

**Legislative Update: Week 11**

**3/16/2020 – 3/20/2020**

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



My name is Destinie Triplett and I am the new IPHA/ICA legislative intern for the 2020 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 helpful to you in your endeavors. Please contact me if you have any questions, comments, or suggestions regarding legislative updates, destinietriplett.policyintern@gmail.com

**New This Week**



[BETSY Z. RUSSELL/Idaho Press](https://www.idahopress.com/eyeonboise/house-adjourns-sine-die-at-a-m/article_8ec9a8a3-2748-572c-a6c3-4d235188bf02.html)

**Sine Die**

On Thursday, March 19, the Senate adjourned for the session at 6:33 pm on its 74th legislative day. The next day, the House adjourned 32-28, leaving as its last vote on a bill, a defeat of SB1297, the “To Great to Hate” specialty license plate bill sponsored by Senator Cherie Buckner-Webb who retired with this session. The bill had easily passed the Senate 28-7 on February 27 but was held in the House Transportation Committee until late in the session. Earlier in the session, both the House and the Senate passed a “Choose Life” specialty license plate bill which has been signed by the Governor.

**Coronavirus**

Idaho’s response to Coronavirus (COVID-19) is changing rapidly. State officials have been working with the CDC, Idaho public health districts, healthcare providers, and other states to ensure close monitoring. You can refer [HERE](https://coronavirus.idaho.gov/) for the latest and most updated information. Please see the events below for an opportunity to Join AARP Idaho and Idaho Governor Little Brad Little for a statewide telephone town hall to discuss the latest news and information regarding the Coronavirus. This is an interactive call and participants are encouraged to call-in and ask questions.

**State Legislation**

**Children’s Residential Treatment Facility**

HB 340, sponsored by Rep. Ron Mendive (R-2) and Sen. Mary Souza (R-4), seeks to create a new category of treatment facility, “temporary alcohol-drug treatment facility” for providing treatment to children ages 13-17 whose primary problem is drug or alcohol abuse. Youth could not spend more than 4 months/year is such facility.

The sponsors rationale for this legislation is the lack of residential substance abuse treatment for youth in Idaho and that by exempting these treatment programs from licensing requirements, that may allow or encourage the provision of such treatment. Advocates have acknowledged the lack of treatment facilities but have expressed concerns about allowing unlicensed facilities that present a risk to youth and is not the solution to the problem.

On February 25, the bill was amended after being placed on General Orders in the House.

The original legislation set forth requirements such as health and safety inspections, must be within 50 miles of a health care facility with emergency medical care capabilities, permission of the child’s parent or guardian and a prescription from a physician verifying the child’s need for treatment. The legislation requires criminal history checks on all staff but there is no requirement for staff to meet licensure or certification requirements for treating youth with these disorders. You can read the original legislation [HERE](https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2020/legislation/H0340.pdf).

The amended version created a pilot program, naming specifically the Good Samaritan Rehabilitation Center, with a first reporting requirement in 2023 and every two years thereafter. This facility is owned and operated by Rep. Tim Remington, a member of the legislature. You can read the amended version [HERE.](https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2020/legislation/H0340E1.pdf) The Idaho Caregiver Alliance has taken a position in opposition to this bill with the following concerns:

* No requirement for training/licensure/certification for staff providing treatment
* No criteria to qualify as “pilot” and lack of evaluation by experts in Substance Use Disorder Treatment
* No protection for children’s and parent’s rights
* No oversight by entity qualified to monitor treatment facilities
* No restriction on overcrowding or sleeping arrangements or separation of adults and children
* None of the minimal requirements offered in the original bill
	+ Background checks for staff
	+ Health and safety inspections
	+ Prescription by a medical doctor for substance abuse treatment
	+ Notification of local law enforcement
	+ Requirement to be within 50 miles of a medical facility providing emergency care
	+ Parental consent

In 2019, the State of Montana took action to close a loophole in their law that had permitted residential treatment programs of youth with behavior and other disorders to operate unlicensed if they were affiliated with a church. For many years, there were multiple instances of child abuse in some of these programs but no action could be taken by the state because of the religious exemption. That was addressed last year and the state is now overseeing these programs.

