

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-SIXTH LEGISLATURE

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**FIFTY-SECOND LEGISLATIVE DAY**  
**WEDNESDAY, MARCH 2, 2022**

Senate Chamber

President McGeachin called the Senate to order at 10 a.m.

Roll call showed all members present except Senator Bayer, absent and formally excused by the Chair; and Senator Souza, absent and excused.

Prayer was offered by Chaplain Doug Armstrong.

The Pledge of Allegiance was led by Mark Vincent, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 1, 2022, was read and approved as corrected.

LAKEY, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Anthon, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

### Petitions, Resolutions, and Memorials

#### SCR 121 BY STATE AFFAIRS COMMITTEE A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE STATE TAX COMMISSION RELATING TO TAX COMMISSION ADMINISTRATION AND ENFORCEMENT RULES.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the State Tax Commission relating to Tax Commission Administration and Enforcement Rules are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-sixth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 35.02.01, relating to Tax Commission Administration and Enforcement Rules, Section 327., adopted as a pending rule

under Docket Number 35-0201-2101, only, be, and the same is hereby rejected and declared null, void, and of no force and effect.

[SCR 121](#) was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

March 2, 2022

The JUDICIARY AND RULES Committee reports that Enrolled [S 1247](#), [S 1292](#), and [S 1248](#) were delivered to the Office of the Governor at 8:37 a.m., March 2, 2022.

LAKEY, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 1, 2022

The HEALTH AND WELFARE Committee reports out [S 1353](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MARTIN, Chairman

There being no objection, [S 1353](#) was referred to the Fourteenth Order of Business, General Calendar.

March 2, 2022

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 563](#) and [H 564](#) with the recommendation that they do pass.

RICE, Chairman

[H 563](#) and [H 564](#) were filed for second reading.

March 2, 2022

The STATE AFFAIRS Committee reports out [S 1358](#) with the recommendation that it do pass.

LODGE, Chair

[S 1358](#) was filed for second reading.

On request by Senator Anthon, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

### Messages from the Governor

March 1, 2022

The Honorable Janice McGeachin  
President of the Senate  
Idaho State Senate

Dear Madam President:

I have the honor to advise you that I have signed on March 1, 2022 and am transmitting to the Secretary of State the following Senate Bills, to wit:

[S 1238](#) and [S 1255](#)

Sincerely,  
/s/ Brad Little  
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

March 2, 2022

The Honorable Janice McGeachin  
President of the Senate  
Idaho State Senate

Dear Madam President:

I have the honor to inform you that I have appointed Dieter Bayer of Meridian, Idaho to the office of Acting State Senator for Legislative District 21, Ada County, State of Idaho.

This appointment is effective Wednesday, March 2, 2022, and will continue as long as necessary.

Sincerely,  
/s/ Brad Little  
Governor

THE OFFICE OF THE GOVERNOR  
EXECUTIVE DEPARTMENT  
BOISE, IDAHO  
**CERTIFICATE OF APPOINTMENT**

KNOW ALL PEOPLE that pursuant to the provisions of Section 59-917, *Idaho Code*, Regina M. Bayer, State Senator, District 21, Ada County, State of Idaho, has nominated Dieter Bayer of Meridian, Idaho, to perform the duties of this office temporarily as Acting State Senator, District 21, Ada County.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Dieter Bayer of Meridian, Idaho to the office of Acting State Senator, District 21, for a term commencing on March 2, 2022, and will continue as long as necessary.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at the Capital in Boise on this Second day of March, in the year of our Lord two thousand and twenty-two, and of the Independence of the United States of America, the two hundred and forty-sixth year, and of the Statehood of Idaho, the one hundred thirty-second.

/s/ BY THE GOVERNOR BRAD LITTLE  
/s/ SECRETARY OF STATE LAWRENCE DENNEY

The correspondence and Certificate of Appointment were ordered filed in the office of the Secretary of the Senate.

