

MINUTES
SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Tuesday, February 27, 2018

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Patrick, Vice Chairman Guthrie, Senators Martin, Lakey, Thayn, Souza, Potts, Ward-Engelking, and Burgoyne

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Patrick** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:33 p.m.

GUBERNATORIAL APPOINTMENT & HEARING: The gubernatorial appointment of Amy Manning of Pocatello, Idaho, to the Idaho Personnel Commission term commencing September 26, 2017 and expiring July 1, 2023. **Ms. Manning** provided a brief overview of her background. She reported her work history has given her the opportunity to deal with personnel issues on many levels. She stated she believed she would be an asset regarding matters of personnel and appreciated the opportunity to serve.

GUBERNATORIAL APPOINTMENT: **Senator Guthrie** moved to send the gubernatorial appointment of Amy Manning of Pocatello, Idaho, to the Idaho Personnel Commission to the floor with the recommendation that she be confirmed by the Senate. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Thayn** moved to approve the Minutes of February 20, 2018. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

S 1281 **Relating to Health Benefit Plans - Contraceptives.** **Senator Buckner-Webb** reported this proposed legislation will require health benefit plans to provide reimbursement for a 12-month supply of contraceptives. Currently, many insurance plans reimburse for only a one to three-month supply of contraception. This legislation will require any health benefit plan issued or renewed on or after January 1, 2019 that covers contraceptives approved by the federal Food and Drug Administration (FDA), to provide reimbursement for a 12-month refill of contraception obtained at one time by the enrollee. The enrollee or the prescribing provider may request a smaller contraceptive supply.

DISCUSSION: **Senator Buckner-Webb** stated there is no foreseen fiscal impact to the State because it will only result in policy changes for insurance companies.

DISCUSSION: **Senator Potts** and **Senator Buckner-Webb** had a conversation about how this legislation would affect women's lives and the ramifications of including other types of medications in future legislation.

MOTION: **Senator Ward-Engelking** moved to send **S 1281** to the floor with a **do pass** recommendation. The motion died due to the lack of a second.

TESTIMONY:

Mistie Tolman, Idaho Legislative Director, Planned Parenthood, testified in support of the proposed legislation. She remarked that the passage of this legislation would improve access to birth control, particularly for women living in rural parts of the State. She asserted the legislation would also decrease unintended pregnancies, lessens the need for abortions, and lower direct costs for insurance companies.

Ms. Tolman reported one in four women say they have missed pills because they could not get the next pack in time. Of the 19 percent of women who inconsistently use birth control, 43 percent account for unintended pregnancies. While hormonal birth control is over 95 percent effective with perfect use, monthly trips to the pharmacy can make perfect use difficult or impossible for many women.

Ms. Tolman stated improving access to contraception is the best way to reduce unintended pregnancies and abortions. One study found that providing a 12-month supply of birth control decreased unintended pregnancies by 30 percent, compared with a supply of just one or three months. The same study found that giving women a year's supply of birth control reduced the odds of those women obtaining an abortion by 46 percent.

DISCUSSION:

Senator Lakey and **Ms. Tolman** had a conversation about the concept of other types of medications being provided for 12 months. **Senator Souza** discussed with **Ms. Tolman** the preservation of prescriptions and the length of time the 12-month prescription policy has been in effect in 11 states. **Ms. Tolman** stated the State of California has had this policy in effect since 2006. **Senator Souza** commented that bodies change and it would be a fair compromise to fill prescriptions for six months rather than a year.

Senator Thayn remarked he was interested in the current practice for dispensation and the cost of birth control prescriptions. **Ms. Tolman** stated dispensation depended on the reimbursement policy of the insurance carrier. She commented this bill requires the insurance company to allow a one-year supply of pills so a woman does not have to return to the pharmacy every month.

Senator Lakey and **Ms. Tolman** discussed expiration dates for oral birth control pills and similar expiration dates for other medications.

Senator Potts and **Ms. Tolman** discussed ordering prescriptions by mail, and the process if someone lost their 12-month supply of pills.

