

Week 12 Idaho Legislative Update for March 28 – April 1, 2022

The twelfth week of the Sixty-Sixth Idaho Legislature's Second Regular Session began with the House and Senate in recess as they awaited treatment of bills by Governor Little. The week ended with Adjournment "Sine Die" on Thursday afternoon, marking the end of a successful and well-run session on the 81st legislative day. The House adjourned at 1:47 PM and the Senate Adjourned at 2:43 PM, formally ending the 2022 Idaho Legislative Session.

This session was unique. They all are, but with so many long-time legislators retiring and a sense of order and process back, there is much to celebrate. Governor Little said "In all my years, I have never seen a more successful legislative session that produced so many positive results for the people we serve. We achieved what I never thought we could – 'the trifecta' – which is record tax relief, record education investments, and record transportation investments in one year."

We could not agree more. There are always wins and losses, rhetoric, bad press, challenges, and even disappointments during session, but the optimism and success of this year leaves us believing the future of Idaho is bright.

Before Sine Die, the House and Senate reviewed the actions taken by Governor Little. Several bills were vetoed during the recess and were accompanied by messages from the Governor. The vetoed legislation was discussed by the House and Senate as they caucused to decide what to do. The Senate chose to take up a veto override on SB1381, the Coronavirus Pause Act, but the override failed to receive 2/3 majority with a 21-14 vote.

Following the actions of the Senate, the House then went on the floor and worked through the orders. They chose not to attempt to override any vetoes and called for adjournment by voice vote with a small number of gallinaceous legislators voting "nay", and the vast majority of representatives voting enthusiastically "aye" to adjourn Sine Die. The Senate began farewell speeches and thanked their peers and the many people who help make the process a success and an hour later also adjourned Sine Die by voice vote.

All eyes now turn to the May Primary Elections on May 17, 2022. As we wrap up our work in the Capitol, we will be providing you with an additional summary of our success this year. We are also happy to offer advice on campaigns and elections as we work with trusted legislators we want to see return and as we invest our time and energy helping those who we believe will help Idaho move forward with vison, leadership and statesmanship. We will continue to work hard to represent your interests and seek to build a path to success for next year as we move forward with a very large class of new legislators next year.

We wish to thank the Idaho Legislature, the Senate, the House, the Majority and Minority Leadership, the many staff and secretaires, the Governor and his staff, and agency leaders and their staff. We work with all of them regularly throughout the year and we consider it a privilege to be able to know and trust them as we come together to make hard decisions and promote ideas to try to make Idaho a better place. We may not always agree, but we respect the process and the role we play in it on your behalf.

And to you, Thank you. Thank you again for your trust in us this session. On behalf of myself, our firm, Mike, Kieran, and Peyton, thank you for the privilege of working on your behalf and to achieve your goals. We count you as a part of our family and we are honored to be able to work on your behalf. Again, thank you, and congratulations on a successful 2022 Idaho legislative session.

All bills from the 2022 Idaho Legislative Session are on the <u>Idaho State Legislative Website</u>. The Governor's "Bill Tracker" is <u>HERE</u> and the State of the State and Budget Highlights can be viewed <u>HERE</u>. All legislative and statewide candidates who flied to run for office can be found <u>HERE</u>.



Policies, Appropriations and Rules Updates:

Policies

SB 1381 - Coronavirus Pause Act Vetoed

This legislation was crafted in reaction to the COVID-19 pandemic and aims to prevent discrimination in the workplace, with the exception of any requirements that might be required of medical care providers, on the basis of vaccination.

Sponsors: Sen. Winder (R-20), Sen. Lakey (R-12), Rep. Adams (R-13)

HB 534 - State Insurance Fund House Commerce & Human Resources Committee

Intends to allow the State Insurance Fund (SIF) to transition from state vacation and leave programs to Paid Time Off (PTO) and holidays. This would align more with private sector positions. The bill will digitalize their financial transaction offerings with online banking and mobile applications without the approval of the State Controller's Office and Treasurer's office.