The President announced that the Oath of Office had been administered previously to Acting Senator Bayer, and he was recorded present at this order of business.

The Senate advanced to the Ninth Order of Business.

**Messages from the House**

March 1, 2022

Dear Madam President:

I transmit herewith [H 664](#), [H 610](#), [H 611](#), [H 499](#), and [H 620](#), which have passed the House.

MAULIN, Chief Clerk

[H 664](#), [H 610](#), [H 611](#), [H 499](#), and [H 620](#) were filed for first reading.

On request by Senator Anthon, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,  
House Petitions, Resolutions, and Memorials**

**S 1361  
BY FINANCE COMMITTEE**

AN ACT

RELATING TO THE APPROPRIATION TO THE COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED FOR FISCAL YEAR 2023; APPROPRIATING MONEYS TO THE COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED FOR FISCAL YEAR 2023; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

**S 1362  
BY STATE AFFAIRS COMMITTEE**

AN ACT

RELATING TO PROPERTY TAXES; AMENDING SECTION 63-1001, IDAHO CODE, TO REVISE A PROVISION REGARDING THE INTEREST RATE PAYABLE ON DELINQUENT PROPERTY TAXES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

[S 1361](#) and [S 1362](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 664](#), by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

[H 610](#) and [H 611](#), by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 499](#), by Judiciary, Rules and Administration Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 620](#), by Judiciary, Rules and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

[H 654](#) and [H 656](#), by Education Committee, were read the second time at length and filed for third reading.

[H 561](#), by Health and Welfare Committee, was read the second time at length and filed for third reading.

[H 530](#), by Agricultural Affairs Committee, was read the second time at length and filed for third reading.

[S 1345](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[H 661](#), by Appropriations Committee, was read the second time at length and filed for third reading.

[S 1359](#), by Finance Committee, was read the second time at length and filed for third reading.

[H 463](#), by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

[H 556](#), by Business Committee, was read the second time at length and filed for third reading.

**H 594**, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

**H 609**, by Business Committee, was read the second time at length and filed for third reading.

On request by Senator Anthon, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

### General Calendar

On request by Senator Martin, granted by unanimous consent, **S 1353** was filed for second reading.

The President declared the Senate resolved into the Committee of the Whole and called Senator Lee to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

### Report of the Committee of the Whole

Senator Lee, Chairman of the Committee of the Whole, reported out **S 1330**, **S 1239**, and **S 1285**, without recommendation, amended as follows:

#### SENATE AMENDMENT TO S 1330 AMENDMENT TO THE BILL

On page 1 of the printed bill, delete lines 13 through 40; and delete pages 2 through 8, and insert:

"SECTION 1. That Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a **NEW CHAPTER**, to be known and designated as Chapter 59, Title 54, Idaho Code, and to read as follows:

#### CHAPTER 59 NATUROPATHIC DOCTOR LICENSING AND NATUROPATH REGISTRATION

54-5901. **DECLARATION OF POLICY.** (1) The legislature finds and declares that the licensing of naturopathic doctors and the registration of lay naturopaths will improve access to natural health care for Idahoans and promote the health of all Idahoans, including the underserved population. The licensing of naturopathic doctors and registration of lay naturopaths will promote the public health interest by aiding in the delivery of naturopathic medical services of high quality to the people of Idaho. To fulfill these purposes, this chapter provides for the optional licensure of naturopathic doctors as well as for the optional registration of laypersons who are naturopaths.

(2) This chapter shall not restrict unlicensed practice lawfully provided pursuant to section 54-1804(1)(l), Idaho Code.

54-5902. **DEFINITIONS.** As used in this chapter:

(1) "Board" means the Idaho board of naturopathic health care.

(2) "License" means a license to practice as a licensed naturopathic doctor.

(3) "Licensed naturopathic doctor" means an individual licensed as a medical doctor, doctor of osteopathy, doctor of podiatric medicine, doctor of chiropractic, doctor of dental medicine, or doctor of nursing practice who has obtained an approved naturopathic doctoral degree, as set forth in rule, and

who voluntarily elects to seek and receives licensure under this chapter to practice naturopathic health care in Idaho.

