



Week 13 Idaho Legislative Update for April 5-9, 2021

The thirteenth week of the Sixty-Sixth Idaho Legislature's First Regular Session had a number of extended floor sessions in both bodies. The Idaho Legislature reconvened from the two-week recess on Tuesday, April 6, 2021, at noon. The Legislature used the recess to slow the spread of COVID 19 after several members and staff contracted it in late March. The recess seemed to have slowed the spread of COVID 19 but did not slow the number of ideas for new legislation, some of which were quickly introduced and moved through the process this week.

While much of the week was spent playing catch up on the work that was left from before the recess, House and Senate committees continued to meet. This process included the introduction of several new bills and lengthy debates on existing bills. Extended policy debates on both the House and Senate floor also made for a long and combative week. With budgets and policies being voted down and the House overriding a Gubernatorial Veto that later failed in the Senate, the contentious nature of the end of the session is on full display.

In addition to the many policies and budgets debated this week, allocations and policy considerations of the American Recovery Plan Act (ARPA) funds were also a focus this week. While on recess, Legislative Leadership and the Governor and his staff worked hard to create a plan for this unprecedented funding. Presentations on the funding and accompanied sideboards took center stage on agendas in JFAC this week, as well as presentations in germane committees. Those presentations will continue into next week, and JFAC is expected to introduce appropriations for those funds that have a 30-, 45-, or 60-day mandate for spending. The remaining funds are expected to be held over in a dedicated fund for next year. Meanwhile, a series of ARPA related interim study committees are being created to work over the summer and make recommendations that will be presented for full consideration next session. This would prevent the Legislature from needing to remain in session throughout the year to manage these funds.

This week's long floor sessions yielded many positive results as several bills that had remained on the third reading calendars finally got their time and were passed. It also led to many bills being amended and reconsidered by the Legislature. There remains much work to be done before the session ends. A final end date has not been named, but the House and Senate are working on finishing the people's business. Many legislators are eager to wrap up the session and return home and back to their lives, families, and professions.

As always, bills from this session can be tracked through the [Idaho State Legislative Website](#). You can also chart progress with the Governor's [Bill Tracker](#). We will also keep you updated on legislation in real-time and through our weekly policy updates. We look forward to wrapping up what has been a very long and contentious session but remain committed to protecting and advancing your interests. We will continue to remain engaged in the process on your behalf for the remainder of the session, no matter how long it may be.



Policy Update:

[House Bill 81](#) – Insurance Board Size

Passed House (70 – 0 – 0) – Passed Senate (35 – 0 – 0) – Awaiting Signature of the Governor

House Bill 81 passed House Business Committee, related to Insurance Board Size. HB81 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.

[House Bill 80](#) – Insurance, Reinsurance

Passed House (70 – 0 – 0) – Passed Senate (35 – 0 – 0) – Signed by the Governor

House Bill 80 related to Insurance reinsurance was introduced by the Director of the Department of Insurance. The bill aims to amend the National Association of Insurance Commissioners (NAIC) Credit for Reinsurance Model Law and Credit for Reinsurance Model Regulations to provided flexibility and options for insurance companies looking to purchase reinsurance on insurance policies for Idaho policyholders.

[House Bill 147](#) – Insurance Data Security Act

Passed House Business committee – Returned from the Amending Order – Failed on the House Floor (31 – 37 – 2)

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.

[House Bill 79](#) – Annuity Consumer Protection Act

Passed the House (34 – 33 – 3) – Passed the Senate Floor (29 – 6 – 0) – Signed by the Governor

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 regulations into statute rather than having them in rule. This bill would clarify chapter 19 Title 41 of Idaho Code to provide provisions 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 the House with a 34-33-3 vote with a tie-breaking vote cast by the Speaker of the House. HB 79 passed the Senate and has been signed by the Governor.



[Senate Bill 1143aa](#) – Medicare Policies, Standards

Passed Senate (35 – 0 – 0) – Passed House Business Committee – Awaiting House Floor Debate and Vote
Senate Bill 1143, related to Medicare Policies Standards, was introduced in Senate State Affairs by Mike Reynoldson, representing Blue Cross of Idaho. This bill would amend Idaho Code 41-4404, allowing individual healthcare policyholders to change their Medicare supplement plan each year without going through an underwriting process. This would make that individual eligible to purchase new policies on a guaranteed issue basis. This bill would also list Medicare supplement standards.

