

MINUTES
HOUSE BUSINESS COMMITTEE

DATE: Monday, November 15, 2021

TIME: 1:30 P.M.

PLACE: Room EW41

MEMBERS: Chairman Dixon, Vice Chairman Furniss, Representatives Crane, Palmer, Barbieri, Armstrong, DeMordaunt, Clow, Andrus, Nichols, Adams, Bundy, Ferch, Galloway, Mitchell, Shepherd, Berch, Green

**ABSENT/
EXCUSED:** None

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 Dixon called the meeting to order at 1:30 p.m.

H 410: **Rep. Charlie Shepherd**, District 7, presented **H 410** to provide employment protection without punishment due to vaccination status. It also strengthens the existing Health Insurance Portability and Accountability Act laws.

Responding to committee questions, **Rep. Shepherd** explained personal liberty and rights are the best route to keep our freedoms in check. This legislation covers all vaccinations. Any violations already exist as part of I.C. Title 44.

Chairman Dixon turned the gavel over to **Vice Chairman Furniss**.

MOTION: **Rep. Nichols** made a motion to send **H 410** to the floor with a **DO PASS** recommendation.

Testifying in **opposition** to **H 410** were Kelly Williamson, Darnell Shipp, Maggie Goff, Claudia Frent, Ruth Baker, Sarah Clendenan, Health Freedom Idaho, Leah Henry, Nina Beesley, Matthew Jensen, Rosa Martinez, John Jauvegui, Tanya Boyd, Monica McKinly, Miste Karlfeldt, Health Freedom Idaho, Doug Gross, Chandler Handraba, Courtney Bucklund, Mira Rodriguez, Ryan Spoon.

They shared frustration regarding religious exemptions being denied and jobs being lost. The wording needs to be stronger and include both Medicare and the Centers for Medicare and Medicaid Services regulations. Enforcement needs to impact large businesses. Employers cannot violate the constitutional right of individuals. This legislation does not address employer liability. Private information must remain private and conform to natural law. Inclusion of federal contractors is needed. An example was shared of an employer requiring check marks on the badges of vaccinated employees. It was suggest that some business fines equal the amount of federal monies they receive for COVID-19 treatment.

Testifying **in support** of **H 410** were Eric Bagnard and Dr. Phil Volkman. This legislation provides checks and balances to keep companies in balance. The legislation needs to include a stipulation regarding the inclusion of the COVID-19 vaccination, although it does not meet the vaccination criteria.

Vice Chairman Furniss turned the gavel over to **Chairman Dixon**.

In closing remarks, **Rep. Shepherd** stated individuals should never be forced to have any vaccination. He was open to any amendments to improve this legislation.

MOTION WITHDRAWN: **Rep. Nichols** made a unanimous consent request to withdraw her motion to send **H 410** to the floor with a **DO PASS** recommendation. There being no objection, the request was granted.

MOTION: **Rep. Nichols** made a motion to send **H 410** to General Orders.

SUBSTITUTE MOTION: **Rep. Clow** made a substitute motion to **HOLD H 410** in committee at the call of the Chair. **Motion carried by voice vote.**

H 413: **Rep. Doug Okuniewicz**, District 2, presented **H 413**. This legislation prohibits an employer from requiring an existing employee to receive a vaccination that was not previously agreed upon by both parties via an employment contract. This is an extension of the Tenth Amendment States Rights. There is a non-discrimination clause and a stipulation regarding the use of a waiver. This legislation does not interfere with existing contracts. A legally protected class of employees is created.

Answering questions, **Rep. Okuniewicz** said violating employers would face a misdemeanor charge. Approximately 60% of the population would be immediately protected.

Rep. Okuniewicz requested **H 413** be held in committee.

Testifying **in opposition** to **H 413** were Dr. Lynn Laird, Jen Graves, Kelly Williamson, Claudia Frent, Miste Karlfeldt, Health Freedom Idaho, Steve Allmer, Ruth Baker, Sarah Clendenon, Health Freedom Idaho, Monica McKinly, Rosa Martinez, Health Freedom Foundation.

They commented on the importance of bodily autonomy. Personal medical information is private. It does not address their concern regarding employers requiring any vaccination. An employer may look for other reasons to fire the employee as a form of retaliation. A business cannot receive a misdemeanor. This is already covered within the Idaho Health Freedom Act (IHFA).

