

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Thursday, March 24, 2016

TIME: 8:30 A.M.

PLACE: Room EW40

MEMBERS: Chairman Loertscher, Vice Chairman Batt, Representatives Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham, Nielsen, Smith, Jordan, McCrostie, Wintrow

**ABSENT/
EXCUSED:** Representative(s) Smith, Jordan, McCrostie, Wintrow

GUESTS: Lenette Jackson, David's Hope; Dennis Stevenson, O.A.R.C.; Cate Tedeski, self; Kerry Uhlenkott, Right to Life Idaho; Julie Lynde, Cornerstone Family Council.

Chairman Loertscher called the meeting to order at 8:43 a.m.

MOTION: **Rep. Holtzclaw** made a motion to approve the minutes of the March 22 and 23, 2016 meetings. **Motion carried by voice vote.**

SCR 153: **Dennis Stevenson**, Rules Coordinator, Office of Administrative Rules, presented **SCR 153**, a resolution that approves the agency rules imposing a fee or charge that were adopted during the prior calendar year and were approved by the legislature.

MOTION: **Rep. Batt** made a motion to send **SCR 153** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Holtzclaw** will sponsor the bill on the floor.

SCR 154: **Dennis Stevenson**, Rules Coordinator, Office of Administrative Rules, presented **SCR 154**, a resolution that approves and extends state agency temporary rules beyond the current legislative session.

MOTION: **Rep. Batt** made a motion to send **SCR 154** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Sims** will sponsor the bill on the floor.

S1404aa: **David Ripley**, Executive Director, Idaho Chooses Life, presented **S 1404aa**, a bill that establishes the "Idaho Unborn Infants Dignity Act" which seeks to protect the dignity of preborn children to abortion by making it illegal to harvest their organs and tissue for any purpose, including experimentation. Organs and tissue of preborn children may be donated in cases other than abortion with proper informed consent. The bill strengthens ethical standards for proper medical research. The legislation also makes it clear that mothers have a right for respectful disposition of her baby's remains. He stated the bill has five basic parts: 1) it makes it clear that medical professionals need to inform parents who lose a baby to miscarriage or still birth that they have a right to direct the final disposition of their baby's remains; 2) it provides for a Certificate of Miscarriage if a mother chooses to make application; 3) it prohibits the harvesting of tissue and organs from aborted babies; 4) it prohibits public universities in Idaho from engaging in research projects using organs and tissue from aborted babies; and 5) it provides for the donation of tissue and organs in cases of stillbirth or miscarriage, but only with informed consent.

Senator Bayer provided additional testimony on **S 1404aa** and stated the legislation sends a powerful message to the community. He spoke in regards to written testimony (See attachment 1) provided by **Dr. Kathleen Schmainda**, Professor of Radiology and Biophysics, Vice-Chair of Research, Department of Radiology Medical College of Wisconsin, and stated research using human fetal or embryonic tissue is both unethical and unnecessary. **Dr. Schmainda** noted in her testimony that no current medical treatments exist that have required using fetal tissues for their discovery or development and there is no viable medical use for embryonic stem cells. He stated her testimony also concludes that there are not currently proper ethical guidelines in place to avoid the connection between abortion and subsequent research of fetal tissue.

In response to committee questions, **Mr. Ripley** stated the legislation allows for the mother of the unborn infant, or her representative, to direct the receipt and disposition of her deceased unborn infant's bodily remains, it does not say she can necessarily take the remains, it says she can direct where the remains go, such as to a funeral home.

Lenette Jackson, David's Hope, spoke **in support** of **S 1404aa** and stated her organization helps women who deal with pregnancy loss and one out of four pregnancy ends in loss. She stated how we dispose of our family's remains is important in our culture. She stated women are traumatized after the loss of a child and having the right to make decisions on the child's remains is a good way to help the mother cope with the loss. **Cate Tedeski**, self, spoke **in support** of **S 1404aa** and stated she has experienced a miscarriage halfway through a pregnancy and was not offered the opportunity to make decisions on her deceased child's remains. She stated the medical provider told her they treated the remains as medical waste. She stated parents should have the ability to decide what happens to their child's remains.

Kerry Uhlenkott, Right to Life Idaho, spoke **in support** of **S 1404aa** and stated the legislation seeks to recover respect and dignity to unborn babies who have been aborted. She stated it is inhumane to treat the remains of innocent victims of abortion with disrespect by trafficking their organs, by experimenting on them, and by not giving them a proper burial. She stated treating the bodily remains as medical waste to be discarded is deplorable and needs to be stopped. She stated the entire pro-life community supports the legislation as well.

Julie Lynde, Executive Director, Cornerstone Family Counsel, spoke **in support** of **S 1404aa** and stated the legislation allows for organ and tissue donation in cases other than abortion with proper consent of the mother, thus allowing her dignity and respect and clarifies that mothers have a right to respectful disposition of their baby's remains. She stated there is a loophole in federal law regarding the issue of selling or transferring aborted babies or their body parts for research and experimentation which was outlined in the National Institutes of Health Revitalization Act of 1993. The Act imposes criminal penalties for "acquiring, receiving, or otherwise transferring human fetal tissue for valuable consideration." However, a valuable consideration was defined as not including "reasonable payments associated with the transportation, implantation, processing, preservation, quality control, or storage of human fetal tissue. " She stated the exception created allows the transfer and trafficking of human fetal tissue, including aborted fetal tissue, as long as payments are categorized under the exception. She stated aborted babies should never be harvested and sold as commodities.

In opposition to **S 1404aa**, the written testimony of **Hannah Brass Greer**, Planned Parenthood Idaho and **Kathy Griesmyer**, ACLU of Idaho was given to the committee. (See attachment 1).

MOTION: Rep. Barbieri made a motion to send **S 1404** to the floor with a **DO PASS** recommendation and stated the legislature needs to send a clear message that no human life is greater than another.

ROLL CALL VOTE: Roll Call Vote was requested on the motion. **Motion carried by a vote of 13 AYE, 0 NAY, 4 Absent/Excused. Voting in favor of the motion: Chairman Loertscher, Reps. Batt, Andrus, Luker, Crane, Palmer, Sims, Barbieri, Holtzclaw, McMillan, Bateman, Cheatham and Nielsen. Voting in opposition to the motion: None. Absent/Excused: Reps. Smith, Jordan, McCrostie and Wintrow. Rep. Crane will sponsor the bill on the floor.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:40 a.m.

Representative Loertscher
Chair

Kasey Winder
Secretary