Sponsor: Rep. Gestrin (R-8), Sen. Lakey (R-12) - four co-sponsors

HB 760 - Telehealth Access Act (67-0-3) Passed the House - Sent to the 14th Order

This proposal would add a new section to State Code that allows a mental/behavioral health care provider that is licensed to practice in a state(s) other than Idaho to treat a patient that currently resides in Idaho. This bill, if passed, would have a sunset date of July 1st, 2025.

Sponsors: Rep. DeMordaunt (R-14), Rep. Young (R-31)

HCR 40 - State of Disaster Emergency Ending (42-25-3) Passed the House - Senate State Affairs Committee

This concurrent resolution is to end to the current state of disaster emergency that has been ongoing to the past two years. It states the State of Emergency is no longer needed and this will bring it to an end.

Sponsor: Rep. Scott (R-1) and Rep. Christensen (R-32)

SB 1233 - Shared Investigation Authority - DOPL Senate Commerce & Human Resources Committee

This bill hopes to enable across-the-board collaboration between Department of Occupational & Professional Licenses (DOPL) boards and commissions to improve transparency and efficiency during investigations.

Sponsor: Sen. Souza (R-4)

SB 1239aa – Legislative Session Uniformity (28-6-1) Passed the Senate – House State Affairs Committee

Ensures that each regular session of the legislature shall adjourn by a certain date. It is intended to keep the legislative session uniform and part time but makes exceptions for declared disasters and emergency events.

Sponsor: Sen. Guthrie (R-28)

SB 1260 - Contraception (20-14-1) Passed the Senate - (24-44-2) Failed the House

Allows contraception to be prescribed in six-month intervals. There is also language added that would require shorter prescription intervals for "new users".

Sponsor: Sen. Wintrow (D-19)



<u>HB 510 – State & Local Taxes, Businesses</u> (69-0-1) Passed the House – Senate Local Government & Taxation Committee

This proposal aims to "make technical corrections to legislation passed in 2021 (HB 317)". That bill allowed Affected Business Entities (ABE's) to elect to pay state income taxes on behalf of their owners, making those payments deductible from their federal taxes. This new bill would extend that election opportunity to trusts, estates, and ABE's with owners that have no Idaho income tax liability.

Sponsor: Rep. Okuniewicz (R-2)

<u>HB 719 – Vaccine Mandates, Religious Exemption</u> (54-15-1) Passed the House – Senate State Affairs Committee Expands on State Code, by incorporating language that would allow for employees to claim religious exemption in the event their employer has vaccine requirements. This intends to replace HB 577.

Sponsor: Rep. Young (R-31)

HB 578 - Required Immunity Liability Act House Business Committee

Allows for employees to request an exemption from receiving the vaccine, and the employer still requires the vaccine, then an employee is injured the employer can be held liable for this injury. The employee will have the ability to seek suit against the employer. The businesses that are required to have all employees receive the vaccine per the federal government mandate, this employer will be exempt from this bill.

Sponsor: Rep. Monks (R-22) and Sen. Den Hartog (R-22)

HB 579 – Medical Information, Employers Returned to House Business Committee

Intends to protect employee's medical privacy by stating employees do not have to disclose medical information to an employer. An employer may request a new employee to share relevant medical information that is considered essential function to the job.

Sponsor: Rep. Monks (R-22)

HB 581 - Employee Medical Information Protection Act (39-29-2) Passed the House - Senate Commerce & Human

Resources Committee

Prevents a business to mandate the COVID-19 vaccine on their employers. The definition of the vaccine would be updated through this bill

Sponsor: Rep. Shepherd (R-7)

HB 698 – Worker's Compensation, COVID-19 (61-2-7) Passed the House – Senate Commerce & Human Resources This legislation specifies that injuries arising from employer mandated vaccinations shall be compensable under the Idaho Workers Compensation laws. This intends to replace HB 593.

Sponsors: Rep. Skaug (R-12), Rep. Monks (R-22)

HB 708 - Medical Information, Employers (54-14-2) Passed the House - Senate State Affairs Committee

Intends to protect employee's medical privacy by stating employees do not have to disclose medical information to an employer. An employer may request a new employee to share relevant medical information that is considered essential function to the job. This intends to replace HB 604.

