

Idaho Academy of Family Physicians

2022 Legislative Report

Week 6, February 14 – February 18

Halfway through (theoretically)

Last Friday marked the halfway point in this legislative session, assuming they stick to their goal of adjourning on March 25. The Joint Finance – Appropriations Committee has concluded their budget hearings and will begin to set the actual budgets Monday Feb. 21. As of Thursday this week, there have been 327 bills introduced.

Fetal Heartbeat bill printed and passed out of Senate State Affairs Committee this week

A new version of a Texas-style abortion bill was introduced this week, passed out of Senate State Affairs Committee and is currently awaiting action on the Senate floor. The so-called Fetal Heartbeat bill allows new civil lawsuit options against medical providers. It allows the father, grandparent, sibling, aunt or uncle of the fetus to bring civil action against a medical provider for inducing an abortion of the fetus, within 4 years after the procedure. Potential civil damages can be for not less than \$20,000 and costs and attorney fees.

Idaho does already have a fetal heartbeat law in place with a trigger mechanism in the case a court upholds any restriction or ban on abortion in the United States. That trigger has not yet been met. This bill would add the civil lawsuit language to the law.

The bill still needs to pass the full Senate, pass the House, and be signed by the Governor to go into effect.

S1309: Fetal Heartbeat bill, by the Idaho Family Policy Center and a host of legislators.

Adds civil lawsuit options against a medical provider who performs an abortion in certain circumstances.

Status: Passed Senate State Affairs on Feb 17, awaiting action by the full Senate. Was introduced on Feb 11.

MEDICAL PRACTICE – Medical-related topics

items that could affect your medical practice or your patients might ask about, or your patients might benefit from knowing

H 446: Controlled substances, nabiximols, by Rep. Wood, Sen. Martin

This bill exempts nabiximols from the definitions of marijuana and tetrahydrocannabinols under the state's Uniform Controlled Substance Act. Nabiximols is currently undergoing the FDA approval process and is being studied for use in Multiple Sclerosis and other neurological disorders.

Status: NO ACTION THIS WEEK. Awaiting action by full Senate. Had passed full House 65-5 on Feb 1.

H445: Biological Products, storage, by Rep Blanksma

Repeals an outdated section of Idaho law dealing with instructions on storage of certain vaccines.

Status: Passed Senate 34-0 on Feb 15, now to the Governor. Had passed full House 70-0 on Feb 1.

S1246: Controlled Substances, by Sen. Wintrow

Aligns Idaho Uniform Controlled Substances Act with changes to the DEA scheduling decisions in 2021. This is an annual procedural bill.

Status: NO ACTION THIS WEEK. Passed full Senate 32-0 on Feb 7. Currently awaiting hearing in House Health and Welfare committee.

S1328: Telehealth, patient relationship, by Sen. Riggs

Expands the use of asynchronous telehealth technology to include an exchange of information that does not necessarily occur in real time.

Status: introduced on Feb 14, awaiting action by Senate Health and Welfare committee.

MEDICAL PRACTICE – Business operations

H464: COVID vaccine, workers compensation, by Reps. Monks and Skaug
Clarifies that injuries arising from employer-required vaccines are compensatory under workers compensation law.

Status: NO ACTION THIS WEEK. returned to committee from the House floor on Feb 8.

S1259: Property Tax, Medicaid Income, by Sen. Wintrow, Rep. Adams
Allows homeowner who runs a Certified Family Home to take advantage of the “Circuit Breaker” property tax program to lower property tax burden

Status: Passed out of committee on Feb 11, awaiting action by full Senate.

S1270: Down Syndrome, diagnosis information, by Sen. Martin
Adds a new chapter to Idaho law directing any pre-natal or post-natal health care provider who detects or is suspicious of the presence of Trisomy-21 to provide parents with certain information regarding trisomy-21 and contact information for Down Syndrome support organizations. Also requires department of Health and Welfare to post such information on its website.

Status: Passed out of committee on Feb 14, awaiting full Senate action.

S1283: Medicaid, ground emergency transport, by Fire Chiefs Association and Professional Firefighters of Idaho

Provides for supplemental reimbursement for emergency ground transportation of Medicaid recipients. Meant to help particularly rural ambulance services.

Status: Passed out of Senate Health and Welfare on Feb. 17, awaiting action by full Senate.

H515: State personnel, public health districts, by Division of Human Resources
In response to legislation of 2021, Public Health District employees are no longer considered state employees. This language clarifies certain provisions to clarify that change in statute.

Status: Passed full House 65-0 on Feb 17, awaiting action by Senate Health and Welfare committee.

H518: Workers Compensation, streamline, by Rep. Skaug

Streamlines workers compensation settlement process in case where no hearing is required. Eliminates the step of approval by Idaho Industrial Commission.

Status: NO ACTION THIS WEEK. Introduced in House Commerce and Human Resources committee on Feb. 3, awaiting full committee hearing.

