



Legislative Update - Week 5

2/8/2021 - 2/12/2021



Greetings Members of Idaho Public Health Association (IPHA) and Idaho Family Caregiver Alliance (ICA)!

My name is Piper Traywick and I am the new IPHA/ICA legislative intern for the 2021 session. Throughout this session, I'll be writing a weekly newsletter for you through the IPHA and ICA. My weekly goal is to provide you details on key legislative activities, summaries, and resources that will be helpful to you in your endeavors. Please contact me if you have any questions, comments, or suggestions regarding legislative updates, pipertraywick@u.boistestate.edu.

To help you keep track of the legislative process, you can purchase a Legislative Directory at the Statehouse or you can print your legislative directory [here](#).





Power of Idaho Health Districts

This past Thursday, two House bills passed which would limit the ability of health districts and the Department of Health & Welfare to issue closures, mandates, or restrictions in schools. According to Rep. Gayann DeMordaunt, R-Eagle, the sponsor of HB0067, the goal of the bill is to respect local control and define who determines if schools are open. House bill 0068, which is sponsored by Rep. Ryan Kerby, R-New Plymouth, applies to higher education. According to Rep. Kerby, executive directors of health district boards have expressed an interest in advising, not governing. Therefore, this bill serves as an opportunity to provide role clarity.

Additionally, SB1060 was endorsed by the Senate Health & Welfare Committee on Wednesday. This legislation, which was introduced by Sen. Steve Vick, R-Dalton Gardens, restricts the ability of health boards to make county or district wide orders. This bill is now pending in the Senate, and it would require that county commissioners accept or reject public health orders within seven days.

COVID 19

This past Tuesday, former Idaho Governor Dirk Kempthorne and former Massachusetts Governor Deval Patrick hosted a fireside chat with Dr. Anthony Fauci, the director of the National Institute of Allergy and Infectious Diseases. Here are some key takeaways from the meeting:

Has COVID been harder to control than other pandemics, and why?

- COVID is uniquely complex and illusive
- About 40% of infections have no symptoms
- About 59% of transmissions occur from people who asymptomatic or pre-symptomatic
- Staying away from sick people does not ensure safety

How important is it to wear masks and get vaccinated?

- The virus can still be transmitted after getting vaccinated, so it is important to still wear a mask
- Outbreaks can override herd immunity if not enough people get vaccinated
- If we can get 85% of population vaccinated, the level of protection in the population would be so good that the level of virus would not be a threat

Are schools safe to open?

- Default position should be to get kids back to school and stay in school safely.
- Children will not be eligible to get vaccinated for quite a few months
- CDC should be coming out with guidelines shortly

What have been the mental health impacts of COVID?

- Stress on children, families, and communities
- There have been increases in suicide, alcoholism, and domestic violence

Medical Marijuana

H0108, a bill to legalize medical marijuana, has been introduced by House Minority Leader, Rep. Ilana Rubel (D-Boise). The bill, being referred to as the SERGEANT KITZHABER MEDICAL CANNABIS ACT amends existing law to authorize the possession, distribution, transportation, and use of cannabis for medical purposes and to impose an excise tax on medical cannabis and medical cannabis devices.

The bill was introduced in the House Health and Welfare Committee following testimony in support by Sergeant Jeremy Kitzhaber, a U.S. Air Force veteran who has terminal cancer and Dr. Dan Zuckerman, Medical Director of St. Luke's Cancer Institute. Committee Chairman, Rep. Fred Wood (R-Burley) said that the bill was "about as tightly controlled as you could possibly control any controlled substance." In spite of the committee's approval, Chairman Wood has indicated that he will only give the bill a hearing if he sees support beyond the committee.

SJR101, the resolution by Sen. C. Scott Grow (R-Eagle) has passed the Senate and is awaiting action in the House State Affairs Committee. This resolution would prohibit the production, manufacture, transportation, sale, delivery, dispensing, distribution, possession, or use of certain psychoactive drugs (including medical marijuana) through an amendment to Idaho's Constitution.