(4) "Minor procedure" means the use of operative, electrical, or other methods for repair and care incidental to superficial lacerations, abrasions, superficial lesions, the removal of foreign bodies located in the superficial tissues, and the use of antiseptics and local topical anesthetics in connection with such methods.

(5) "Naturopathic health care" means the delivery of a distinct primary health care emphasizing prevention, treatment, and optimal health using therapeutic methods and substances that encourage an individual's inherent self-healing process by a naturopathic practitioner.

54-5903. **BOARD OF NATUROPATHIC HEALTH CARE CREATED – MEMBER APPOINTMENT – TERMS.** (1) The Idaho board of naturopathic health care is hereby created in the division of occupational and professional licenses. The board shall consist of five (5) members.

(a) For the initial board:

(i) One (1) member shall be a public member;

(ii) One (1) member shall be either a doctor of osteopathy or a doctor of medicine who is not licensed under this chapter but who is licensed pursuant to chapter 18, title 54, Idaho Code;

(iii) Two (2) members shall be eligible for licensure under this chapter; and

(iv) One (1) member shall be eligible for registration as a naturopath under this chapter.

(b) After the initial board:

(i) One (1) member shall be a public member;

(ii) One (1) member shall be either a doctor of osteopathy or a doctor of medicine who is not licensed under this chapter but who is licensed pursuant to chapter 18, title 54, Idaho Code;

(iii) Two (2) members shall be licensed under this chapter; and

(iv) One (1) member shall be registered under this chapter.

(2) The governor shall appoint all members of the board. Of the initial members, two (2) shall be appointed for four (4) year terms and three (3) shall be appointed for three (3) year terms. After the initial appointments, all terms of appointment shall be for four (4) years. Each member shall serve until a successor is appointed and qualified. No member shall serve more than two (2) consecutive full terms.

(3) The board shall, within thirty (30) days after its appointment, and at least annually thereafter, hold a meeting and elect a chair and a vice chair and may hold additional meetings at the call of the chair or at the written request of any two (2) members of the board. A majority of the board shall constitute a quorum. The vote of a majority of members present at a meeting wherein a quorum is present shall determine the action of the board. The chair and vice chair shall each serve for a two (2) year term. No chair or vice chair may serve more than two (2) consecutive terms.

(4) In the event of the death, resignation, or removal of any board member before the expiration of the term to which the member is appointed, the vacancy shall be filled for the unexpired portion of the term in the same manner as the original appointment.

(5) Board members shall serve at the pleasure of the governor.

(6) Each member of the board shall be compensated as provided in section 59-509(p), Idaho Code.

54-5904. BOARD DUTIES AND POWERS. The board shall have the authority and the responsibility to:

(1) By July 1, 2023, in accordance with this chapter and by using the American naturopathic medical certification board as the primary resource, determine the qualifications needed by each person applying for licensure pursuant to this chapter and, in addition to the requirements of this chapter, define by rule the criteria for determining the appropriate scope of practice for each individual seeking licensure; provided, however, the board may authorize a scope of practice only on an individual basis for each individual seeking licensure. The board may modify the authorized scope of practice based on its assessment of an individual's education, training, and experience;

(2) Consult with the American naturopathic medical certification board to define and set by rule any additional qualifications for licensure that are consistent with this chapter. Any such qualifications shall be in addition to those required by this chapter;

(3) Authorize prescriptive rights or surgical authority only for an applicant who demonstrates sufficient education and training in accordance with an active Idaho license in good standing pursuant to section 54-5905(1), Idaho Code. Notwithstanding the provisions of this subsection, all licensees shall be permitted by the board to practice according to the scope of practice pursuant to section 54-5906, Idaho Code;

