



Week 8 Idaho Legislative Update for March 1-5, 2021

This week we are starting something slightly different with our reporting in an effort to ensure you can quickly react and decipher the many parts of the session that are now moving at a fast pace. There are roughly three weeks of session left, and the transmittal deadline is Monday. This means those bills that have cleared one body will be dealt with in the remaining three weeks of session and those that have not progressed need special permission to move forward or are otherwise likely to die for this year. There are also many bills being sent to the amending order for attempted fixes. For those bills that have not moved forward, we have lowered them to the bottom of the report. We have tried to place the policy issues most relevant and that are moving through the process to the top of the list.

The eighth week of the First Regular Session of the Sixty-Sixth Idaho Legislature saw lengthy morning and afternoon floor sessions for both the House and Senate along with a rush by committees to hold hearings and move bills to meet Monday's transmittal deadline, the date set to move bills between the chambers for approval. The House and Senate calendars have continued to grow with the number of bills to be considered on the floor. This has resulted in a backlog for bills on the third, final, reading calendar. Lengthy floor debates, along with several close votes, have resulted in failures of some agency appropriations, Governor's recommendations and supplemental funding requests, as spending bills are debated on the House floor.

The Joint Finance and Appropriations Committee (JFAC) had another rapid-fire week of setting agency budgets and granting spending authority. This is both normal and unique, as budget setting is being done this year ahead of another sizable wave of federal stimulus funding being currently considered in Washington D.C. JFAC is working quickly to have budgets done in the next week and a half. Traditionally there are 7-10 days left in the session to wrap up policy debates once the budgets are set.

The conclusion of the session is likely going to look very different this year. Traditionally the House and Senate adjourn "Sine Die" and go home for the rest of the year. This year, however, we are likely to see a "recess" of six weeks and the return of the legislature in mid-May to appropriate the federal stimulus funding and set related policy. As mentioned, this large amount of federal funding, coupled with a current state surplus, results in tensions between the House and Senate as well as between the executive and legislative branches.

More than ever, the Capitol's atmosphere is hurried and stressed. Transportation funding and Tax Relief remain unsolved, being debated behind closed doors as agreements are sought by Leadership in the House and Senate ahead of committee introductions of these big policy issues. This could lead to a delay of the session depending on the Governor and legislature's reactions.

New cases of COVID-19 remain limited in the Capitol. Testing is available to all who work in the Capitol, and we continue to wear masks and promote best safety practices while participating in the process in-person. Those legislators who were out sick are back in session and appear to be healthy and happy after a difficult and frightening couple of weeks.



All bills from this session can be tracked through the Idaho State Legislative Website [HERE](#). You can also chart progress with the Governor's [BILL TRACKER](#). We will also keep you updated on legislation in real-time and cover issues in this report. We are always happy to look at any legislation with you and give you our insight and help.

Policy Update

Supplemental Appropriations – Approved by the Joint Finance Appropriations Committee

This week the Joint Finance Appropriations Committee considered Higher Education budgets including Community Colleges and Universities. Included were funds specific to the Idaho State University Dental Hygiene and Dental Education programs. These were supplemental appropriations in addition to the budget for Idaho State University.

[House Bill 179](#) – Interstate Health

Awaiting Hearing in House Health and Welfare

House Bill 179 - Interstate Health was introduced in House Health and Welfare by Representative Gayann DeMordaunt (LD 14 Eagle). This bill would allow out-of-state telehealth providers, licensed in other states, to practice in Idaho without an Idaho license. The telehealth license waiver was part of the Governor's declaration related to the COVID-19 public health emergency. This bill would make that waiver permanent. ANA Idaho and NLI are actively opposing this bill as it could significantly impact license fees paid to the Board of Nursing and impact activities to support nurses in Idaho.

[House Bill 249](#) – Human Sexuality, Instruction

Passed House Education Committee – Passed the House (56 – 12 – 2)

House Bill 249 is presented as a parental rights bill. It distinguishes between "Sex Education" which teaches anatomy and human reproductive physiology and "Instruction in Human Sexuality" that teaches sexual activity, gender identity and sexual pleasure. It was introduced by Representative Barbara Ehardt (LD 33, Idaho Falls). Under current law, a parent can opt-out of sex education. This bill would codify parental rights and require parents to opt-in to human sexuality instruction for their children.

[Senate Bill 1126](#) - Virtual Care Access

Passed Senate (30 – 0 – 0) – Awaiting Hearing in House Health and Welfare Committee

Senate Bill 1126 was introduced in the Senate Health and Welfare Committee and 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 the code section process. Senate Bill 1126 passed the Senate this week and goes next to the House Health and Welfare Committee.

[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.

[House Bill 38](#) - Telehealth Prescribing

Passed the House (69 – 0 – 1) - Passed Senate Health and Welfare Committee – Awaiting Senate Floor Vote

House Bill 38 aligns 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.

