

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Monday, March 15, 2021

TIME: 9:00 A.M.

PLACE: Room EW40

MEMBERS: Chairman Crane, Vice Chairman Armstrong, Representatives Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Furniss, Hanks, Skaug (Andrew), Gannon, Mathias

**ABSENT/
EXCUSED:** Representative Andrus, Representative Furniss

GUESTS The Sign-in sheet will be retained in the Committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Library.

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

MOTION: **Rep. Mathias** made a motion to approve committee minutes from February 23, 2021 and February 24, 2021.

H 281: **Rep. Hanks** presented **H 281** and was given permission by **Chairman Crane** to also discuss **RS 28802**. She requested to **HOLD H 281**, introduce **RS 28802** and send it to the second reading. The purpose of this legislation is to prohibit the State of Idaho, a political subdivision, or an officer of the state from mandating the usage of a face mask, face shield, or other face covering for the purpose of preventing or slowing the spread of a contagious or an infectious disease; and definitions.

Rep. Hanks said this legislation puts the legislature in the middle of the decision-making process. She said masks create a false sense of security. **RS 28802** returns common sense to the people. In response to a question, she said this is not going to address her concerns because it will not prohibit businesses from requiring masks.

Claudia Frent, Steven Keiser, Lorna Mitson, Tammy Hull, Monica Miller, Sara Rivera, Eva Selik, Margie Baker, Casey Baker, Alisha Peterson, Laurie Anderson, Monica McKinley, Christine Forbes, Jasen Gallagher, Susie Gillman and her son Tate, Susie Gillman, Jonathan Evans, Channing Mitsen, and Theresa Vader testified in support of **H 281**.

Many of these individuals said they have faced discrimination because they cannot or choose not to wear a mask in public. There are several medical, emotional, and physical reasons that people gave for being unable to wear a mask, like asthma and acne. There was concern about being refused medical care because of not wearing a mask. Medical offices and other businesses that take a person's temperature and ask about symptoms were reported as feeling invasive and not respectful of the right to privacy. A World Health Organization study was cited saying masks hold in toxins trying to be released from the body, causing harm. It was said the CDC contradicts itself about the wearing of masks and there is no direct evidence on their effectiveness. It was stated the perception of risk is subjective.

Trauma experiences were shared in relation to masks. Young children can't see facial expressions and college students are trying to take a theatre class on-line. One study said children reported impairments because of wearing masks. Parents need to choose what risks to take for their children and for themselves. Frustration was expressed about the freedom of private businesses in relation to the mask mandate. Some believe their freedoms are being taken away and exemptions are not being recognized. It was noted the mask mandate should not be treated as a law and the constitution should prevent them.

Amy Hanson a Department of Agriculture employee, testified **in support of H 281**. She has severe anxiety, so she wore a shield instead of a face mask. Despite having a doctor's note, her contractor told her she had to wear a mask. She was put on medical leave the day after starting her job and has no income currently. **Chairman Crane** said that he spoke to Human Resources at the Department of Agriculture.

Dr. Lynn Laird, a psychologist, testified **in support of H 281**. She said many of her patients have suffered because of wearing masks. She cited traumatic childhood experiences being triggered by masks. Dr. Laird's said some of her patients are being discriminated against. Exemptions for mask mandates have not been made clear to law enforcement.

Dr. Dave Castro, a physician, testified **in support of H 281**. Dr. Castro was a surgeon for twenty years and wore a mask for most of that time. He stated there is no scientific evidence masks will stop the spread of a disease and mask studies don't prove masks are effective.

Sonja Graber, a teacher, testified **in support of H 281**. She witnesses improper use of face masks by students. Some children are depressed and some wear dirty masks. She read studies which have reported prolonged mask use can aid in the growth of cancer cells and bacterial pneumonia.

Dave Crick a restaurant owner, testified **in opposition to H 281**. Prior to COVID-19 Red Feather employed one hundred and seventy five employees. The top challenges were adapting their business model, navigating the emotions of staff who were worried about exposure to COVID-19, and convincing guests to trust safety measures. Boise's mask mandate allowed the business to stay open. Most guests were supportive and business is back to sixty percent and one hundred employees.

In response to a question from the committee, **Mr. Crick** clarified that employees may still wear masks if this bill passes. The mask mandate helped normalize business when people knew what to expect. He said he did not think business could have remained open without the mask mandate.

Kathy Dawes, testified **in opposition to H 281**. This bill is written with the current health crisis in mind but there will be other future airborne infection agents. She said an individual can have a highly infectious disease transmit it without knowing. Ms. Dawes feels protective efficiency is more effective for those who are infected and enhances economy. This bill prevents local government and school districts from making decisions based on local safety needs and conditions is unacceptable.

In closing, **Rep. Hanks** said as Idahoans and citizens of the United States we have inalienable rights, with freedom of speech and the right to make our own health decisions. This proposed legislation adds the word official, but does not include hospitals or health care facilities.

RS 28802:

Rep. Hanks introduced **RS 28802**. It would take out hospital exceptions from the previously discussed legislation.

During discussion, it was clarified that a restaurant has the right to determine the rules of their establishment. A police officer could enforce the business' mask mandate. There is nothing prohibiting a business to establish a mask mandate and to enforce the mandate by not serving the patron. It was stated the WHO has issued conflicting guidelines and the science is not settled. The purpose is to prevent or slow the spread of a contagious disease and it is important that people understand what is required of them. One committee member agreed with the substance of this bill but expressed concerns about how the legislature is addressing the issue. Taking away the ability for local governments to make decisions is a slippery slope.

MOTION: **Rep. Barbieri** made a motion to **HOLD H 281** in committee, and introduce **RS 28802** and recommend it be sent directly to the second reading calendar.

ROLL CALL VOTE: **Chairman Crane** requested a roll call vote. **Motion carried by a vote of 11 AYE, 2 NAY and 1 Absent/Excused. Voting in favor of the motion: Reps. Crane, Armstrong, Palmer, Barbieri, Holtzclaw, Monks, Scott, Andrus, Young, Hanks, and Skaug. Voting in opposition to the motion: Reps. Gannon and Mathias. Rep. Furniss was absent/excused. Rep. Hanks** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:27 a.m.

Representative Crane
Chair

Kelly Staskey
Secretary