Sponsor: Rep. Monks (R-22)



SB 1280 - Dyslexia Screening Program (33-0-2) Passed Senate - House Education Committee

This proposal would create a screening program that would assess Idaho students, grades Kindergarten through 5th Grade, for dyslexia. Screening would be completed upon a student's first enrollment in a school district or at a charter school. **Sponsors: Sen. Crabtree (R-7), Sen. Blair (R-6)**

SB 1286 - Psychological "Extenders", DOPL (25-7-3) Passed the Senate - (30-34-6) Failed the House

Clarifies DOPL authority to permit psychological extenders

Sponsor: Sen. Harris (R-32).

SB 1287 - Rural Nursing School Loan Repayment Program (14-17-4) Failed in the Senate

SB 1287 would establish the "Rural Nursing Loan Repayment Program". This program, that would be operated by the Department of Health & Welfare, would use ongoing funds, totaling \$250,000 per year in allocations. Qualified applicants that commit to serving the healthcare needs of rural communities in Idaho would be eligible for up to \$25,000 per year, and could receive a total of \$75,000. The fund would allocate loan awards to up to 10 applicants each year.

Sponsor: Sen. Riggs (R-3)

SB 1326 - Regulatory Shift, Division of Licensing & Certification Held in Senate Health & Welfare Committee

This legislation would effectively shift eighteen (18) different types of medical facilities and agency types, as well as the regulatory authority, duties, and staff responsible for licensing and inspection, from the Division of Licensing & Certification to the Division of Occupational & Professional Licenses (DOPL). Included in this transition would be the management of the certification program for certified family homes to DOPL.

Sponsors: Sen. Riggs (R-3), Rep. Erickson (R-33)

SB 1328 - Idaho Telehealth Access Act Update Senate Health & Welfare Committee

By amending the Idaho Telehealth Access Act, this legislation would add language that permits the use of asynchronous, "store-and-forward" technology. Changes would also be made to this Section that would permit asynchronous prescribing of legend drugs.

Sponsor: Sen. Riggs (R-3)

<u>HB 631 – Prohibit State Government Mask Mandates</u> (46-24) Passed the House – Senate State Affairs Committee

Prevents government entities from mandating face coverings for containing and preventing infectious diseases. This applies to the State of Idaho, a political subdivision, or an officer of the state. Intends to replace HB 514.

Sponsor: Rep. Hanks (R-35)

<u>HB 632 – Human Right's Protection – Obtaining Medical Services</u> House Health & Welfare Committee

Adds new section relating to Human Rights that medical services appropriate cannot be denied to a person's condition, disease, or injury based on the Covid-19 infection or the status of immunization.

Sponsor: Rep. Nichols (R-11)

SB 1346aa - Medical Record Requests, Cap (28-6-1) Passed the Senate -Held in House Health & Welfare Committee

This bill would establish "a reasonable maximum charge" for a patient, or their representative, to obtain a copy of records from a physician or other health care service that is intended to prevent price gouging, but also provide an incentive for electronic download of records.

Sponsor: Sen. Ricks (R-34)



SB 1356 - Extend Employment Services Held in Senate Health & Welfare Committee

SB 1356 would codify employment services from Idaho Division of Vocational Rehabilitation to the Division of Medicaid. This is a state supported employment and vocational training service and aims to ensure full access to the vocational services Idahoans with significant disabilities.

Sponsor: Sen. Cook (R-30)

SB 1397 - Negotiated Rulemaking Process Sent to the 14th Order for Amendment

This allows for legislatures to have a negotiated rulemaking process for all temporary rules that are not approved by the legislature the following session. This bill is to ensure that the rulemaking process is transparent and that temporary rulemaking is only used for emergency situations.