[House Concurrent Resolution 11](#) - 988 Suicide Prevention Hotline

Passed House Health and Welfare Committee - Awaiting House Floor Vote

Idaho has 40% more suicide cases than the national average, and 2020 has a substantially higher number of cases than previous years. Federal legislation in 2020 established the universal 988 phone number for mental health and suicide crisis. The law left it to the states to implement and fund the 988 effort. Idaho currently uses the national 800 suicide hotline that routes calls from the 208 area code to the Idaho center. The new 988 number will improve processing to ensure that anyone located in Idaho can access the Idaho hotline without regard to their originating phone number. This concurrent resolution will allow the Department to come back next session for funding and other resources to support the hotline.

[Senate Bill 1012](#) — Board of Dentistry

Signed by the Governor, becomes law

S1012 guarantees a patient’s right to file a complaint with the Board of Dentistry.

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

It defines “quarantine” into law and would limit the powers of the Director of Health and Welfare to order isolation or quarantine during a public health emergency. It also sets an three day court challenge to a quarantine or isolation order.

[Senate Joint Resolution 101](#) - Anti-legalization Constitutional Amendment

Passed Senate (24 – 11 – 0) – Filed with House State Affairs Committee – Reintroduced as HJR4

[House Joint Resolution 4](#) – Anti-legalization Constitutional Amendment

Filed with House State Affairs Committee

Proposes a constitutional amendment that would require a 2/3 vote of the legislature to legalized certain controlled substances.

[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 get a hearing

[House Bill 74](#) - Health Ordinances, City Limits – **Passed House (70 – 0 – 0) – Passed Senate (34 – 0 -1)**
Awaiting Governor’s Signature

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.

[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.

[House Bill 35](#) - Idaho Tuberculosis Hospital
Passed the House (69 – 0 – 0) - Passed Senate Health and Welfare Committee – Awaiting Senate Floor Vote

[House Bill 36](#) - Vital Statistics Records
Passed the House (69 – 0 – 1) - Passed Senate Health and Welfare Committee - Awaiting Senate Floor Vote

[House Bill 39](#) - Controlled Substances Authority
Passed the House (70 – 0 – 0) - Passed Senate Health and Welfare Committee - Awaiting Senate Floor Vote

[House Bill 40](#) - Pharmacy Act
Passed the House (70 – 0 – 0) – Passed Senate Health and Welfare Committee – Awaiting Senate Floor Vote

[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

[House Bill 108](#) - Medical Cannabis Act
Introduced in House Health and Welfare Committee – no further action

[House Bill 146](#) - Health Care, Sharing Ministries
Held in committee



[House Bill 208](#) - Pharmacy, FDA labeling

Passed House Health and Welfare Committee – Passed House (66 – 0 – 4) – Awaiting Senate Health and Welfare Committee Hearing

Rules

[HERE](#) is the link for the Index of Proposed Rules for all rules seeking legislative approval. Committees in both the House and Senate are assigned rules to approve. As a reminder, if the rules pass either House or the Senate, they are set to go into effect.

These are the current approved rules pertaining to your issue base:

IDAPA 16 – Department of Health and Welfare

- [16-0000-2000f](#) – Omnibus Rulemaking Reauthorizing Agency Fee Chapters
- [16-0307-2001](#) – Home Health Agencies
- [16-0309-2002](#) – Medicaid Basic Plan Benefits
 - [16-0309-2004](#)
- [16-0310-2002](#) – Medicaid Enhanced Plan Benefits
- [16-0321-2001](#) – Developmental Disabilities Agencies (DDA)
- [16-0417-2001](#) – Residential Habilitation Agencies

IDAPA 24 – Division of Occupational and Professional Licenses

Board of Chiropractic Physicians

- [24-0301-2000F](#) – Omnibus Rulemaking Reauthorizing Agency Fee Chapter

Board of Examiners of Nursing Home Administrators

- [24-0901-2000F](#) – Omnibus Rulemaking Reauthorizing Agency Fee Chapter

Board of Dentistry

- [24-1601-2000F](#) – Omnibus Rulemaking Reauthorizing Agency Fee Chapter
- [24-3101-2000F](#) – Omnibus Rulemaking Reauthorizing Agency Fee Chapter

Board of Medicine

- [24-3300-2000F](#) – Omnibus Rulemaking Reauthorizing Agency Fee Chapters
- [24-3303-2001](#) – General Provisions of the Board of Medicine



Board of Nursing

- [24-3401-2000F](#) – Omnibus Rulemaking Reauthorizing Agency Fee Chapter

Board of Pharmacy

- [24-3601-2000F](#) – Omnibus Rulemaking Reauthorizing Agency Fee Chapter

IDAPA 59 – Public Employee Retirement System of Idaho (PERSI)

- [59-0101-2001](#) – Rules for the Public Employee Retirement System of Idaho (PERSI)