And, the State Elections Division has confirmed that a campaign to let Idaho voters decide on the issue of legalizing medical marijuana is approved to begin signature collection. The issue will need 6% of the voters in last November's election as well as 6% of half of Idaho's counties to be placed on the ballot. The campaign is estimating it will need to gather 68,000 signatures.

Proposed Changes to the Initiative Process - Again

Senator Steve Vick (R-Dalton Gardens) has introduced a bill that would restrict the requirements for the initiative/referendum process in Idaho. S1110 would require signatures from at least 6% of qualified electors in all of Idaho's 35 legislative districts compared to the current requirement of 6% of all qualified electors statewide based on the last election, plus 6% from 18 of the state's 35 legislative districts. Sen. Vick thinks this favors urban areas saying "Currently you can get signatures for 18 districts in just four counties. I think it needs to be more diversified than that." This effort comes on the heels of the 2019 effort sponsored by Sen. Scott Grow (R-Eagle) to require signatures from 10% of voters in 32 of 35 legislative districts in 6 months instead of the current 18 months. This bill was in reaction to Medicaid Expansion that was approved by the voters in 2018. The 2019 bill (S1159) narrowly passed both houses but was vetoed by Governor Little.

Building Idaho's Future

A large part of Governor's Little's plan is moving forward as the Joint Finance Appropriations Committee (JFAC) authorized a \$50 million allocation from the state general fund to the water management fund, which is overseen by the Idaho Department of Water Resources. Some of the water board's current plans include expanding Anderson Ranch Reservoir, providing a new water supply for the Mountain Home Airforce Base, and sustainable energy projects in the Upper Snake River Valley. Other potential projects include Bear Lake and Ririe Reservoir, as well as the Palouse Basin to ensure that Moscow residents have a constant water supply. In order to utilize these funds in the current fiscal year, the supplemental appropriation bill will need to pass in the House and the Senate.

Making Your Voice Heard

Idaho has an open legislative process and will be allowing remote testimony. All participants must fill out a registration form, but registering does not guarantee the opportunity to testify. More information [here](#). Additionally, there is this [video](#) provided by the Idaho Council on Developmental Disabilities.

To follow the deliberations in a committee and sign up to testify, you must do so in advance of the meeting. Here are the steps you can follow online:

- Go to the Idaho Legislative Website: legislature.idaho.gov
- Click on Committees
- Choose between Senate Standing Committees or House Standing Committees
- From the alphabetical list of committees, scroll down to the one you want and click on it
- Scroll down to the next meeting date; click on the PDF next to the agenda
- Scroll down to the bottom of the agenda, right above the list of committee members
- Click on the **Register to Testify** button
- Requirements for testifying:
 - First and last name
 - Email and physical address
 - What organization you are representing, if any
 - Whether you are “for” or “against” a bill
 - Written copy of your testimony
- Select date to testify and click on **Register to Testify**
- This will take you to a form that you complete with the information listed above, then click on the blue **Register** button

Please also note:

- If the meeting is over, you will get the following message: Webinar is over, you cannot register now. If you have questions, please contact webinar host: click on the link here to the committee secretary
- If you have difficulty registering, email: RemoteTestimony@Iso.idaho.gov
- If the committee is simply hearing a presentation and there is no legislation or rules to consider, there will be no registration link at the bottom of the agenda; the agenda may have a link that directs you to the live streaming on the IPTV page
- These instructions do not apply to the Senate Finance or House Appropriations Committees; they meet jointly every morning and do not take public testimony

