of Vital Statistics. 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 40](#) - Pharmacy Act – Passed the House (70 – 0 – 0) – 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 allows pharmacists to administer childhood immunizations and prepare 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, removes outdated code sections, and relocates 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 the House (70 – 0 – 0) - 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 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 Senate (34 – 0 – 1) 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 Senate, and is awaiting a House floor vote.

The bill should be debated and voted on some time within the next two weeks.

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

House Bill 108, related to 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 regulatory 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 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 Bill 146](#) - Health Care, Sharing Ministries – **Held in committee****

House Bill 146 related to Health Care, 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 institute 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.



### [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.*

### [House Bill 209](#) – Medicaid Budget Stabilization Fund – **Passed House Health and Welfare – Failed House Floor Vote (25 – 42 – 3)**

House Bill 209 related to Medicaid Budget Stabilization Fund was introduced to House Health and Welfare in collaboration with the Chairmen of both 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 stabilization fund to hold surplus Medicaid funds in an interest bearing account to be available for years when Medicaid faces a shortfall. House Bill 209 has failed on the House Floor and will not be advance to the Senate.

*No further action will be taken on this bill.*

### [Senate Bill 1126](#) - Virtual Care Access – **Passed Senate Health and Welfare Committee – Awaiting Senate Floor Vote**

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 corrections bill to clean up sections of code. Senate Bill 1126 has passed committee with a do pass a recommendation.

*The bill should be debated and voted on sometime next week*

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

Senate Bill 1127 was introduced in the Senate Health and Welfare Committee, aiming to broaden the laws governing 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 week*

[House Bill 179](#) – Interstate Health – Introduced in House Health and Welfare

House Bill 179 related to Interstate Health was introduced in House Business Committee and referred to the Health and Welfare Committee by Representative Gayann DeMordaunt (LD 14 Eagle). This bill makes the temporary waiver of licensing requirements for out-of-state telehealth providers that was done in response to the public health emergency, permanent. This bill comes from the 2020 Occupational licensing and Certification Laws Committee. The committee debated and voted to support the introduction of the bill for consideration by the full legislature.

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

[Senate Bill 1139](#) – Health and Welfare Director Duties – **Introduced in Senate Health and Welfare Committee**

Senate Bill 1139 was introduced in Senate Health and Welfare Committee and is related to the powers of the Director of Health and Welfare to order isolation or quarantine during a public health emergency.

*This bill is awaiting a hearing in Senate Health and Welfare Committee*

### **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.