(4) Establish, pursuant to chapter 52, title 67, Idaho Code, any such rules consistent with this chapter as are necessary for the administration of this chapter, including but not limited to rules pertaining to discipline, continuing education, and standards for professional conduct that reflect current practice standards and promote inclusion of evidence-based innovations and advances in naturopathic health care;

(5) Conduct investigations and examinations and hold hearings;

(6) Collect fees and other funds only to the extent necessary to carry out the provisions of this chapter. All fees received under the provisions of this chapter shall be paid to the division of occupational and professional licenses and deposited in the state treasury to the credit of the occupational licenses fund, and all costs and expenses incurred under the provisions of this chapter shall be a charge against and paid from said fund;

(7) Conduct legal proceedings, including those regarding contracts and litigation;

(8) Provide such other services and perform such other functions as are necessary and desirable to fulfill its purposes; and

(9) Establish rules that provide for naturopaths to practice in Idaho through registration rather than licensure. In order to protect public health, the scope of practice for a registered naturopath shall be no broader than as provided for in section 54-1804(1)(l), Idaho Code.

(a) The board shall establish a method of registration and a reasonable fee for registration and collect such fee for registration.

(b) No registration shall be granted until the board has approved a reasonable fee and a method of collecting such fee for registration.

54-5905. VOLUNTARY NATUROPATHIC DOCTOR LICENSURE - REQUIREMENTS - LIMITATIONS. (1) An applicant shall be qualified for voluntary licensure as a naturopathic doctor pursuant to this chapter if such applicant:

(a) Possesses current, valid, and unrestricted licensure in any state, district, or territory of the United States in at least one (1) of the following medical professions:

(i) Medical doctor or doctor of osteopathy;

(ii) Podiatrist;

(iii) Dentist;

(iv) Chiropractor, if such applicant possesses an accredited doctoral degree in chiropractic medicine as required pursuant to chapter 7, title 54, Idaho Code; or

(v) Nurse, if such applicant possesses a level of training and education equivalent to an advanced practice registered nurse pursuant to chapter 14, title 54, Idaho Code, and has achieved an accredited doctorate degree in nursing;

(b) Has a valid doctoral degree in naturopathy as approved by the board from an institution accredited by the United States department of education;

(c) Has not pled guilty to or been convicted of a crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code, unless such applicant demonstrates that he has been sufficiently rehabilitated to warrant the public trust; and

(d) Completes any one (1) of the following:

(i) Two (2) years of experience in the practice of naturopathic health care acceptable to the board, one (1) year of which may include predoctoral practicum or internship and one (1) year of which must be postdoctoral;

(ii) Passage of an Idaho state examination proving minimum competency and skills, to be developed and approved by the board by rule and the American naturopathic medical certification board pursuant to this chapter; or

(iii) Passage of any accredited national board examination that certifies the individual has achieved minimum competency and skills in the practice of naturopathic health care as approved by the board by rule.

(2) A license issued under this chapter shall:

(a) Be issued in the name of the licensed naturopathic doctor;

(b) State the issue and expiration date; and

(c) Always be displayed in a conspicuous manner in the place of business or employment of the licensee.

(3) A licensed naturopathic doctor may also use the title "licensed doctor of natural health" or "licensed naturopathic practitioner."

(4) All applications for licensing shall be reviewed and approved by the board on an individual basis.

(5) A person who is not licensed pursuant to this chapter shall not:

(a) Hold himself out as a naturopathic doctor licensed under this chapter;

(b) Use or advertise using the title of licensed naturopathic doctor (LND), licensed naturopathic practitioner (LNP), or any variant thereof; or

(c) Use any words, abbreviations, figures, configuration of letters, titles, signs, cards, or devices tending to imply that the person is a naturopathic doctor licensed in the state of Idaho.

(6) Notwithstanding the provisions of subsection (5) of this section, a person who is a licensed naturopathic medical doctor pursuant to chapter 51, title 54, Idaho Code, may use the title "licensed naturopathic doctor."

