

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Friday, March 13, 2015

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman McKenzie, Vice Chairman Lodge, Senators Davis, Hill, Winder, Siddoway, Lakey, Stennett and Buckner-Webb

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 McKenzie** called the meeting to order at 8:02 a.m.

A Unanimous Consent Request (4) from the Senate Education Committee Regarding Rule Rejections:

RS 23813 **Rejection of the Rules for the State Board of and the State Department of**
RS 23814 **Education for Rules Governing Uniformity (2).**

RS 23817 **Rejection of the Rules for the State Board of and the State Department of**
RS 23818 **Education for Rules Governing Thoroughness (2).**

MOTION: **Senator Lodge** moved to print **RS 23813, RS 23814, RS 23817** and **RS 23818**. **Senator Siddoway** seconded the motion. The motion carried by **voice vote**.

H 128 **Relating to the Withdrawal of Candidacy.**

Dan Blocksom, Idaho Association of Counties (IAC), explained that currently, withdrawal of the candidacy deadline is the same as the absentee ballot mail-out deadline. If a candidate withdraws close to the withdrawal deadline, the withdrawn candidate's name will still be on the ballot. If there is a vote for that spot, then those votes would not be counted in the primary election. The proposal is to move the candidacy withdrawal date to the eighth Friday before the primary election. The number of days was agreed upon by the Secretary of State's office. There has been several changes in the laws governing mail-out dates that have caused the problem.

Senator Davis asked why a date certain was not set. **Mr. Blocksom** replied that the selection of a Friday was a more consistent method for establishing the deadline. The Secretary of State's office recommended this option over a date certain.

TESTIMONY: **Phil McGrane**, Chief Deputy Clerk, Ada County, expressed support for **H 128** because it allows for additional time in preparing and testing ballots, mailings and the tabulation of the returned ballots. He said a sliding scale for the withdrawal date was preferable in order to match election dates.

Senator Davis asked if it was federal law that drives the September 7th date for candidacy withdrawal from the general election. **Mr. McGrane** answered that the date for the primary candidacy withdrawal is established by the primary election, not the general election. He said, for consistency reasons, it would be preferable to change the September date to a sliding date.

Brad Jackson, Chief Deputy Clerk, Canyon County, expressed his support for **H 128**. Voters become disenfranchised when they realize their vote can not be counted. Some of this issue will be alleviated by changing the candidacy withdrawal deadline.

Tim Hurst, Chief Deputy, Secretary of State's office, stated that the Secretary of State's office was supportive of the counties and **H 128**. The September 7th date exists because it is based on August 25th, the deadline for an independent presidential candidate to file.

MOTION: **Senator Hill** moved to send **H 128** to the floor with a **do pass** recommendation. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.

H 113 **Relating to Parent and Child to Provide that Parental Rights are Protected.**

Representative Trujillo deferred to Senator Davis to present some new information.

Senator Davis stated that the amendments to **H 113** will create a new bill under the same title. The bill provides that spouses have some general constitutional protections; it provides for care, custody and control, and ties the education of children to the Idaho Constitution. **Senator Davis** said they did not address guardians due to time restraints. Other sections of **H 113** deal with judicial and severability issues. He asked the Committee to send **H 113** to the amending order.

Senator Hill asked Representative Trujillo if she had reviewed the changes to **H 113**. **Representative Trujillo** answered she was very comfortable with the amendments established by the working group.

MOTION: **Senator Hill** moved to send **H 113** to the 14th order for possible amendment. **Vice Chairman Lodge** seconded the motion. The motion carried **voice vote**.

PASSED THE GAVEL: Chairman McKenzie passed the gavel to Vice Chairman Lodge.

S 1146 **Relating to Controlled Substances to Revise and Define Definitions Related to "Cannabidiol Oil" (CBD oil).**

Senator McKenzie requested that the bill printed on Wednesday be sent to the Amending Order. Under the current version, a doctor could make a recommendation for the use of CBD oil to treat the conditions listed on page 5, lines 12-15. The Committee preferred to limit the prescriptive condition for CBD oil to intractable epilepsy. The intent is for an affirmative defense to provide that if someone was charged, they would have to prove that they suffered from intractable epilepsy or that they were a legal parent or guardian of someone who does; that they have a written recommendation from a physician for the use of CBD oil; the CBD oil must be in a container from the original manufacturer showing it is CBD oil with only a trace amount of tetrahydrocannabinol (THC); that it has been verified by an independent laboratory; and, that it qualifies within the definitions.

There were organizations that had concerns about the original bill and continue to have concerns about this bill. Representatives of the Office of Drug Policy are in attendance.

Senator Stennett asked if there was an inclusion for the definition and coverage of other neurological disorders related to the cause of epileptic seizures. She inquired if enough independent laboratories were available to perform the testing and labeling required by **S 1146**; are they affordable? **Senator McKenzie** replied that a number of states had passed similar laws. Some have broader scopes but he felt the target of intractable epilepsy was the appropriate focus of this bill. **Senator McKenzie** said there were independent labs in place to verify the CBD oil. There are growers across the country who produce CBD oil with only a trace of THC.

Senator Stennett asked, given the limited access of CBD oil, would there be an allowance for a patient's current supply to be legalized. **Senator McKenzie** replied that the restrictive form of the bill was done to ensure its passage. He said he expected a common sense approach when enforcing the law. However, law enforcement needed to be able to carry out their drug policies.

Senator Davis inquired if Chairman McKenzie would give an overview of the alternative legislation in process that have different approaches to the use of CBD oil and their relationship to **S 1146**. **Chairman McKenzie** said there was a scheduled print hearing for the expansion of a Federal Drug Administration (FDA) study of CBD oil that could be a complimentary bill. Both legislative pieces were beneficial to children and their families. Hopefully, both can advance. **Chairman McKenzie** said his intent was to have **S 1146** advance before a hearing was scheduled for the study.

Senator Buckner-Webb expressed her support for Chairman McKenzie's effort to advance both pieces of legislation in tandem.

Senator Stennett agreed with the cooperative intent of the study to advance the research behind the benefits of CBD oil and intractable epilepsy and **S 1146**. The study will only involve 50 participants and it will take some time.

Senator Lakey commented on the bill for the expanded FDA study and some other legislation that could potentially replace **S 1146**. He asked Chairman McKenzie how he intended to proceed. **Chairman McKenzie** replied his intent was not to introduce a bill competing with **S 1146**.

MOTION:

Senator Davis moved to send **S 1146** to the 14th Order for possible amendment. **Senator Stennett** seconded the motion. **Vice Chairman Lodge** was in doubt after a voice vote and called for a **roll call vote**. The motion carried by 5 ayes and 4 nays.

Chairman McKenzie, and **Senators Davis, Siddoway, Stennett and Buckner-Webb** voted aye. **Vice Chairman Lodge** and **Senators Hill, Winder and Lakey** voted nay.

PASSED THE GAVEL:

Vice Chairman Lodge passed the gavel to Chairman McKenzie.

ADJOURNED:

Chairman McKenzie adjourned the meeting at 8:43 a.m.

Senator McKenzie
Chair

Twyla Melton, Secretary

Jenny Smith, Assistant Secretary