Senator Souza expressed concern about some companies not being able to meet the criteria of supplying medication on-site. **Ms. Tolman** referred to the bill and commented the criteria only applies to those providers who supply that service.

Senator Thayn and **Ms. Tolman** discussed the concerns of the insurance companies and if this legislation would increase costs.

TESTIMONY:

The following testified in support of the bill: **Shayla DeVisser, Tess Wallace, Reverend Sara LaWall, Paige McMahon, Elyse Durand, Maria Solis-Kennedy, Dr. Eve Preus, Nirmala Sandhu, and Lynn Latimer**. All told personal stories of issues they encountered when receiving only one or three months' supply of birth control pills.

DISCUSSION: **Senator Burgoyne** queried if endometriosis could be a life-threatening disease. **Dr. Preus** replied that was a difficult question to answer. He wondered if endometriosis could grow in the body cavity. **Dr. Prius** replied that it could.

Senator Martin remarked there may be some questions relating to the wording in the bill and asked Senator Buckner-Webb if she would be agreeable if the bill was sent to the amending order. **Senator Buckner-Webb** voiced a concern for a positive outcome.

Vice Chairman Guthrie asked Senator Buckner-Webb to explain how reimbursement from the insurance companies would work under this proposed legislation. **Senator Buckner-Webb** reported reimbursement has to do with what the insurance company provides for contraceptives and each policy is different.

Senator Burgoyne commented the doctor decides the period of time for a prescription, which is appropriate. **Senator Burgoyne** and **Chairman Patrick** had a discussion about health plans accommodating what the doctor prescribes.

Senator Thayn stated he was uncomfortable with the lack of input from health insurance companies.

TESTIMONY: **Norm Varin**, representing PacificSource Health Plans, stated he was in support of women's health. He remarked there are rules about allowing prescriptions to be picked up either one or three months ahead of time. His company has no official position either for or against this bill.

DISCUSSION: **Chairman Patrick** queried if the prescription changed, would the patient be out quite a bit of money. **Mr. Varin** remarked there is no copay as the company considers birth control preventative.

Senator Souza posed a hypothetical situation in which a patient schedules several procedures, has the insurance company pay, and then drops the policy after one month. **Mr. Varin** stated it could be possible, but not likely. **Senator Souza** asked Mr. Varin to estimate the average cost of birth control for a year. **Mr. Varin** estimated the cost per month would be between \$10 and \$20 for a generic form of birth control pills.

Senator Lakey questioned if mail order prescriptions were extended for more than one to three months. **Mr. Varin** stated that mail order prescriptions were extended.

Senator Ward-Engelking queried if there were any drawbacks to this bill. **Mr. Varin** remarked a challenge for the system could be created, but could be worked out. The other issue is there are other medications for other illnesses that could fall into this category.

MOTION: **Senator Souza** moved to send **S 1281** to the **14th Order** with a recommendation of a six-month access. **Senator Martin** seconded the motion.

SUBSTITUTE MOTION: **Senator Ward-Engelking** moved to send **S 1281** to the floor with a **do pass** recommendation. **Senator Burgoyne** seconded the motion.

DISCUSSION: **Senator Lakey** remarked he did not view it as within the purview of the government to mandate how often birth control prescriptions can be picked up. **Senator Potts** commented he agreed with Senator Lakey. He stated he opposed sending this bill to the 14th Order.

Senator Ward-Engelking pointed out birth control is already prescribed by doctors. It is important that young women have the ability to access birth control medications in a timely way. This bill is very simple and provides a safety net.

Vice Chairman Guthrie commented access to birth control pills is not being denied today, but the timeframe is the subject of discussion. He stated he was not comfortable with this legislation.

AMENDED SUBSTITUTE MOTION: **Vice Chairman Guthrie** moved to return the bill to the sponsor. **Senator Potts** seconded the motion.

