

MINUTES
HOUSE HEALTH & WELFARE COMMITTEE

DATE: Tuesday, March 09, 2021

TIME: 9:00 A.M.

PLACE: Room EW20

MEMBERS: Chairman Wood, Vice Chairman Vander Woude, Representatives Gibbs, Blanksma, Kingsley, Christensen, Lickley, Erickson, Ferch, Mitchell, Chew, Rubel, Davis

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

GUESTS: Elizabeth Criner, ISDA; Pam Eaton, Idaho Retailers Assn.; Melinda Merrill, NW Grocery Assn.; Erin Bennett, American Heart Assn.; Casey Baker and Margie Baker, EAI; Teresa Molitor, RJ Reynolds; Jason Kreizenbeck, Altria; John Hisel, Paramount Family Dental; Cody Wolf, American Cancer Society-Cancer Action Network (ACS-CAN)

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

MOTION: **Rep. Lickley** made a motion to approve the minutes of the March 4, 2021, meeting. **Motion carried by voice vote.**

RS 28767: **Rep. John Vander Woude**, District 22, presented **RS 28767**. This proposed legislation changes the eligibility for the Catastrophic Health Care fund and the county medically indigent programs. It also replaces the public health districts' state aid with county aid.

MOTION: **Rep. Blanksma** made a motion to introduce **RS 28767**. **Motion carried by voice vote.**

RS 28771: **Rep. Caroline Nilsson Troy**, District 5, presented **RS 28771**, to establish the opioid settlement fund. It also authorizes the Idaho Behavioral Health Council to recommend to the Joint Finance and Appropriations Committee how to spend the funds.

MOTION: **Rep. Blanksma** made a motion to introduce **RS 28771**. **Motion carried by voice vote.**

RS 28794: **Rep. Tammy Nichols**, District 11, presented **RS 28794**, a proposed resolution to affirm the Legislature's recognition of the protection of personal liberty and fundamental human rights. It also states no mandate or mechanism in Idaho law would ever permit or justify the use of forced immigrations, vaccinations, inoculations, or genetic modulations, even during times of exigency or emergency. It sets forth the Legislature's opposition to any efforts to require, mandate, or force any person to receive immunizations, vaccinations, inoculations, medical procedure, or genetic modulations.

MOTION: **Rep. Blanksma** made a motion to introduce **RS 28794**. **Motion carried by voice vote.**

S 1124aa: **Elizabeth Criner**, on behalf of the Idaho State Dental Association, presented **S 1124aa**. This legislation changes two sections of code for dental plans contracting with dentists to provide a payment option without an imposed fee. It also ensures the contracting dentists are notified and can confirm or decline participation in a lease network. The changes apply to any dental plan or contract issued or renewed after December 31, 2021.

John Hisel, Dentist, Boise, Representing the Idaho State Dental Association, testified **in support of S 1124aa**. The networks require a 25% to 30% discount for services and the credit card fee is 5%. The use of other payment options is definitely needed. Provider network leasing without notification causes confusion for both dentists and patients. Advance notice allows informed decision making for everyone involved.

MOTION: **Rep. Gibbs** made a motion to send **S 1124aa** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Lickley** will sponsor the bill on the floor.

S 1087: **Pam Eaton**, President, Chief Executive Officer, Idaho Retailers Association, presented **S 1087**. This legislation provides state and federal uniformity for tobacco products and electronic cigarettes by increasing the smoking age to twenty-one. It changes neither the penalties nor the stocking or selling age. It also stipulates local government cannot adopt or enforce the specified requirements, tax, or fee on tobacco products or electronic smoking devices. It clarifies it does not prevent local government from regulating public use pursuant to section 39-5511, Idaho Code.

Ms. Eaton emphasized **S 1087** does not impact the Clean Indoor Air Act, which cities and counties can implement for general public regulations. This ensures the continued prevention of youth obtaining tobacco products from retailers.

Responding to questions, **Ms. Eaton** agreed the Clean Indoor Air Act did not carve out every possible location and may need to be modified. This statute pertains to only minors, not the general public. The Clean Indoor Air Act, Title 50-302, and Title 50-304, are currently used by cities for restricting smoking in public areas, including outdoor areas. All three statutes pertain to the general public, which includes minors. This provides uniformity for the businesses in every city.

Melinda Merrill, representing the North West Grocery Association, testified **in support of S 1087**. She emphasized the age increase is important. The additional changes provide clarity and consistency between the cities and counties. Retailers currently spend a lot of time and money to assure compliance with the varying city or county requirements.

Erin Bennett, Government Relations Director, American Heart Association and American Stroke Association, testified **in support of S 1087** increasing the age limit. She also indicated they are **in opposition to S 1087** changes which could prevent cities from addressing their unique issues. Ms. Bennett, in response to a question, said they were not contacted prior to the introduction of this legislation, although they have seen this language in the past.

MOTION: **Rep. Blanksma** made a motion to send **S 1087** to the floor with a **DO PASS** recommendation.

Cody Wolf, ACS-CAN, testified **in opposition to S 1087**. It is not necessary to eliminate the communities' ability to regulate minors. Federal law does not require the states to comply. The local communities are best equipped to respond to the needs of their youth. He suggested some changes and would like to be included in remodeling this legislation.

For the record no one else indicated their desire to testify in person or remotely.

In closing, **Ms. Eaton**, said the youth are not getting their tobacco products from retailers, as indicated by their 95% compliance rate. There is nothing to prevent local entities from using the Clean Indoor Air Act for general public ordinances.

Committee discussion comments included concerns regarding redefining "Minor," eliminating discrepancies, the need for compliance consistency between retailer employees, and whether the Clean Indoor Air Act includes outdoor facilities.

**VOTE ON
MOTION:**

Chairman Wood called for a vote on the motion to send **S 1087** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** Reps. **Chew, Ferch,** and **Gibbs** 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 10:13 a.m.

Representative Wood
Chair

Irene Moore
Secretary