After the amended bill passed the House in a vote on March 2 it went for a hearing in the Senate Health and Welfare Committee Tuesday, March 10. The Senate committee voted 5-4 to send it to 14th Order for amendments. Sen. Mary Souza recommended that the bill add back in the previous safety requirements. You can read the most recent amendment [HERE](https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2020/legislation/H0340E1A2.pdf). **This bill passed the Senate 26-9 on Monday, March 16, and the House 50-19 on Wednesday, March 18. It is now awaiting the Governor’s signature. The ICA is encouraging a veto by the Governor.**

**Yellow Dot Program**

HB 497 establishes a Yellow Dot program to provide for persons to use yellow dots on motor vehicles to signify that such vehicle contains medical information that may be of use to first responders on the scene of an accident or an emergency. It was amended in the House to state that the yellow dot does not provide a probable cause for a law enforcement to stop a motor vehicle. Following amendments, HB 497 passed the House Floor on Wednesday, March 3. **HB 497 passed the Senate on Wednesday, March 18, and is now awaiting the Governor’s signature.**

**Hidden Heroes Month**

SCR133 is a resolution brought by Senator Abby Lee with support and assistance of ICA member Jeannette Davidson-Mayer who also works with the Elizabeth Dole Foundation. The resolution recognizes May as Hidden Heroes Month (formerly Military Appreciation Month) and calls out the contributions of caregivers of veterans. It was not heard in committee but passed directly to the floor of the Senate where it was approved on a voice vote. **On Tuesday, March 17th, it was approved on a voice vote in the House. On Thursday, March 19, it was reported delivered to the Secretary of State.**

**Newborn Screening Data**

On Monday, February 17, HB 438 passed with no opposition in the House. The bill was presented in the Senate Health and Welfare Committee with a do pass recommendation. **On Tuesday, March 17, this bill passed the Senate on a 30-1 vote, with only Senator Burgoyne opposed.** The bill, sponsored by Rep. Priscilla Giddings (R-7), amends Idaho law to remove language that would make it a misdemeanor to not report newborn screening data to the state. Currently the Department of Health and Welfare is required to maintain this information and if it is not provided by the physician, midwife, or other appropriate entity, the non-reporting is a misdemeanor punishable by a fine of $10-100. The proponents of this legislation state that by removing this penalty, it decriminalizes parents who birth their children at home and choose not to supply that data to the state. **The bill has been transmitted to the Governor for his signature.**

**Paid Sick Leave**

HB475 is co-sponsored by Rep. Brooke Green (D-18) and Sen. Janie Ward-Engelking (D-18); it protects an employee if they use their earned paid sick leave to care for themselves or a family member by considering this leave as an absence that may lead to discipline, discharge, demotion, suspension or other adverse action. If the employer requires notice of the use of earned sick leave, they must provide the employee with a written copy of the policy of its use when the leave is not foreseeable. On Tuesday, February 18, HB475 was reported out of committee and placed on General Orders. **As of Wednesday, March 18, this legislation has been reported as retained on General Orders.**

**Telehealth**

HB 531, sponsored by Rep. John VanderWoude (R-22), amends existing law to provide that prescription drug orders for medication-assisted treatment may be issued using telehealth services. This bill passed the House 66-0-2 on March 2. A hearing on the bill was held in Senate Health and Welfare on March 5. **It was held in committee.**

**Public Money for Abortions**

HB507, co-sponsored by Rep. Christy Zito (R-23) and Rep. Bryan Zollinger (R-33) would prohibit the transfer or expenditure of public monies to any individual or organization which is a provider of abortion services, except where the prohibition is expressly not permitted by federal law. This prohibition applies at all levels of government in Idaho, including state, county, city and public health districts. This bill was held in the House State Affairs Committee and replaced by HB525 which is currently in House State Affairs.