Sponsor: Sen. Anthon (R-27)

HB 436 - Income Taxes Signed into Law

HB 443 - Creation of the Public School Health Insurance Fund Signed into Law

HB 450 - Unemployment Insurance Tax Rates Signed into Law

HB 445 - Care of Vaccines, Antitoxins, and Other Sera Signed into Law

HCR 029 - Intervention & Severe Emotional Trauma Adopted

HB 444 - Extending Sunset of Coronavirus Limited Immunity Act Signed into Law

HB 551 – Subpoena Powers for the PERSI Board Signed into Law

<u>HB 552 – PERSI Withdrawal Penalties</u> Signed into Law

HB 553 – PERSI Background Checks Signed into Law

HB 461 – Armed Forces Scholarships Signed into Law

HB 446 - Controlled Substance, Nabiximols Signed into Law

HR 19 – Abortion Resolution to US Supreme Court Adopted

HCR 30 – PANDA/PANS Awareness Day Adopted

HCR 47 - Health & Welfare Rules Adopted

HB 516 - Clarification Surrounding Public Health Districts Signed into Law

SCR 120 - Rejection of Health & Welfare Rules Adopted



SB 1244 - Occupational Licenses Sign into Law SB 1245 - Board of Pharmacy Definitions Signed into Law SB 1246 - Uniform Controlled Substance Act Signed into Law SB 1236 – State Health Savings Accounts Signed into Law SB 1283 - Supplemental Medicaid Reimbursement for Ground Emergency Transport Signed into Law HCR 38 - WWAMI Regional Medical Education Program Adopted SB 1327 - Civil Commitment, Idaho Behavioral Health Council Signed into Law SB 1257 - Southwest Idaho Treatment Center Classification Signed into Law SB 1258 - Authority, State Hospitals and Treatment Facilities Signed into Law SB 1256 - Notarization Process for Background Checks Signed into Law SB 1270 – Down Syndrome Diagnosis Information Signed into Law SB 1353 – Essential Caregiver Signed into Law HB 561 – Uses for Grant Funding, Emergency Service Personnel Signed into Law SB 1332 - Confidential Relations for Employees, Domestic or Sexual Violence Program Signed into Law SB 1350 - Hospital Assessment Fund Signed into Law SB 1309 - Fetal Heartbeat, Preborn Child Protection Act Signed into Law SB 1358 - Fetal Heartbeat, Preborn Child Protection Act Signed into Law SB 1305 - Psychology Interjurisdictional Compact Signed into Law HB 562 - Drug Outlet (Pharmacy) Registration Signed into Law HB 590 - Streamlining the Worker's Compensation Process Signed into Law

HB 603 — Hospital Districts Signed into Law

HB 611 - Reinsurance, Claims Signed into Law



HB 658 - Non-disclosure Protections for Death Penalty Signed into Law

HB 664 - Speech and Hearing Services Signed into Law

HB 681 - Care of Biological Products Signed into Law

HB 713 – State and Local Taxes, Businesses Signed into Law

HB 731 – Dyslexia, Early Intervention Signed into Law

HB 598 – DNA Testing Signed into Law

HB 554 - Definitions - PERSI Signed into Law

HB 555 - Reemployment, PERSI Signed into Law

SB 1368 - Occupational Licensing Reform Act, Language Clean-up Signed into Law

SB 1330aa - Naturopathic Doctors Signed into Law

HB 612aaS - Occupational Licensing Reform Act, Disciplinary Action Expungement Signed into Law

HB 778 - Idaho Patient Act Signed into Law

SB 1259 - Medicaid, Certified Caregivers, and Property Taxes Signed into Law

HB 728aaS - PERSI, Russian Assets Signed into Law

HB 718 – Out-of-State Medical Students, Return to Idaho Signed into Law

HB 756 - Crisis Standards of Care Act Signed into Law

HB 515 - Public Health Districts and Boards, Clarifications Signed into Law

HB 701 – Idaho Workforce Housing Fund Signed into Law

HB 780 – Psychologist Service Extenders Signed into Law

SB 1399 - Extending Employment Services Program Signed into Law

HB 699 - Peer Support Counseling, First Responders Signed into Law

HB 688 - State-directed Opioid Settlement Fund Signed into Law



Appropriations and Budgets

SB 1427 - Department of Health & Welfare, Extended Employment Services Signed into Law

SB 1428 - State Treasurer, HB 701 Trailer, Workforce Housing Fund. Signed into Law

HB 724 - Public Employee Retirement System of Idaho (PERSI), FY23 Appropriation. Signed into Law

HB 767 - Department of Health & Welfare, Public Health Services Division, FY23 Appropriation Signed into Law

