



## **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 in many of the committees. 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 several 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 on the House floor as politicking continues.

The Joint Finance and Appropriations Committee (JFAC) continues to work 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 House and Senate as well as between the executive and legislative branch. There is also 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 not to adjourn until the federal money is allocated.

The Capitol's atmosphere continues to be hurried despite rumors of a lengthy session. Each week seems to be faster-paced and more nuanced, and dynamic. New cases of COVID-19 have curved back down this week. Testing remains available to all who work in the Capitol. This week and all throughout the session, we plan to continue to wear 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 continue to monitor 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 Governor's 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 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 (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 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 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 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 38](#) - Telehealth Prescribing – Passed the House (69 – 0 – 1) - 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 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 may 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 committee and passed the Senate.

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

**[House Bill 79](#) – Annuity Consumer Protection Act – Passed the House (34 – 33 – 3) – Passed Committee Hearing – Awaiting Senate Floor vote**

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. House Bill 79 has passed committee with a do pass recommendation and has been filed for the Third Reading Calendar.

The bill should be debated and voted on sometime within the next two weeks

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

House Bill 108 was introduced by the House Health and Welfare Committee and by Representative Ilana Rubel (LD 18 Boise) and Representative Mike Kingsley (LD 6 Lewiston). This bill creates the regulatory framework for Medical Cannabis. The bill would classify cannabis moving it from a schedule 1 to schedule 2 controlled substance. The bill outlines that regulator would be the Board of Pharmacy and outlines 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 and this bill may not receive a hearing



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

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 and was passed by the Senate with a voice vote.

Adopted

[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.

[House Bill 81](#) – Insurance Board Size – **Passed the House (70 – 0 – 0) – Awaiting Senate Commerce and Human Resources 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, and the status of this bill has not changed from last week.

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

**[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 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. 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 the code section process. 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 telehealth availability laws 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*

#### [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 related to health and welfare director duties. This bill would clarify definitions within Idaho Code 56-1001 and define the Director of Health and Welfare's powers to be about to uses quarantine and isolation orders.

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

#### [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 is not scheduled to receive a hearing at this time.*

#### [House Bill 80](#) – Insurance, Reinsurance – **Passed House (70 – 0 – 0) - Passed Senate Commerce and Human Resources Committee – Awaiting Floor Senate Vote**

House Bill 80 related to Insurance reinsurance was introduced by the Director of the Department of Insurance. The bill aims to amendments to the National Association of Insurance Commissioners (NAIC)Credit for Reinsurance Model Law and Credit for Reinsurance Model Regulation to provided flexibility and options for insurance companies looking to purchase reinsurance on insurance policies for Idaho policyholders. This bill passed the House with a 70 – 0 – 0 vote and passed the committee with overwhelming support.

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



**[House Bill 5](#) – Hands-Free Devices – **Passed House (39 – 28 – 3) – Passed Senate Transportation Committee – Awaiting Senate Floor Vote****

House Bill 5 related to Hands Free Devices aims to clarify the language and intent of Idaho Code 49-1401A(2)(c) pertaining to global positioning or navigation systems features for mobile devices. This is a small change in language for the bill to help law enforcers to enforce the law. This bill passed the House with a 39 – 28 – 3 vote and passed the senate transportation committee.

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

**[Senate Bill 1009](#) – PERSI, Fire Marshal – **passed Senate (32 – 1 – 2) - Filed with the House Commerce and Human Resources Committee****

Senate Bill 1009 related to Public Employee Retirement System (PERSI); Fire Marshal seeks to amend existing law to include fire marshal with particular worker's compensation benefits for first responders. This bill passed Senate with a 32 – 1 – 2 vote and has been filed with the House Commerce and Human resources Committee.

*This bill expected to receive a hearing within the next two weeks*

## **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.