HB525, also sponsored by Representatives Zito and Zollinger, is the same as HB507 except that it exempts from the prohibition hospitals that perform abortions in a medical emergency or due to the failure of the fetus to remain viable. **HB525 passed the House on a party-line vote (52-17) on March 3. On Monday, March 16, the bill was reported out of the Senate State Affairs committee to the14th Order for amendments.**

**Simon’s Law**

HB519, sponsored by Rep. John VanderWoude (R-22), adds to existing law to implement Simon’s Law regarding life-sustaining treatment for child patients. The purpose of this legislation is to ensure that at least one parent or guardian of an unemancipated minor child, who is under the care of a doctor and healthcare facility, is notified 48 hours prior to a doctor instituting an order to withhold life-sustaining treatment. Parents of children with disabilities have questions regarding this bill and the Idaho Hospital Association is opposed to it. The bill is waiting for a vote in the House where it passed out of the Health and Welfare committee with a do-pass recommendation on 2/28. On Monday, March 2, at 9:00 am, Rep. VanderWoude presented RS27889 to the House Health and Welfare Committee. Now referenced as HB578, the bill ensures that at least one parent or guardian of an emancipated minor child, who is under the care of a doctor and healthcare facility, is notified 48 hours prior to a doctor instituting an order to withhold life-sustaining treatment. HB578 deleted a section that required the physician, upon the request of the parent or legal guardian of an unemancipated minor who is a patient or prospective patient, of any policies that the minor may be subjected to or receive having to do with life-sustaining procedures, including any policies having to do with treatment deemed to be nonbeneficial, ineffective, futile or inappropriate. These policies must be disclosed in writing. Thursday, March 5, HB 578 passed the House; **On Wednesday, March 18, the bill passed the Senate; Thursday, March 19, it was reported delivered to the Governor where it is awaiting his signature.**

**Financial Exploitation of an Elder**

HB404 amends Chapter 31, Title 18 Idaho Code, by the addition of a new section

18-3129, Idaho Code to provide for the offense of financial exploitation of an

elder, to provide penalty, and to define terms. On 2/28 HB404 was sent to General

Orders for amendment where it was amended to drop the addition of a new section

of code and instead modify the section of law (18-1505) that deals with financial

exploitation of children and vulnerable adults. The definition of “caregiver” and

“financial exploitation” remain the same as originally defined in the proposed new

section. **On Monday, March 16,** **this bill failed in the House on a 21-48 Vote.** You can read the original bill [HERE](https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2020/legislation/H0404.pdf) and the amended bill [HERE](https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2020/legislation/H0404E1.pdf).



Domed ceiling over the Idaho Senate chamber

[BETSY Z. RUSSELL/Idaho Press](https://www.idahopress.com/users/profile/brussell)

**Upcoming Events**

**Tuesday, March 24th:** AARP Telephone Town Hall with Governor Little. Register [HERE](https://vekeo.com/aarpidaho/)

**Wednesday, April 8th:** 5th Annual PHED Talks Hosted by IPHA, 5:30 PM. This event has been postponed until further notice.

**April 6-10th: National Public Health Week. Information** [**HERE**](http://www.nphw.org/nphw-2020)**.**

Here is a [MAP OF FREE VISITOR PARKING](https://cms.idaho.gov/facilitiesservices/wp-content/uploads/sites/30/2016/12/CMP-map.pdf) at the Capitol.

**Bill Tracker**

You can also view all other legislation [HERE](https://legislature.idaho.gov/sessioninfo/2020/legislation/).