HB 777 - DHW - Division of Medicaid, FY23 Appropriation. Signed into Law

SB 1420 - Idaho Department of Corrections, Medical Services, FY23 Appropriation. Signed into Law

SB 1424 - Department of Health & Welfare, Mental Health Services Division, FY23 Appropriation. Signed into Law

SB 1428 - Individual High Risk Reinsurance Pool Fund Signed into Law

SB 1331 - Department of Health & Welfare FY 2022 Appropriations, Division of Medicaid Signed into Law

HB 661 - FY22 Supplemental Appropriations, DHW Signed into Law

SB 1349 – State Independent Living Council, FY23 Appropriation Signed into Law

SB 1384 - DHW, Mental Health Services Division, FY23 Appropriation Signed into Law

HB 710 – Division of Human Resources, FY22 Supplemental Appropriation Signed into Law

HB 726 - Division of Human Resources (DHR), FY23 Appropriation. Signed into Law

HB 722 - Department of Insurance, FY23 Appropriation Signed into Law

SB 1384 - DHW, Mental Health Services Division, FY23 Appropriation Signed into Law

HB 771 – Self-Governing Agencies, DOPL, FY23 Appropriation Signed into Law

SB 1401 - DHW - Other Programs, FY22 and FY23 Appropriation Signed into Law

HB 773 - DHW - Family & Community Services - FY 2023 Original. Signed into Law

SB 1416 - State Controller's Office, Behavioral Health Reporting, FY22 Supplemental Signed into Law

SB 1418 - State Board of Education, Health Education Programs, FY23 Appropriation Signed into Law



<u>HERE</u> is the link for the Index of all Proposed Rules seeking legislative approval. Committees in both the House and Senate are assigned rules to approve. As a reminder, if a rules docket pass either House or the Senate, they are set to go into effect but need to be enacted by legislation or executive order.

Rules Accepted:

- <u>16-0000-2100</u> Notice of Omnibus Rulemaking, Department of Health and Welfare (with the exception of chapter 16.03.09)
- 16-0000-2100F Notice of Omnibus Rulemaking (Fee Rule), Department of Health and Welfare
- 15-0100-2100 Omnibus Rulemaking Proposed Rule, Office of the Governor, Idaho Commission on Aging
- 04-0000-2100 Notice of Omnibus Rulemaking Proposed Rule, Office of The Attorney General, Page 5-91
- 34-0000-2100 Notice of Omnibus Rulemaking Proposed Rule, Secretary of State, Page 357-376
- 34-0000-2100F Notice of Omnibus Rulemaking (Fee Rule) Proposed Rule, Secretary of State Page 78-111
- 38-0000-2100 Notice of Omnibus Rulemaking Proposed Rule, ID Dept. of Administration, Page 377-417
- 38-0000-2100F- Notice of Omnibus Rulemaking (Fee Rule) Proposed Rule, Id Dept. of Administration, Page 112
- 21-0000-2100F Notice of Omnibus Rulemaking (Fee Rule) Pending Rule Idaho Division of Veterans Services
- 18-0000-2100F Notice of Omnibus Rulemaking (Fee Rule) Pending Rule Department of Insurance
- 18-0000-2100 Notice of Omnibus Rulemaking Pending Rule Department of Insurance
- 18-0201-2101 Insurance Rates and Credit Rating (New Chapter) Pending Rule
- 18-0305-2101 Credit Life and Credit Disability Insurance (New Chapter) Pending Rule
- 18-0401-2101 Health Carrier External Review (New Chapter) Pending Rule
- 18-0402-2101 Complications of Pregnancy, Newborn, and Adopted Children Coverage (New Chapter) Pending Rule
- 18-0407-2101 Restrictions on Discretionary Clauses in Health Insurance Contracts (New Chapter) Pending Rule
- 18-0410-2101 Medicare Supplement Insurance Standards (New Chapter) Pending Rule
- 18-0604-2101 Continuing Education (New Chapter) Pending Rule
- 09-0000-2100 Notice of Omnibus Rulemaking Pending Rule Department of Labor
- 59-0000-2100 Notice of Omnibus Rulemaking Pending Rule Public Employees Retirement System of Idaho (PERSI)
- 16-0000-2100 Omnibus Rulemaking Proposed Rule Department of Health and Welfare
- 16-0000-2100 Section 16.03.09.772.01(c) Held in Committee Department of Health and Welfare
- 16-0000-2100F Omnibus Rulemaking (Fee Rule) Proposed Rule Department of Health and Welfare
- <u>15-0200-2100</u> Notice of Omnibus Rulemaking Proposed Rule Office of the Governor Idaho Commission for the Blind and Visually Impaired
- <u>18-0000-21000</u> Notice of Omnibus Rulemaking Amendment to Temporary Rule, p. 115; 18.01.01 18.08.01, pp. 119 346 Department of Insurance
- 18-0604-2101- Continuing Education (New Chapter) Proposed Rule, p. 400
- <u>18-0402-2101</u> Complications of Pregnancy, Newborn, and Adopted Children Coverage (New Chapter) Proposed Rule, p. 364
- 15-0400-2100 Notice of Omnibus Rulemaking Pending Rule Idaho Division of Human Resources
- 15-0100-2100 Notice of Omnibus Rulemaking Proposed Rule Idaho Commission of Aging
- 15-0200-2100 Notice of Omnibus Rulemaking Proposed Rule Commission for the Blind and Visually Impaired
- 16-0000-2100F Notice of Omnibus Rulemaking (Fee Rule) Proposed Rule Department of Health and Welfare
- 24-0000-2100 Notice of Omnibus Rulemaking Proposed Rule Division of Occupational and Professional Licenses