[House Bill 248](#) – School Districts, Health insurance

Passed Committee – Passed the House (51 – 14 – 5) – Held in Senate Education Committee
House Bill 248 related to school districts, health insurance, aims to allow for school boards of a charter school or public district the autonomy to voluntarily enter into the State of Idaho employee benefit plan. This bill would certify that classified employees will be eligible for benefits. The bill also outlines the requirements and standards for districts to enter into these agreements.

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

Passed Senate (30 – 5 – 0) – Held by the Chairmen in House 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 clean up the code section and process. Discussions of amendments regarding the advisory committee, which would either be deleted from the bill or require representation in the committee to be more balanced failed, resulting in this bill not moving forward this session.

[House Bill 74](#) - Health Ordinances, City Limits

Passed the House (70 – 0 – 0) – Passed the Senate (34 – 0 – 1) – Signed by the Governor

[House Bill 35](#) - Idaho Tuberculosis Hospital

Passed the House (69 – 0 – 1) - Passed the Senate (31 – 0 – 4) - Signed by the Governor

[House Bill 36](#) - Vital Statistics Records

Passed the House (69 – 0 – 1) - Passed the Senate (35 – 0 – 0) - Signed by the Governor

[House Bill 37](#) - Nursing Disciplinary Action

Passed the House (69 – 0 – 1) - Passed the Senate (35 – 0 – 0) - Signed by the Governor

[House Bill 38](#) - Telehealth Prescribing

Passed the House (69 – 0 – 1) - Passed the Senate (35 – 0 – 0) - Signed by the Governor

[House Bill 39](#) - Controlled Substances Authority

Passed the House (70 – 0 – 0) - Passed the Senate (35 – 0 – 0) - Signed by the Governor



[House Bill 40](#) - Pharmacy Act

Passed the House (70 – 0 – 0) – Passed the Senate (35 – 0 – 0) - Signed by the Governor

[House Bill 42](#) - Idaho Patient Act – Medical Debt Collection Extension

Passed the House (70 – 0 – 0) - Passed the Senate (32 – 0 – 3) – Signed by the Governor

[Senate Bill 1038](#) - Relating to Public Assistance

Passed Senate (34 – 0 – 1) - Passed House (67- 0 – 3) – Signed by the Governor

[House Concurrent Resolution 6](#) - Prescription Formulas, Insurance

Passed the House with a Voice Vote – Passed the Senate with a Voice Vote

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

Passed House (66 – 0 – 4) – Passed the Senate (35 – 0 – 0) - Signed by the Governor

[Senate Bill 1127](#) – Telehealth

Held by Chairmen in Senate Health and Welfare Committee

[Senate Bill 1139](#) – Health and Welfare Director Duties

Passed the Senate (33 – 0 – 2) - Awaiting House Floor Debate and Vote

[House Bill 179](#) – Interstate Health

Held by the Chairmen in House Health and Welfare

[House Bill 5](#) – Hands-Free Devices

Passed House (39 – 28 – 3) – Passed Senate (19 – 15 – 1) – Signed by the Governor

[Senate Bill 1009](#) – PERSI, Fire Marshal

Passed Senate (32 – 1 – 2) - Passed House (67 – 1 – 2) – Sign by the Governor

[House Concurrent Resolution 11](#) – 988 Hotline, Mental Health, Suicide

Adopted in the House (Voice Vote) – Adopted by the Senate (Voice Vote)

[Senate Bill 1153](#) – Appropriations, Department of Insurance

Passed the Senate (34 – 0 – 1) – Passed House (66 – 3 – 1) – Sign by the Governor

[Senate Bill 1017](#) – District Board of Health

Passed the Senate (30 – 3 – 2) – Passed the House (43 – 27 – 0) – Signed by the Governor

[SJR101](#) - Anti-legalization Constitutional Amendment

Passed Senate (24 – 11 – 0) – Awaiting House Floor Debate and Vote



[House Bill 33](#) – District Board of Health

Held by the Chairmen in House Health and Welfare Committee

[House Bill 108](#) - Medical Cannabis Act

Held by the Chairmen in House Health and Welfare Committee

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

Held in committee

[House Bill 209](#) – Medicaid Budget Stabilization Fund

Passed House Health and Welfare – Failed House Floor Vote (25 – 42 – 3)

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 laws pass either House or the Senate, they are set to go into effect.

These are rules approved by the legislature to date:

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)