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| **Bill No** | **Description** | **Last Action** |
| H0311 | HEALTH - Amends existing law to revise the definition of “evaluation committee,” thereby permitting licensed professional counselors to serve on committees evaluating individuals for developmental disabilities | 02/14 Reported Signed by Governor on February 13, 2020; LAW |
| H0314 | DEAF AND HARD OF HEARING - Amends existing law to revise terminology regarding persons who are deaf or hard of hearing. | 02/14 Reported Signed by Governor on February 13, 2020; LAW |
| H0340a | CHILD CARE LICENSING – Amends existing law to allow unlicensed “temporary alcohol-drug abuse treatment facilities” for youth. Amended to make this facility a pilot program with limited oversight; the requirements for health and safety and other restrictions in the original bill were removed in the House amendments. The Senate amended it to add those elements originally in 340 back into the bill and make other modifications.  | 03/13 Read second time as amended in the Senate, filed for third reading03/18 Passed in House03/19 Delivered to Governor |
| H0342a | TELEHEALTH – Amends existing law to define “telehealth technologies” and to revise provisions regarding telehealth services. Amended in Senate to substitute the language “two-way audio and visual interaction” with “two-way audio-visual interaction” when applied to provider-patient communication. | 03/13 Reported Signed by Governor March 13, 2020; LAW |
| H0351 | MEDICAID REIMBURSEMENT - Amends and adds to existing law to provide for the establishment of Medicaid reimbursement payment methods and to provide for a temporary reduction in certain reimbursements | 03/03 Reported Signed by Governor March 3, 2020; LAW |
| H0352 | INCOME TAX CREDIT - Amends existing law to revise the income tax credit for food sales | 1/23 Reported Printed; referred to Revenue & Taxation |
| H0392 | VOLUNTEER HEALTH CARE PROVIDER IMMUNITY – Amends existing law to revise the definition of “health care provider” to include students practicing under the supervision of a licensed provider. | 03/09 Reported Signed by Governor March 9, 2020; LAW |
| H0404 | FINANCIAL EXPLOITATION OF AN ELDER – Adds to existing law to provide for the offense of financial exploitation of an elder; amended to modify section 18-1505 instead of inserting a new section of code (18-3129) | 03/13 Read first time as amended; filed for Second Reading03/16 Read in Full - FAILED in House |
| H0435 | ADOPTION – Amends existing law to clarify the consent necessary for the adoption of an adult. | 03/17 Read third time in Full – PASSED in Senate03/19 Delivered to Governor |
| H0436  | HEALTH – Amends existing law to provide for the administration and maintenance of the Health Care Directive Registry by the Department of Health and Welfare. | 02/26 Read Third Time in Full – FAILED in House |
| H0438 | HEALTH – Amends and repeals existing law regarding the criminalization of not providing newborn screening data.  | 03/17 Read third time in full – PASSED in Senate;03/19 Delivered to Governor |
| H0458 | BATTERY – Amends existing law to provide certain exemptions for battery against health care workers | 02/11 Reported Printed and Referred to Judiciary, Rules, & Administration; held |
| H0459 | NOTICE OF RENT INCREASE -Amends existing law to provide that certain notice shall be given for an increase in the amount of rent charged that is greater than ten percent; replaced by HB 594 | 03/03 Returned to Judiciary, Rules, & Administration Committee |
| H0461 | FORCIBLE ENTRY AND LAWFUL DETAINER – Amends existing law to provide for the removal of a tenant’s property following judgement in favor of a landlord in certain instances | 03/02 Passed House 54-14-2; to 14th Order for amendment in Senate03/18 Read third time as amended; PASSED in Senate |
| H0462 | FORCIBLE ENTRY AND UNLAWFUL DETAINER – Adds to and amends to existing law to provide certain requirements for a landlord and to provide a certain requirement for a security deposit; replaced by HB595 | 03/13 Retained on General Orders03/20 Read second time as amended; Filed for Third Reading |
| H0475 | LABOR – Establishes law to provide that if an employer provides paid sick leave to an employee pursuant to a policy or agreement, that such employer shall allow a covered employee to use such sick leave pursuant to the policy or agreement without disciplinary consequences. | 03/18 Retained on General Orders |
