

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Monday, March 01, 2021

TIME: 3:00 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Martin, Vice Chairman Riggs, Senators Heider, Lee, Harris, Agenbroad, Zito, Stennett, and Wintrow

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 Martin** called the meeting of the Senate Health and Welfare Committee (Committee) to order at 3:01 p.m.

MINUTES APPROVAL: **Senator Agenbroad** moved to approve the Minutes of February 15, 2021. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

Senator Riggs moved to approve the Minutes of February 16, 2021. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

Senator Zito moved to approve the Minutes of February 18, 2021. **Senator Riggs** seconded the motion. The motion carried by **voice vote**.

H 208 **Relating to Pharmacists.** **Representative Marco Erickson**, District 33, introduced himself to the Committee. **Representative Erickson** stated the bill updates the Idaho Pharmacy Act to remove a provision that the Governor waived during the pandemic. He explained the bill will allow pharmacists to continue prescribing compounded drugs and vaccines developed for emergency use that do not have federal Food and Drug Administration labeling. **Representative Erickson** commented there is no fiscal impact to the General Fund or the Idaho State Board of Pharmacy dedicated fund. He added that the State has adopted robust oversight regulations for pharmacists.

MOTION: **Senator Wintrow** moved to send **H 208** to the floor with a **do pass** recommendation. **Senator Zito** seconded the motion.

TESTIMONY: **Rob Geddes**, on behalf of Albertsons Pharmacy, testified in support of the bill. **Mr. Geddes** remarked that the State of Idaho is recognized as a national leader in utilizing pharmacists to expand economical patient access to care.

Jennifer Adams, Associate Dean for Academic Affairs, College of Pharmacy, Idaho State University, testified in support of the bill. **Ms. Adams** thanked the Committee for its support of the pharmacy profession. She stated that pharmacy colleges nationwide have trained pharmacy students to provide this increased level of care for the last 20 years.

DISCUSSION: **Chairman Martin** asked if Idaho pharmacists have been compounding medications for a long time. **Ms. Adams** answered yes, and she added that in some states, pharmacists work collaboratively with physicians. **Ms. Adams** remarked the legislation will allow pharmacists to continue providing necessary care during a pandemic.

VOICE VOTE: The motion to send **H 208** to the floor with a **do pass** recommendation carried by **voice vote**.

S 1139

Relating to Health and Welfare. **Vice Chairman Riggs** presented the bill and explained it revises the definitions of "quarantine" and "isolation," and adds definitions for "biological agent," "chemical agent," "medically unknown symptoms," and "restricted access." **Vice Chairman Riggs** stated the bill clarifies the power of the Director of the Idaho Department of Health and Welfare (DHW), as it relates to issuing health orders, and it adds a process for an affected person to challenge a health order issued by the Director. He reported the bill is not a reaction to any event but rather arises from knowledge and experience gained during the pandemic. **Vice Chairman Riggs** advised the definitions will better align with guidelines from the Centers for Disease Control and Prevention (CDC) and the U.S. Department of Health and Human Services (HHS).

DISCUSSION:

Chairman Martin inquired about the source of the definitions on the bottom of page 4 of the bill. **Vice Chairman Riggs** replied that the definitions are used by the CDC, HHS, the World Health Organization, and others. **Vice Chairman Riggs** commented that he expanded on the definitions to make sure they are clear and enforceable under Idaho Code.

Chairman Martin pointed out lines 27 to 40 on page 5 of the bill and asked Vice Chairman Riggs to review the sequence of events for a person to request court review of a health order. **Vice Chairman Riggs** explained the bill provides a person under an order of quarantine or isolation recourse through the court system to terminate the order. He added there is no such process under the current law.

Senator Lee remarked that an order of isolation or quarantine issued by the Director requires a person to stay in his or her home under penalty of a misdemeanor. She reported the current law provides no remedy for what amounts to a civil detainer order. **Senator Lee** stated a court would be required to hold a hearing within three days of the aggrieved person's request. She mentioned the standard to prove the validity of an order is clear and convincing evidence. **Senator Lee** advised the law gives appropriate powers to the Director but the bill clarifies and puts sideboards on those powers.

Senator Wintrow asked Vice Chairman Riggs to identify the specific changes in the bill relating to the Director's authority. **Vice Chairman Riggs** pointed out new and revised definitions on page 1 of the bill and explained the bill will clarify the appeal process. **Senator Wintrow** remarked that the bill contains a number of strikethroughs and additions in Subsection 2 on the top of page 3. She stated her question relates to how the changes affect the Director's authority, not the process. **Vice Chairman Riggs** explained that Subsection 2 deletes language referencing codes and standards because the Director does not have authority to create or remove any codes. He added that no standards exist except for food safety standards that appear in a separate section of Idaho Code. **Vice Chairman Riggs** said this is merely cleanup language.

Senator Lee affirmed that the only standards existing in statute relate to food safety, and the DHW agrees. The bill does not remove the DHW Board of Health and Welfare's authority to promulgate temporary emergency rules, she said.

Senator Lee commented that public health districts and cities have authority to protect citizens at the local level. She noted that Statewide orders from the DHW should be educational, with the exception of orders for quarantine, isolation, and restricted access. **Senator Lee** stated the strikethrough language removes superfluous words that could cause confusion if there is a Statewide order.

MOTION:

Senator Harris moved to send **S 1139** to the floor with a **do pass** recommendation. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairman Martin** adjourned the meeting at 3:28 p.m.

Senator Martin
Chair

Jeanne Jackson-Heim
Secretary