Federal Updates

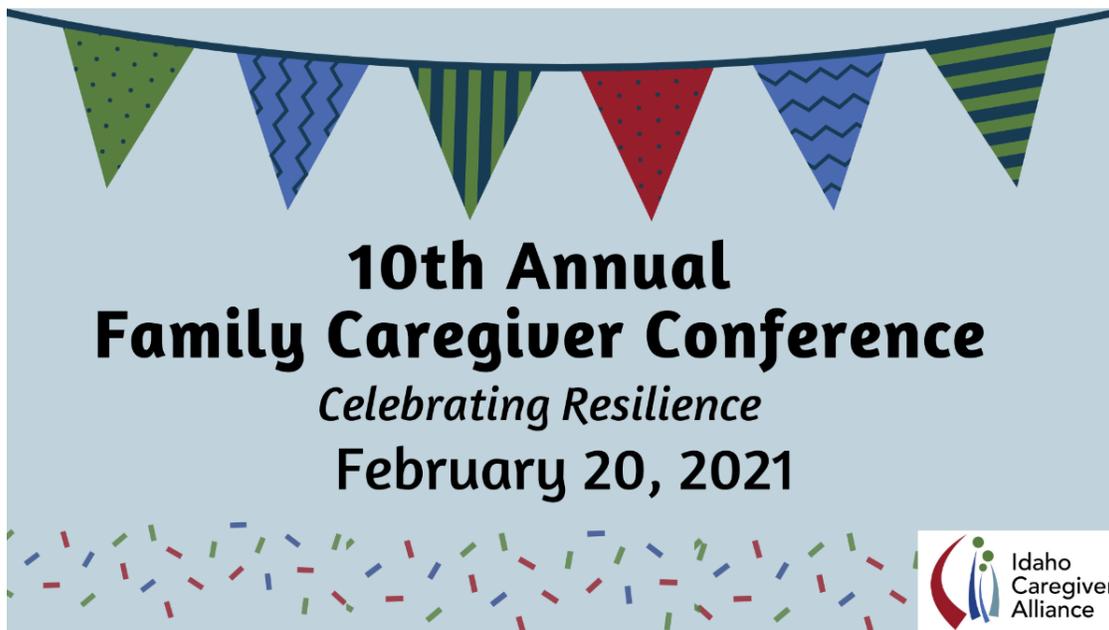


Impeachment Hearings

This week the nation watched the trial in the Senate of the second impeachment of former

president Donald Trump. The House managers, led by Congressman Jamie Raskin (D-Maryland), made compelling arguments using video footage of the January 6 breach of the U.S. Capitol by Trump supporters. Seven Republican Senators joined all the Democrats voting to convict Trump of incitement to insurrection. A 2/3 vote is required to convict in an impeachment and the vote, taken Saturday, fell short, 57-43. Both Senator Risch and Senator Crapo voted to acquit the former President.

Upcoming Events and Advocacy Days



**10th Annual
Family Caregiver Conference**
Celebrating Resilience
February 20, 2021



Click [here](#) to register!

Consortium of Idahoans with Disabilities (CID)

Fred Riggers Disability Awareness Day 2021 Virtual Campaign
January 26 - March 31, 2021

Fred Riggers Disability Day will not happen as traditionally it does at the State Capitol. Due to Covid-19, CID will use various social media platforms to promote the agenda. The campaign will focus on educating citizens about civil engagement strategies, providing useful tools for personal advocacy, strategies to inform legislators on disability related issues and resources and celebrating Idaho advocates in the disability movement.

More information coming soon! Stay up to date on the CID [Website](#) or [Facebook](#).

On Wednesday, February 17, at noon MST join Idaho native and NCIL Director, Kelly Buckland for a Lunch with LeAnn interview. Go [here](#) to learn more.





Beginning on Friday, February 12, the Director of Idaho Voices for Children, Christine Tiddens, will be presenting a webinar on legislative updates, how to take action, and what to expect in the coming weeks. Dates and times are as follows:

- **Thursday, February 25th from 12-1pm**
- **Thursday, March 11th from 12-1pm**
- **Thursday, March 25th from 12-1pm**

Click [here](#) to register!

Bill Tracker

Do you have any specific Bills you would like to be tracked throughout the session? If so, please reach out and I will gladly track them through this weekly update. You can also view current bills [here](#).