COVID-inspired proposals

H444: Coronavirus Immunity, Sunset, by numerous legislative sponsors
Extends by an additional year, to July 30, 2023, the law granting immunity to business interests whose actions may have been subject to liability concerns as result of COVID-19.

Status: NO ACTION THIS WEEK. Awaiting action by full Senate. Had passed full House 70-0 on Jan 31.

H486: Medical Treatment, Minors, by Rep. Giddings

Would repeal the section of law allowing a person age fourteen or older to give personal consent for treatment for communicable diseases. Effect would require aged fourteen to eighteen to get parental consent for treatment.

Status: NO ACTION THIS WEEK introduced in House Ways and Means on Jan 28, awaiting hearing.

H 491: Personal Medical Information, by Rep. Nichols

Establishes provisions regarding mandates and use of force with any vaccination, immunization, genetic modulation, or inoculation of any person.

Status: NO ACTION THIS WEEK introduced in House Ways and Means on Jan 28, awaiting hearing.

H502: Immunization Registry, opt-in, by Rep. Ferch

This bill changes the current opt-out provision to the Idaho Immunization Registry to an OPT-IN requirement.

Status: NO ACTION THIS WEEK Introduced in House Ways and Means on January 28.

H514: Mask mandates, by Rep. Hanks

Prohibits the state of Idaho, a political subdivision, or an officer of the state from mandating the usage of face mask, face shield, or other face covering for the purpose of preventing or slowing the spread of a contagious or infectious disease.

Status: returned to committee from the House floor on Feb 16.

H581: Employee Medical Information Protection Act, by Rep. Shepherd
Prohibits an employer from refusing to hire, discharge, or discriminate against an employee or prospective employee because of refusal to be vaccinated, or refusal to disclose vaccination status.

Status: NO ACTION THIS WEEK. Passed out of Business Committee on Feb 16, awaiting action by full House. Had been introduced Feb 10.

H601: Assisted Living facilities, in-person visitation rights, by Rep. Young
In-person visitation access shall not be precluded due to an individual's vaccination status. The bill does clarify that said visitor must abide by all other safety precautions as staff and employees of the facility, such as screenings, etc.

Status: Passed Committee Feb 16, awaiting action by full House

H604: Immunization proof, government, by Rep. Monks
Codifies and expands Governor's Executive Order that individuals will not be required to provide proof of vaccination or negative tests to apply for or receive government benefits, enter a government building, or as a condition of state employment.

Status: NO ACTION THIS WEEK. Introduced on Feb 10, awaiting committee action.

GENERAL POLICY MATTERS of interest to IAFP

S1285: Tobacco, local regulations prohibited, by Reps. Blanksma, Vander Woude
Prohibits local governments from implementing stricter standards than the state in relation to age restrictions on the sale of tobacco or vaping products.

Status: Passed Senate Health and Welfare on Feb 17, awaiting action by full Senate.

S1284: Age of tobacco use, by Altria Client Services
Clarifies the definition of term "minor" is anyone under 21 years of age to align with federal definition for tobacco use. Clarifies employees, clerks eighteen years of age and older may sell tobacco products.

Status: Passed Senate Health and Welfare on Feb 16, awaiting action by full Senate.

S1286: Psychologists, service extenders, by Idaho Psychological Association
Updates authorizing language for the Board of Psychological Examiners to be able to continue to regulate psychological service extenders.

Status: NO ACTION THIS WEEK. Introduced in Senate Health and welfare on Feb. 9, awaiting hearing.

S1287: Rural nursing loan repayment program, by Idaho Nurses Association
Creates a “Rural Nurses Loan Repayment Fund” to reimburse nurses who work in rural Idaho or in a Critical Access Hospital. Qualified applicants may get reimbursed up to \$25,000 per year and total of \$75,000.

Status: Passed Senate Health and Welfare on Feb. 16, awaiting full Senate action.

S1300: Health staffing in emergencies, by Idaho Health Care Association
Adds health care workers to the consumer protection law to prevent predatory pricing by temporary staffing agencies in times of a declared emergency.

Status: Introduced on Feb 14 in Senate Commerce and Human Resources Committee

S1330 Naturopaths volunteer licensing, by Sen. Anthon
Provides for a voluntary licensing of Naturopathic Physicians and creates the Idaho Board of Naturopathic Health Care.

Status: Introduced Feb 14 in senate Health and welfare committee

H460: Abortion, by Reps Nate and Scott

This bill would end all legal abortions in Idaho without exception

Status: NO ACTION THIS WEEK Introduced in House Ways and Means committee on Jan 24.

Looking Forward:

Budget setting begins next week, and here will no doubt be dozens more bills introduced despite last Friday’s print “deadline”.

We will continue to track activity of interest to IAFP and provide weekly reports throughout the session. We stand ready to answer any questions you may have.

Thanks,

Ken Burgess, Partner

Veritas Advisors, LLP