(7) No license shall be issued by the board until the board has finalized and approved licensure requirements by rule as provided by this chapter and the legislature has approved all rules governing licensure adopted by the board.

54-5906. LICENSED NATUROPATHIC DOCTORS – SCOPE OF PRACTICE. (1) A naturopathic doctor licensed pursuant to this chapter may engage only in the scope of practice provided for in this section.

(2) A person who does not possess a current, valid, and unrestricted license pursuant to title 54, Idaho Code, that permits such person to prescribe legend drugs or to perform minor procedures shall not be authorized to do so under a license issued pursuant to this chapter.

(3) If a licensed naturopathic doctor receives licensure in Idaho to practice any profession identified in section 54-5905(1)(a), Idaho Code, then the board may allow the licensed naturopathic doctor to incorporate any additional scope of practice provided for in this section or prescriptive rights as provided for in section 54-5907, Idaho Code. However, the board shall not approve an expanded scope of practice pursuant to this subsection if such additional licensure does not authorize such scope of practice.

(4)(a) The scope of practice for a licensed naturopathic doctor shall be established by rule of the board and shall be limited to the following:

(i) Diagnosis and treatment of conditions affecting the human body, including vitamins, minerals, or other natural methods;

(ii) Diagnosis and care of patients using a system of practice that bases treatment of physiological functions and abnormal conditions on natural laws governing the human body, including utilizing physiological, psychological, and mechanical methods, electromagnetism, therapeutic exercise, homeopathic medicine, decompression, traction, biofeedback, electrotherapy, physiotherapy, mechanotherapy, naturopathic corrections, neurofeedback, natural methods and substances that support hormonal and cellular health, phytotherapy, and food and herb therapies; and

(iii) Physical examination procedures and laboratory procedures, including ordering imaging and diagnostic tests for purposes of diagnosis.

(b) Other practices that are consistent with this chapter may be allowed pursuant to the rules of the board.

(5) Minor procedures using local anesthetics may be performed only if a licensed naturopathic doctor has had postgraduate surgical training in residency, possesses relevant board certification, is licensed under another chapter of title 54, Idaho Code, that authorizes minor procedures, and is expressly authorized by the board to perform minor procedures.

(6) No licensed naturopathic doctor shall perform minor procedures, prescribe legend drugs, or perform any other action unless otherwise expressly authorized by this chapter and such action is pursuant to the rules of the board.

54-5907. PRESCRIPTIVE RIGHTS. (1) Licensed naturopathic doctors may be granted certain prescriptive rights as part of their scope of practice. However, prescriptive rights for licensed naturopathic doctors shall be granted and maintained only if the licensed naturopathic doctor:

(a) Currently possesses and maintains a full federal drug enforcement agency (DEA) registration that is in good standing prior to seeking prescriptive rights under his license;

(b) Has completed at least forty-five (45) credit hours of pharmacology from an institution accredited by the United States department of education; and

(c) Possesses a current, valid, and unrestricted license issued pursuant to title 54, Idaho Code, that permits such person to prescribe legend drugs.

(2) Licensed naturopathic doctors' individual prescriptive rights pursuant to this section shall be limited to all medications, treatments, or any other item to be prescribed as outlined and approved by the board. However, the board shall not approve any medication, treatment, or any other similar item that is not approved by the formulary committee.

(3) This section shall not and is not intended to authorize group licensure for all individuals licensed under this chapter. Each licensed naturopathic doctor must, on an individual basis, receive approval from the board to prescribe legend drugs as a licensed naturopathic doctor.

(4) The board, by rule, shall ensure that any approval of a licensed naturopathic doctor's request to prescribe as a licensed naturopathic doctor does not exceed the prescriptive scope the licensed naturopathic doctor previously possessed prior to licensure under this chapter.

54-5908. REGISTERED NATUROPATHS. (1) Naturopaths who are not licensed naturopathic doctors may, but shall not be required to, obtain registration under the provisions of this chapter and pursuant to the rules of the board.