Bill No.	Description	Last Action
S1003	Renames extreme emergencies as extreme peril and limits when and for how long they can be extended. It limits the application to human caused conditions. It prohibits restrictions on the right to work. It prohibits limiting or suspending the rights of the citizens. It prohibits alterations, adjustments, or suspension of statutes by the Governor.	1/14 in Senate State Affairs Committee
S1016	Repeals and adds to existing law to replace the Respiratory Care Practice Act with current respiratory practice. Streamlined the Act significantly, to guide the licensure, regulation and practice of Respiratory Therapists and Polysomnographers.	2/10, passed Senate 34-0; referred to House Health & Welfare
S1027	When the government unjustly takes an Idahoan's freedom by putting them in prison for a crime they didn't commit, there is currently no process to compensate them for the years lost. This legislation adds to existing law to provide for a claim of compensation for a wrongful conviction.	2/3, passed Senate 35-0; referred to Senate Judiciary, Rules & Administration
S1028	Increases the minimum wage incrementally from the current wage of \$7.25 per hour to \$15.00 effective July 1, 2023. It also incrementally raises the minimum tipped wage to \$5.00 per hour effective July 1, 2021, and up to	1/25, referred to Senate State Affairs

	\$7.50 effective July 1, 2023. It also eliminates a lower training wage for teenagers and permits counties to set a higher minimum wage.	Senate State Affairs
S1030	Amends Section 46-1005A to allow the Legislature by concurrent resolution to approve the Governor's request to exceed one percent (1%) of the annual appropriation of general fund moneys being transferred to the disaster emergency account.	1/25, in Senate State Affairs
S1031	Amends existing law to provide that freedom from discrimination because of sexual orientation or gender identity is a civil right.	1/25, in Senate State Affairs
S1036	For cases involving persons with a developmental disability, I.C. § 66-404A currently requires courts to hold hearings on the appropriateness of the appointment of a temporary guardian within ten (10) days after request for such a hearing. In order to reduce confusion to those affected by procedural time frames, the courts strive to establish time periods computed only on seven (7) day increments. To bring these proceedings in line with the courts' efforts to reduce confusion, the ten (10) day time frame in I.C. § 66-404A(3)(b) should be changed to fourteen (14) days.	2/10, passed Senate 34-0; referred to House Judiciary, Rules & Administration
S1037	The statute setting forth the procedure for the commitment of mentally ill persons(I.C. § 66-329) limits continuances of hearings in these cases to no more than five (5) days. The courts are seeking to change these to seven (7) days or 7-day increments for consistency with court scheduling.	2/10, passed Senate 34-0; referred to House Judiciary, Rules & Administration
S1041	Prohibits excessive pricing during a declared emergency applies to exorbitant or excessive increased prices to the consumer rather than to the margin between wholesale and retail prices. Applies to exorbitant or excessive increased prices to the consumer rather than to the margin between wholesale and retail prices.	2/10, passed Senate 34-0; referred to House Commerce & Human Resources
S1050	Allows enrollees to receive up to a 12 (twelve) month supply of prescribed contraceptives if they so choose. Currently, many insurance plans reimburse for only a 1 (one) to 3 (three) month supply of contraceptive supplies.	2/4, referred to Senate Commerce & Human Services
S1054	Limits the powers of the Governor during extreme emergencies.	2/4, referred to Senate State Affairs
S1060	Requires county wide or district wide orders of a Public Health District to be approved or denied by the County Commission in the county in which those orders are to take effect.	2/11, On Third Reading for a vote in the Senate