<u>24-0000-2100F</u> - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule – Division of Occupational and Professional Licenses

34-0000-2100 - Omnibus Rules Review - Office of Secretary of State

34-0000-2100F - 2022 Pending Fee Rules - Secretary of State Office

<u>38-0000-2100</u> - Proposed Omnibus Rules - Idaho Dept. of Administration

38-0000-2100F - Fee Rules review - Idaho Dept. of Administration

15-0400-2100 - Notice of Omnibus Rulemaking - Pending Rule - Division of Human Resources

16-0000-2100 - Notice of Omnibus Rulemaking - Proposed Rule - Department of Health & Welfare

- Exception of 16.03.09.772.01C, 16.03.21.101.04.Q, and 16.03.21.302.01 A-E, and 16.03.21.101.047

Appointments

- Brett Thomas's appointment to the Idaho Health Insurance Exchange Board was confirmed on <u>Feb 10th</u>, <u>2022</u>.
- Margaret Henbest's reappointed to the Idaho Health Insurance Exchange Board was confimed on Feb. 24^{th,} 2022.
- Jerry Edgington's re-appointed as a member of the Idaho Health Insurance Exchange Board was confirmed on Mar 3rd, 2022.
- Janice Fulkerson's re-appointed as a member of the Idaho Health Insurance Exchange Board was confirmed on Feb 14th, 2022.
- Kevin Settles' re-appointed as a member of the Idaho Health Insurance Exchange Board was confirmed on Feb 14th, 2022.
- Margaret Henbest's reappointed to the Idaho Health Insurance Exchange Board was confimed on Feb. 24^{th,} 2022.
- Lori Wolff was appointed as the Administrator of the Division of Human Resources
- Karan Tucker's appointment to the Idaho Health Insurance Exchange Board was confirmed on Feb 14th, 2022.
- Gregory Donaca's appointment to the Idaho Health Insurance Exchange Board was confirmed on Feb 14th, 2022.
- Hyatt Erstad's appointment for the Idaho Health Insurance Exchange Board was confirmed on Feb 16th, 2022.
- Peter Sorenson's appointment for the Idaho Health Insurance Exchange Board was confirmed on Feb 16th, 2022.
- Stephen Weeg's appointment for the Idaho Health Insurance Exchange Board was confirmed on Feb 17th, 2022.
- B.J. Stinger's appointment to the Commission for the Blind & Visually Impaired was confirmed on March 8th, 2022.
- Cynthia Fairfax's appointment to the Health Insurance Exchange Board was confirmed on March 8th, 2022.
- Trent Nate's appointment to the Idaho Health Insurance Exchange Board was confirmed on March 25th, 2022.