| H0497a | HEALTH AND WELFARE – Adds to existing law to provide yellow dots on motor vehicles that contain medical information that may be used by first responders on the scene of an accident or emergency situation. Amended to state that the yellow dot does not provide probable cause for law enforcement to stop a motor vehicle. | 03/04 passed House 36-34-203/18 Passed Senate 35-7-203/19 Delivered to Governor |
| H0498 | HEALTH – Amends existing law regarding tobacco products and electronic smoking devices. (Held in House Health and Welfare; see alternative H0538) | 02/13 printed and referred to Health and Welfare Committee; 02/19 sent to General Orders for amendment; 02/25 referred back to Health and Welfare |
| H0500 | FAIRNESS IN WOMEN’S SPORTS ACT – Adds to existing law to establish the Fairness in Women’s Sports Act; prevents “men identifying as women” (transgender) from participating in women’s high school and college athletics. | 02/26 Passed House 52-17-1; 03/17 Passed Senate with amendments; 03/18 House concurred in Senate amendments 54-16; 03/19 Delivered to Governor |
| H0507 | PUBLIC MONEYS – Adds to existing law to prohibit governments in this state from expending funds to a provider of abortion and to provide exceptions. | 02/14 Referred to House State Affairs Committee |
| H0515 | DEBT COLLECTION – Adds to existing las to establish the Idaho Patient Act to provide requirements for certain medical debt collections  | 02/24 Passed House 49-20-1; 03/09 Passed Senate 32-1-2; 03/18 Reported signed by Governor  |
| H0519 | HEALTH – Adds to existing law to implement Simon’s Law, regarding life-sustaining treatment for child patients. The purpose of this legislation is to ensure that at least one parent or guardian of an unemancipated minor child, who is under the care of a doctor and healthcare facility, is notified 48 hours prior to a doctor instituting an order to withhold life-sustaining treatment; replaced by HB578 | 03/02 U.C. to be returned to Health and Welfare Committee |
| H0525 | PUBLIC MONEYS – Adds to existing law to prohibit governments in this state from expending funds to a provider of abortion and to provide exceptions. | 03/16 Reported out of committee; to 14th Order for amendment |
| H0531 | HEALTH – Amends existing law to provide that prescription drug orders for medication-assisted treatment may be issued using telehealth services.  | 02-27 House Health and Welfare sent to floor with a do-pass recommendation; passed House 66-0-2 on 03/02; received a hearing in Senate Health and Welfare on 03/05 |
| H0532 | EXTENDED EXMPLOYMENT SERVICES – Moves the administration of this program from the Division of Vocational Rehabilitation to the Department of Health and Welfare. | 02/24 Referred to Health and Welfare Committee; held in committee |
| H0533 | MEDICAL AND INDIGENT ASSISTANCE – Amends, repeals, and adds to existing law to provide a county share of funding for Medicaid expansion. | 02/24 Reported Printed and Referred to Health and Welfare |
| H0538 | HEALTH – Amends existing law to apply provisions regarding tobacco products to electronic smoking devices as well. Similar to H0498 without provision of a fee on retailer permits to pay for increased administrative costs | 03/18 Read third time in full – PASSED Senate03/19 Delivered to Governor  |
| H0574 | CHILD TAX CREDITS - This legislation makes it clear that a court order shall be recognized by the Tax Commission when determining which parent can claim any tax deductions or credits for a child or children. | 03/18 read third time in Full – PASSED in Senate03/19 Delivered to Governor  |
| HB 578 | HEALTH - Adds to existing law to establish Simon’s Law regarding life-sustaining treatment for children. (This bill replaced HB519) | 03/18 Passed Senate 31-1-303/19 Delivered to Governor |
| H0588 | TOBACCO PRODUCTS – Adds to and amends existing law to establish educational programs regarding electronic smoking devices and to provide for the taxing of certain tobacco products. | 03/03 Printed and referred to House Revenue and Taxation Committee |
| H0600 | MEDICAL AND INDIGENT ASSISTANCE – Amends, repeals, and adds to existing law to provide for a county share of funding for Medicaid expansion. | 03/04 Printed and referred to House Health and Welfare committee |
| H0611 | TOBACCO PRODUCTS AND ELECTRONIC CIGARETTES – Amends existing law to prohibit regulation of tobacco products or electronic cigarettes by local units of government that is more restrictive than state law. | 03/10 Passed House 54-14-1; referred to Senate Health and Welfare committee |