S1085	Prohibits an abortion following detection of a fetal heartbeat.	2/11, referred to State Affairs
S1087	Raises the age of legal possession and use of tobacco products and electronic smoking devices to 21.	2/11, referred to Senate State Affairs
S1089	Amends existing law to revise a provision regarding rape where the victim is sixteen or seventeen years of age and repeals existing law relating to rape of a spouse.	2/11, Introduced; read first time; referred to Senate JR for Printing
S1092	Provides for reimbursement for new in-state hospitals serving as Medicaid providers.	2/11, Introduced; read first time; referred to Senate JR for Printing
S1098	Provides requirements for health benefit plans and student health benefit plans that cover prescription contraception to allow the choice of a 12-month supply.	2/12, Introduced; referred to Senate JR for Printing
S1110	Increase voter involvement and inclusivity in the voter initiative/referendum process by ensuring signatures are gathered from each of the 35 legislative districts.	2/12, Introduced; referred to Senate JR for Printing
H0001	Revises provisions regarding the Governor's powers during a disaster emergency and provides that the Governor may not alter, adjust, or suspend any provision of Idaho Code during a disaster declaration.	1/14, in House State Affairs (replaced by H0016)
H0003	The Reasonable Childhood Independence Act; Amends existing law to revise the definition of "neglected" in child protection law.	1/19, in House Judiciary, Rules, & Administration
H0004	Amends Idaho's Parental Rights statutes to state that an emergency order, disaster declaration, etc. cannot be deemed a compelling government interest that would allow abridgement of parental rights as described in 32-1013 .	1/15, in House Judiciary, Rules, & Administration
H0016	Limits the governor's powers during a disaster emergency and to provide that the governor may not alter, adjust, or suspend any provision of the Idaho Code during a disaster declaration. Terminates all existing emergency declarations that have existed for more than 30 days. More stringent than H0001.	2/4/, returned to House State Affairs Committee
H0017	Prohibits public contracting or participating in any commercial transaction with any abortion provider.	1/22, in House State Affairs

H0020	Provides for a standard medical cost deduction from the income of an applicant for circuit breaker property tax reduction	1/22, in House Revenue & Taxation
H0033	Provides for review of a district board of health's actions, decisions, or orders, states that first and second violations of public health laws shall be infractions, and limits quarantine or isolation orders to no more than 30 days unless extended by affected counties or cities.	1/26, in House Health & Welfare
H0034	Amends existing law to limit the application of health ordinances to city limits.	1/26, in House Health & Welfare
H0038	Clarifies the requirements necessary for prescribing medication via telehealth, expanding beyond the current limitations of the act. This is in alignment with the allowances made during the COVID-19 pandemic response.	2/3, Passed House 70-0; in Senate Health & Welfare
H0042	Provides a time extension for certain extraordinary medical collection action requirements.	2/1, Passed House 70-0; in Senate Commerce & Human Resources
H0045	Provides that a local governmental unit shall not enact, maintain, or enforce an ordinance or a resolution that would have the effect of regulating rent, fees, or deposits charged for leasing private residential property.	2/27, referred to House Judiciary, Rules & Administration
H0052	Prohibits conversion therapy for minors in certain instances.	1/28, referred to House Ways & Means
H0056	Makes abortion illegal and requires the attorney general to direct state agencies to enforce this law.	1/29, referred to House Ways & Means
H0063	Prohibits mandated or forced vaccination.	2/1, referred to House Ways & Means
H0067	Duly elected school boards representing the parents in a community, including charter school boards of directors are authorized to close schools to prevent the spread of contagious disease. Department of Health and Welfare, district boards of health, and cities shall not have this authority.	2/11 Passed House 65-5; referred to Senate Education
H0068	Reduces the number of governmental entities who have the authority to close higher education institutions, or otherwise limit any aspect of school programs or activities to prevent the spread of contagious or infectious disease.	2/11, Passed House 59-11; referred to Senate Education

