

MINUTES
HOUSE HEALTH & WELFARE COMMITTEE

DATE: Monday, March 02, 2020

TIME: 9:00 A.M.

PLACE: Room EW20

MEMBERS: Chairman Wood, Vice Chairman Wagoner, Representatives Vander Woude, Gibbs, Blanksma, Kingsley, Zollinger, Christensen, Lickley, Remington, Chew, Rubel, Davis

**ABSENT/
EXCUSED:** Representative(s) Christensen

GUESTS: Jackie Wakefield, Right to Life Idaho; Karolyn Crowley and Corey Surber, Saint Alphonsus; Howie Lawrence, LSO; Jason Kreizenbeck, Lobby Idaho, LLC; Erin Bennett, AHA/ASA; Susie Pouliot, ID Medical Assoc.; Heather Kimmel, American Lung Assoc.; Pam Eaton, ID Retailers Assn.; Alacia Handy and Ross Edmunds, IDHW; Toni Lawson, Id. Hospital Assoc.; Blaine Conzatti, Family Policy Alliance; Teresa Molitor, Reynolds American

Chairman Wood called the meeting to order at 9:01 a.m.

MOTION: **Rep. Lickley** made a motion to approve the minutes of the February 19, 20, and 21, 2020, meetings. **Motion carried by voice vote.**

RS 27889: **Rep. John Vander Woude**, District 22, presented **RS 27889**, a rewrite of Simon's Law with changes to clarify the 48-hour wait allows the immediate placement of a DNR when agreed to by the parent or guardian. The patient transfer has been updated to allow both arrangement and execution of the transfer.

MOTION: **Vice Chairman Wagoner** made a motion to introduce **RS 27889**. **Motion carried by voice vote.**

RS 27875: **Caroline Merritt**, Idaho Association of Chiropractic Physicians, presented **RS 27875**. This is the third version of legislation to add licensed chiropractors to the list of professionals who are permitted to return a youth athlete to play. The chiropractic physician must successfully complete a board of chiropractic physicians approved concussion management education program with instruction on comprehensive concussion and other brain injury evaluations, ongoing patient reassessments, recognition of a typical response to brain injury, implementation of appropriate plans of care, return to activity determinations, and referrals to other health care providers. The program standards mirror those for an athletic trainer master's degree program.

MOTION: **Rep. Gibbs** made a motion to introduce **RS 27875**. **Motion carried by voice vote.**

Chairman Wood put the committee at ease at 9:08 a.m.

Chairman Wood resumed the meeting at 9:09 a.m.

H 538: **Rep. Britt Raybould**, District 34, presented **H 538**, a revised version of electronic smoking devices legislation which addresses committee concerns. The nicotine definition mirrors the FDA, with no need to include food groups. Because they were outside the intended scope of this legislation, the rule making, local ordinances, and local provisions were removed. Cessation products for nicotine replacement therapy are addressed in other statutes. This legislation is intended to provide equal treatment and standards for all shops selling these and comparable products. Neither the regulation of flavored products nor the 18 to 21 age change are impacted by this legislation.

Answering a question, **Rep. Raybould** explained part of the process is to establish the number of existing vape shops. The permitting process should pay for itself.

Erin Bennett, American Heart Association, American Stroke Association, testified **in support** of **H 538**, stating funding from the substance abuse block grant requires a compliance check percent to the tobacco project for the compliance checks. Inclusion of other smoking devices might put this at risk.

MOTION: **Rep. Gibbs** made a motion to send **H 538** to the floor with a **DO PASS** recommendation.

Pam Eaton, President, CEO, Idaho Retailers Association, testified **in opposition** to **H 538**. Although they support the concept, the regulatory issues do not support a uniform or level playing field. The previously suggested preemption language was not included. They do appreciate the removal of the fee.

For the record no one else indicated their desire to testify.

SUBSTITUTE MOTION: **Rep. Vander Woude** made a substitute motion to send **H 538** to General Orders.

In closing, **Rep. Raybould** stated the preemption language was not included because it could impact existing tobacco product statutes and it deserved a separate debate. There is no desire to create difficulty for businesses. Other state inspections already include a program participation fee.

The committee discussed the need for preemption language and raised the question of sending legislation to general orders this late in the session.

ROLL CALL VOTE: Roll call vote was requested. **Substitute motion failed by a vote of 5 AYE, 7 NAY, 1 Absent/Excused. Voting in favor** of the motion: **Reps: Vander Woude, Blanksma, Kingsley, Zollinger, Remington. Voting in opposition** to the motion: **Reps. Wood, Wagoner, Gibbs, Lickley, Chew, Rubel, Davis. Rep. Christensen was absent/excused.**

VOTE ON ORIGINAL MOTION: **Chairman Wood** called for a vote on the original motion to send **H 538** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Reps. Vander Woude, Blanksma, Remington, Kingsley, and Zollinger** requested they be recorded as voting **NAY. Rep. Raybould** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 9:31 a.m.

Representative Wood
Chair

Irene Moore
Secretary