Testifying **in support** of **H 413** were Courtney Bucklund and Dr. Howard Bowers. Their statements included liking the grandfather system and concern regarding the impact on the future of healthcare.

Chairman Dixon recessed the committee at 4:46 p.m. to return at 6:00 p.m.

Chairman Dixon called the meeting to order at 6:00 p.m. He stated the remaining bills will be presented by their sponsors. After all of the presentations the committee will hear public testimony. After the public testimony the committee will vote on all of the legislation.

H 415: **Rep. Gayann DeMordaunt**, District 14, presented **H 415**. This legislation addresses the unconstitutional and unethical vaccine mandates and protects the rights of Idahoans. It adds medical, religious, philosophical, and natural immunity exemptions from workplace vaccine requirements. Both a severability and emergency clause are added. In response to questions, she said the broad coverage for personal and philosophical beliefs has been in use for several years. Constitutional rights must be upheld.

H 416: **Rep. Gayann DeMordaunt**, District 14, presented **H 415**, legislation pertaining to licensing boards or commissions, divisions, or other boards charged with authorizing persons to practice their occupation. It prohibits renewal application denials based on vaccination history. No vaccination status could be requested. The legislation includes an enforcement mechanism, a severability clause, and an emergency clause. She agreed to the possibility of striking the word "sole" on line 27. Because there are items she would like to add, she requested **H 416** be sent to General Orders. Answering a question, she stated, contrary to other states, Idaho's boards have not been making this request.

- H 419:** **Rep. Ron Mendive**, District 3, presented **H 419**. This legislation creates a COVID-19 vaccination status "don't ask, don't tell" policy to prevent termination of employees as a result of their personal decision. It is already included in the IHFA.
- H 421:** **Rep. Jason Monks**, District 22, presented **H 421** to codify and expand Executive Order 2021-04. Through it individuals will not be required to provide proof of vaccination or negative test results for state services, state employment, or to enter a government venue. Civil violation penalties are also stipulated.
- H 422:** **Rep. Jason Monks**, District 22, presented **H 422**. This legislation prevents employer vaccination mandates for current employees as a condition of continued employment. It does allow employers to require vaccination when hiring new employees. After committee discussion, he said he would be open to changes to help this legislation work better.
- H 427:** **Rep. Jason Monks**, District 22, presented **H 427**, legislation to protect an employee's medical privacy. Medical questions would have to be asked prior to hiring the employee and must only pertain to the functions of the job to be performed. A change in job function which is requested by the employee would not become an opportunity to ask such questions. He said changes could be made to cover additional points.

Testifying on the previous pieces of legislation were Leah Henry, Kelly Williamson, Taylor Jepson, Jen Graves, Nina Beesley, Monica McKinly, Dr. Lynn Laird, Lori Anderson.

Comments included several of the pieces of legislation need work. It is important to help people currently employed and rebuild the enthusiasm of future professionals. When the three major hospitals adopted the same disclosure policy on the same day, a lack of medical employment options developed for terminated unvaccinated employees. Important decisions require additional time and research. Moral and procedural standards must be in place and used when approaching all situations. Concern was raised regarding the accuracy of the Vaccine Adverse Event Reporting System (VAERS). There is a portion of the population who are not present and wish to find out the truth in the issue. These are issues of constitutional rights and freedom protection, not safety. No vaccine has been shown to prevent transmission. The legislation needs to build upon what exists, like the IHFA. Denial of medical access for support persons remains an issue.

Chairman Dixon returned **H 410** to the committee.

- MOTION:** **Rep. Nichols** made a motion to send **H 410** to General Orders. **Motion carried by voice vote.**
- MOTION:** **Rep. Crane** made a motion to **HOLD H 413** in committee. **Motion carried by voice vote.**
- MOTION:** **Rep. Palmer** made a motion to send **H 415** to the floor without recommendation. **Motion carried by voice vote.**
- MOTION:** **Rep. Crane** made a motion to send **H 416** to General Orders. **Motion carried by voice vote.**
- MOTION:** **Rep. Galloway** made a motion to send **H 419** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.**
- MOTION:** **Rep. Crane** made a motion to send **H 421** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.**
- MOTION:** **Rep. Nichols** made a motion to send **H 422** to General Orders. **Motion carried by voice vote.**

MOTION: **Rep. Nichols** made a motion to send **H 427** to General Orders. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 8:10 p.m.

Representative Dixon
Chair

Irene Moore
Secretary