(2) The scope of practice for a registered naturopath under this chapter shall be limited to practices permitted pursuant to section 54-1804(1)(l), Idaho Code.

54-5909. LICENSE AND REGISTRATION ISSUANCE, REVOCATION, AND RENEWAL. (1) The board shall issue and renew licenses or issue and renew registrations to persons who have qualified for such license or registration pursuant to the provisions of this chapter.

(2) The board may deny an application for licensure or registration, revoke a license or registration, or place restrictions on a license or registration if the holder of such license or registration or applicant for licensure or registration:

(a) Is a current health care professional whose licensure is or previously has been revoked, suspended, placed on probation, reprimanded, limited, restricted, or conditioned, or if such person has been or is currently subject to disciplinary action with respect to professional licensure;

(b) Engages in conduct prohibited by this chapter;

(c) Obtains or attempts to obtain the issuance or renewal of a license or registration pursuant to this chapter by means of fraud, misrepresentation, or concealment of material facts;

(d) Has at any time failed to maintain the confidentiality of records or other information pertaining to an identifiable client, except as required or authorized by law;

(e) Engages in any conduct that constitutes an abuse or exploitation of a client arising out of the trust and confidence placed in the licensed naturopathic doctor or registered naturopath by the client;

(f) Fails to, or has previously failed to, adhere to the limitations set forth in section 54-1804(1)(l), Idaho Code;

(g) Is convicted of, or in the past was convicted of, a crime deemed relevant in accordance with section 67-9411(1), Idaho Code;

(h) Engages in conduct that violates the provisions of this chapter, the rules of the board, or the terms of any license or registration issued by the board; or

(i) Fails to comply with a board order entered in any disciplinary matter.



(3) In making a determination under subsection (2) of this section, the board shall take into consideration the rehabilitation of the applicant and other mitigating circumstances.

(4) An applicant for a license or registration under this chapter shall submit any fee established pursuant to board rules.

(5) All licenses issued under the provisions of this chapter shall be subject to annual renewal and shall expire unless renewed in the manner prescribed by the board. License renewal and reinstatement shall be in accordance with section 67-2614, Idaho Code.

54-5910. IMMUNITY OF BOARD MEMBERS AND PERSONS REPORTING INFORMATION TO BOARD. Any member or agent of the board, any member who has served on the board, or any person under oath shall not be subject to a civil action for damages as a result of reporting information in good faith, without fraud or malice, relating to alleged violations or vindictive violations of this chapter or board rules.

54-5911. OBSERVATION OF PUBLIC HEALTH LAW. Each individual licensed or registered under this chapter shall observe and be subject to all state, federal, and municipal regulations relating to the control of contagious and infectious diseases and all matters pertaining to public health. Failure to comply with these requirements shall constitute grounds for disciplinary action pursuant to the provisions of this chapter and the laws of the state of Idaho.

54-5912. FORMULARY COMMITTEE. (1) The board shall appoint a formulary committee consisting of one (1) member who is licensed under chapter 18, title 54, Idaho Code, to practice in Idaho as a pharmacist (PharmD), two (2) members who are either a doctor of osteopathy or a doctor of medicine and who are not licensed under this chapter but are licensed pursuant to Idaho Code, and two (2) members who are licensed under this chapter and possess full federal drug enforcement agency (DEA) registration in good standing.

(2) All members of the formulary committee shall possess a valid and active DEA number and be authorized to prescribe within the United States.

(3) Initially, three (3) members shall serve for three (3) years and two (2) members shall serve for two (2) years. After the initial appointments, all terms of appointment shall be for three (3) years. No member may serve for more than two (2) consecutive terms.

(4) The formulary committee shall act in an advisory role in evaluating prescriptive authority for applicants or other similar issues as called upon by the board. However, the formulary committee shall first approve the scope of prescriptive rights that individuals licensed under this chapter may use before the board approves the scope of prescriptive rights.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2022."