| HB616 | HEALTH – Amends existing law to provide for the administration and maintenance of the Health Care Directive Registry by the Department of Health and Welfare. | 03/18 Passed Senate unanimously 03/19 Delivered to Governor |
| H0642 | HEALTH AND WELFARE – Amends and adds to existing law to provide that persons eligible for Medicaid or health insurance shall not be eligible for county medical assistance or the Catastrophic Health Care Cost Program and to provide that counties shall found a portion of the state’s share of Medicaid expansion from their sales tax distribution. | 03/18 Held on Third Reading calendar in House |
| S1219 | GUARDIANS AND CONSERVATORS – Amends existing law to revise provisions for the appointment of guardians and conservators. | 03/10 Passed Senate unanimously; 03/13 Reported delivered to Governor |
| S1220 | GUARDIANS AND CONSERVATORS – Amends existing law to revise provisions regarding appointment of a guardian of minors and incapacitated persons and to revise provisions regarding temporary and emergency appointments of a conservator. | 03/10 Passed Senate unanimously; 03/16 Signed by Governor |
| S1226 | CIVIL RIGHTS - Adds “sexual orientation” and “gender identity” to the Idaho Human Rights Act | 01/15 Reported Printed; referred to State Affairs |
| S1240 | NURSES – Adds to existing law to provide verification authority to advanced practice registered nurses. | Passed House and Senate unanimously; signed by Governor on 02/18 |
| S1242 | OCCUPATIONS – Amends existing law to clarify applicability of certain training requirements for nursing home administrators. | Passed House and Senate unanimously; signed by Governor on 02/19 |
| S1295 | DENTISTS – Adds to existing law to establish provisions regarding teledentistry and restrictions for such practice | 03/17 Read third time in Full – PASSED in house;03/18 Delivered to Governor |
| S1322 | DOMESTIC RELATIONS – Repeals and adds to existing law to establish provisions regarding visitation rights for grandparents and great-grandparents. | 02/20 passed Senate unanimously; currently in House Judiciary Rules and Administration |
| S1348 | CONTROLLED SUBSTANCES – Amends existing law to provide for review of a patient’s prescription drug history under certain circumstances. | 03/17 Read Third time in Full – PASSED in House03/18 Reported delivered to Governor  |
| S1354 | HOSPITALS – Amends existing law to provide that certain rules, regulations, and standards shall not apply to hospitals certified by Medicare; would limit any rules by the state to no stricter than Medicare standards | 02/28 passed Senate unanimously; 03/17 Read third time in Full – PASSED in House;03/18 Delivered to Governor |
| S1385 | ABORTION – Adds to existing law to provide for the offense of criminal abortion, to provide penalties, to provide affirmative defenses, and to provide exceptions; becomes effective if Roe v Wade is overturned | 03/12 Passed Senate 27-7-1; referred to House State Affairs03/18 Read third time in Full – PASSED in House03/19 Delivered to Governor |
| S1387 | VITAL STATISTICS – Adds to existing law to provide for changing the sex indicator on a birth certificate; to provide requirements for an amended birth certificate, and to provide for certain name changes. This is being done to comply with a federal district court order. | 03/19 Referred to 14th Order for amendment |
| S1415 | APPROPRIATIONS – HEALTH AND WELFARE – PUBLIC HEALTH SERVICES – Relates to the appropriation to the Department of Health and Welfare for fiscal year 2021. | 03/16 Read third time in Full – PASSED in Senate03/17 Read third time in Full – PASSED in House03/18 Reported delivered to Governor |
| SCR126 | HEALTH – Stating findings of the Legislature and supporting a collaboration among the three branches of the state government, local governments, and community partners in developing and implementing a statewide strategic plan to improve the Idaho behavioral health system. | 02/20 Reported delivered to the Secretary of State on 02/19/20 |
| SCR133 | HIDDEN HEROES MONTH – Stating findings of the Legislature and expressing support for military and veteran caregivers and proclaiming May as Hidden Heroes Month in Idaho. | 03/17 Read third time in Full – ADOPTED – voice vote03/19 Reported delivered to the Secretary of State |