

MINUTES  
**HOUSE HEALTH & WELFARE COMMITTEE**

**DATE:** Monday, March 09, 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) Zollinger

**GUESTS:** Toni Lawson, IHA; Theresa Vawter, ACS CAN; Melinda Merrill, NW Grocery Assoc.; Pam Eaton, Id Retailers Assn.; Elke Shaw-Tulloch, IDHW; Jayme Sullivan, City of Boise; Suzanne Budge, IPM&CSA\NFIB

**Chairman Wood** called the meeting to order at 9:00 a.m.

**Chairman Wood** stated the sponsors have requested **RS 27790** and **RS 27941** be removed from committee consideration today.

**RS 27921:** **Brian Whitlock**, President, Idaho Hospital Association, presented **RS 27921**, proposed legislation based on **H 436** with changes to address concerns expressed in committee and on the House floor. He shared the Secretary of State's letter recommending the registry move. (See attachment 1.) The changes include instruction to the Department of Health & Welfare (DHW) to create and maintain the registry. The fiscal note includes one-time costs for the requests for proposal (RFPs), license purchases, and personnel. The listed ongoing costs will maintain the personnel and software licenses.

**MOTION:** **Rep. Blanksma** made a motion to introduce **RS 27921**. **Motion carried by voice vote.**

**H 611:** **Rep. John Vander Woude**, District 22, presented **H 611**. This legislation stipulates local units of government may not adopt or enforce any more restrictive than state law requirements for the regulation, marketing, or sale of tobacco products or electronic cigarettes. This does not preclude the local units of government from regulation of zoning and land use laws.

**MOTION:** **Rep. Blanksma** made a motion to send **H 611** to the floor with a **DO PASS** recommendation.

**SUBSTITUTE MOTION:** **Rep. Rubel** made a substitute motion to **HOLD H 611** in committee.

Commenting to her motion, **Rep. Rubel** said the Clean Indoor Air Law exists for smoking. Any vaping in public areas regulation would have to be at the local level. The public use reference could be construed to include public parks.

**Chairman Wood** turned the gavel over to **Vice Chairman Wagoner**.

**Pam Eaton**, President, CEO, Idaho Retailers Association, testified **in support of H 611**. This legislation does not prevent any public use of tobacco products or electronic cigarettes and does not interfere with local regulation for zoning and land use, which is part of the Clean Indoor Air Law. This maintains the uniform retailer laws which provide consistency across Idaho. Answering a question, she said this legislation does not repeal any of the Clean Indoor Air Law.

**Theresa Vawter**, Idaho Government Relations Director, American Cancer Society, Cancer Action Network testified **in opposition** to **H 611**. Localities need to assure healthier living for their residents by addressing evolving trends and their unique community needs. The electronic cigarette industry is changing rapidly and localities must respond throughout the year, not just during the legislative session.

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

**VOTE ON  
SUBSTITUTE  
MOTION:**

**Chairman Wood** called for a vote on the substitute motion to **HOLD H 611** in committee. **Motion failed by voice vote.**

**VOTE ON  
ORIGINAL  
MOTION:**

**Chairman Wood** called for a vote on the original motion to send **H 611** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Reps. Davis, Rubel, and Chew** requested they be recorded as voting **NAY. Rep. Vander Woude** will sponsor the bill on the floor..

**ADJOURN:**

There being no further business to come before the committee, the meeting adjourned at 9:25 a.m.

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Representative Wagoner  
Chair

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Irene Moore  
Secretary