ROLL CALL VOTE: **Chairman Patrick** called for a roll call vote. **Vice Chairman Guthrie** and **Senators Lakey, Thayn, Potts,** and **Chairman Patrick** voted **aye**. **Senators Martin, Souza, Ward-Engelking** and **Burgoyne** voted **nay**. The motion carried.

RS 26192 **Resolution Rejecting Docket No. 07-0901-1701.** **Vice Chairman Guthrie** reported this RS rejects a certain rule of the Division of Building Safety (DBS), **Docket No. 07-0901-1701**, relating to safety and health rules for places of public employment. There is no fiscal impact because the rule does not take effect.

MOTION: **Vice Chairman Guthrie** asked for unanimous consent to send **RS 26192** to a privileged committee to print. There were no objections.

RS 26193 **Resolution Rejecting Docket No. 07-0401-1701.** **Vice Chairman Guthrie** reported this RS rejects a certain rule of the Division of Building Safety (DBS), **Docket No. 07-0401-1701**, relating to rules governing safety inspections. There is no fiscal impact because the rule does not take effect.

UNANIMOUS CONSENT: **Vice Chairman Guthrie** asked for unanimous consent to send **RS 26193** to a privileged committee to print. There were no objections.

H 411 **Relating to Sign Language Interpreters - Revise Minimum Age for Licensure.** **Representative Packer** reported this legislation clarifies an exemption to new licensing for certified individuals that reside outside of Idaho and are interpreting for thirty days or less within Idaho. The bill also includes an exemption for education interpreters who already meet the requirements of the Idaho Educational Interpreter Act. Additionally, it reduces the required age from 21 to 18. **Representative Packer** commented this legislation will have no fiscal impact.

MOTION: **Senator Potts** moved to send **H 411** to the floor with a **do pass** recommendation. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.

H 458

Relating to Architects. **Joan Callahan**, Attorney, Idaho Bureau of Occupational Licenses (BOL), reported this legislation, proposed by the Idaho Board of Architectural Examiners (BAE), modernizes and reorders the provisions of Idaho Code, Chapter 3, Title 54, so it is better organized and easier to understand. The proposal gives the chapter a title, provides legislative intent, and organizes the Idaho Architecture Practice Act in a manner consistent with the way legislation for regulated professions and occupations is currently written. It increases honoraria for board members from \$75 to \$100 for meetings.

Ms. Callahan stated there is no impact to the General Fund as the BOL Board operates solely on dedicated funds. The impact to the BOL's dedicated fund would be \$750 per year based upon six members meeting five times per year.

DISCUSSION:

Senator Souza remarked that certain acts were a misdemeanor, she viewed this approach as harsh and wondered if this was new language. **Ms. Callahan** stated this was current language.

MOTION:

Senator Martin moved to send **H 458** to the floor with a **do pass** recommendation. **Senator Thayn** seconded the motion. The motion carried by **voice vote**.

H 434

Relating to Administrative Bidding. **Chairman Patrick** announced that due to the lack of time, this bill would be heard on March 1, 2018.

H 459

Relating to Real Estate Appraisal Reviews. **Scott Calhoun**, Idaho Real Estate Appraisal Board (REAB) member, stated that the Idaho Legislature passed a law regulating Appraisal Management Companies (AMCs) in Idaho in 2016. The REAB is proposing a change to its current law to reflect the language used in the AMC legislation. This change will provide consistency between AMC appraisers and non-AMC appraisers in Idaho pertaining to appraisal reviews.

Mr. Calhoun reported there is no impact to the General Fund because the REAB operates solely on dedicated funds. There is no impact to the BOL's dedicated fund since the proposed legislation will not alter the number of board meetings held each year or require more services be provided to the REAB.

MOTION:

Vice Chairman Guthrie moved to send **H 459** to the floor with a **do pass** recommendation. **Senator Potts** seconded the motion. The motion carried by **voice vote**.

ADJOURNED:

There being no further business at this time, **Chairman Patrick** adjourned the meeting at 3:04 p.m.

Senator Patrick
Chair

Linda Kambeitz
Secretary