H0074	Amends existing law to limit the application of health ordinances to city limits.	2/11, Passed House 70-0; referred to Health & Welfare
H0077	Revises the definition of "neglected" to clarify that child neglect be defined as putting kids in obvious danger or denying them truly necessary care and does not include normal actions by parents for encouraging reasonable childhood independence activities.	2/3, in House Judiciary, Rules & Administration
H0089	This allows school district employees, with an enhanced concealed weapons license, to carry a concealed weapon on school property. The employee must provide a confidential copy of their enhanced license to school officials who shall also share the information with law enforcement.	2/5, in House State Affairs
H0090	Provides for the protection of certain historic monuments and memorials. No monument or memorial erected on State property may be relocated, removed, disturbed, or altered without approval of the Idaho Legislature by way of a Concurrent Resolution.	2/9, Passed House 51-19; referred to Senate State Affairs
H0097	Provides that at least 70% of COVID-19 vaccine doses must be administered within fourteen days of being received by the organization responsible for vaccine administration.	2/8, in House Health & Welfare
H0098	Limits emergency disaster declarations to a maximum of 60 days unless extended under certain provisions and clarifies that the governor may not alter, adjust, or suspend Idaho Code during a disaster declaration.	2/8, in House State Affairs
H0105	Provides that presidential electors will be chosen based on which candidate won the most votes among in-person voting on Election Day, and only allows absentee balloting based on military service or sworn physical inability to vote in person.	2/9, in House State Affairs
H0108	Amends and adds to existing law to authorize the possession, distribution, transportation, and use of cannabis for medical purposes, to impose an excise tax on medical cannabis and medical cannabis devices.	2/10, in House Health & Welfare
H0115	Provides that a hospital trustee may not be an employee of or have an ownership interest in certain other facilities and to revise provisions regarding hospital boards.	2/10, referred to House Health & Welfare
H0121	Clarifies that employees of Idaho public Universities or College shall not offer extra credit to students to vote or not vote or to influence a vote for or against a	2/12, referred to House State Affairs

	or not vote, or to influence a vote for or against a candidate or ballot measure.	House State Affairs
H0126	The purpose of this legislation is to legalize the production, processing, research, and transportation of industrial hemp in the state.	2/12, referred to Agricultural Affairs
H0127	Creates an Idaho Broadband Advisory Board to develop, implement and maintain a statewide broadband plan funded by the Idaho Broadband Fund.	2/12, Referred to House Environment, Energy & Technology
H0140	Prohibits discrimination on the basis of vaccination status and to prohibit state contracts with companies that engage in such discrimination.	2/12, Introduced, referred to House JRA for Printing
H0146	Provides clarifying consumer protection provisions to reduce confusion between insurance and health care sharing ministries offering non-insurance sharing of medical costs among their members.	2/12, Introduced, referred to House JRA for Printing
HCR001	Provides that the state of disaster emergency declared by the Governor is now ended.	1/14, referred to House State Affairs
HCR002	Lifts the restriction on groups of 10 or more under the Governor's Emergency Declaration.	1/25, Adopted in House 55-15; in Senate State Affairs
HCR005	Declares that the portion of the February 2, 2021, guidelines regarding the prohibition on gathering of more than 50 people is null, void, and of no force and effect.	2/10, Adopted in House 55-15; in Senate State Affairs
HJR002	Prevents the legislature from amending the current signature gathering requirements for statewide ballot initiatives without voter approval.	1/29, in House Ways & Means
HJR003	Proposes an amendment to the Idaho Constitution to provide that an officer may make a warrantless arrest based on probable cause for an offense committed outside of the officer's presence.	2/5, referred to House State Affairs
SCR101	Terminates the COVID-19 emergency orders issued by the Governor while maintaining those declarations necessary to keep federal funding available for Idaho's military, first responders, health care providers, and communities.	1/27, referred to Senate State Affairs
SCR103	Declares that the December 30 general order of isolation issued by the Governor and the director of the	2/3, referred to State Affairs

	Department of Health and Welfare is terminated.	
SJR101	Proposes an amendment to the Idaho Constitution prohibiting the production, manufacture, transportation, sale, delivery, dispensing, distribution, possession, or use of certain psychoactive drugs.	2/3, Adopted in Senate 24-11; in House State Affairs