



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 the Senate and House both introduced several more bills this week. 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 treatment. Meanwhile, it remains a focus of the majority party in House and Senate to attempt to reign in the Governor's emergency powers, although the rhetoric around it 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. Heavy 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 to protest bills that have not had a hearing, by objecting to a unanimous consent request 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. This practice has since stopped, and the process has returned to normal for now.

Committees continue to work through their assigned rules as well as the bills they introduced. The Governor's agencies and staff continue to work with the committees to present their rules and legislation that are traditionally dealt with in the beginning of the session. Particular interest has been paid to 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 continued to be faster-paced and more dynamic. This week was also met with fear and sadness 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 continue to monitor 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

[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.

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

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 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 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 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 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 – **Passed the House – Awaiting Committee Hearing**

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 passed House with a 34-33-3 vote with a tie-breaking vote cast by the Speaker of the House.

This bill should have a full hearing in Senate Commerce and Human Resources committee sometime two next week.

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 regulator power would be given to the Board of Pharmacy and outline the limitations in patients' eligibility and the legal amount to be possessed. This bill would not require insurance companies to cover this. 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**

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 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, 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 benefit 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 81](#) – Insurance Board Size – **Passed House – Awaiting committee hearing**

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 was voted on this week and passed with a 70-0-0 vote.

The bill should have a hearing in Senate Commerce and Human Resources Committee sometime within the next two weeks

[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. The status of this bill has not changed but is still expected to continue forward in the process. The committee has prioritized other bills.

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 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 design a framework to handle a surplus for the Department of Medicaid at the end of the Fiscal, which would be transferred into the 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 corrections bill 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, which aims 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 two weeks.

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

House Bill 179 related to Interstate Health was introduced in House Health and Welfare by Representative Gayann DeMordaunt (LD 14 Eagle). This bill would waive several rules and laws temporarily for Idahoans to receive services via telehealth. This includes a section on about licensure. 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.



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.