**SENATE AMENDMENT TO S 1239**  
AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 29, delete "two-thirds (2/3)".

**SENATE AMENDMENT TO S 1285**  
AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 20, following "area." insert: "Nothing in this section shall preclude or preempt any local, county, or municipal government from exercising its lawful authority to regulate zoning or land use.".

LEE, Chair

On motion by Senator Lee, seconded by Senator Stennett, the report was adopted by voice vote.

The Committee also has [S 1298](#), [S 1263](#), [H 515](#), [H 612](#), and [S 1337](#) under consideration, reports progress, and begs leave to sit again.

[S 1330](#), as amended, [S 1239](#), as amended, and [S 1285](#), as amended, were referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

Senator Souza was recorded present at this order of business.

On request by Senator Anthon, granted by unanimous consent, the Senate returned to the Thirteenth Order of Business.

**Third Reading of Bills**

On request by Senator Anthon, granted by unanimous consent, [S 1309](#) and [S 1327](#) retained their place on the Third Reading Calendar for one legislative day.

[S 1338](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Guthrie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Agenbroad, Anthon, Bayer (Bayer), Blair (Johnson), Burgoyne, Burtenshaw, Cook, Crabtree, Den Hartog, Grow, Guthrie, Harris, Heider, Lakey, Lee, Lent, Lodge, Martin, Nelson, Nye, Patrick, Ricks, Riggs, Semmelroth, Souza, Stennett, Thayn, VanOrden (Bair), Vick, Ward-Engelking, Winder, Wintrow, Woodward, Zito. Total - 34.

NAYS—Rice. Total - 1.

Total - 35.

Whereupon the President declared [S 1338](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1291](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Crabtree arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senators Semmelroth and Thayn, and Acting Senator VanOrden disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Agenbroad, Anthon, Bayer (Bayer), Blair (Johnson), Burtenshaw, Cook, Crabtree, Den Hartog, Grow, Guthrie, Harris, Heider, Lakey, Lee, Lent, Lodge, Martin, Patrick, Rice, Ricks, Riggs, Souza, Thayn, VanOrden (Bair), Vick, Winder, Woodward, Zito. Total - 28.

NAYS—Burgoyne, Nelson, Nye, Semmelroth, Stennett, Ward-Engelking, Wintrow. Total - 7.

Total - 35.

Whereupon the President declared [S 1291](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[S 1254](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Den Hartog arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Lakey disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Agenbroad, Anthon, Bayer (Bayer), Blair (Johnson), Burtenshaw, Cook, Crabtree, Den Hartog, Grow, Guthrie, Harris, Heider, Lakey, Lee, Lent, Lodge, Martin, Nye, Patrick, Rice, Ricks, Riggs, Souza, Thayn, VanOrden (Bair), Vick, Winder, Woodward, Zito. Total - 29.

NAYS—Burgoyne, Nelson, Semmelroth, Stennett, Ward-Engelking, Wintrow. Total - 6.

Total - 35.

Whereupon the President declared [S 1254](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Anthon, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

#### **Reports of Standing Committees**

March 2, 2022

The JUDICIARY AND RULES Committee reports that Senate amendments to [S 1330](#), [S 1239](#), and [S 1285](#) have been correctly printed.

LAKEY, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 2, 2022

The JUDICIARY AND RULES Committee reports that [S 1330](#), as amended, [S 1239](#), as amended, and [S 1285](#), as amended, have been correctly engrossed.

LAKEY, Chairman

[S 1330](#), as amended, [S 1239](#), as amended, and [S 1285](#), as amended, were filed for first reading.

On request by Senator Anthon, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

#### **Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials**

[S 1330](#), as amended, by Health and Welfare Committee, was read the first time at length and filed for second reading.

[S 1239](#), as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

[S 1285](#), as amended, by Health and Welfare Committee, was read the first time at length and filed for second reading.

On request by Senator Anthon, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### **Miscellaneous Business**

On motion by Senator Anthon, seconded by Senator Stennett, by voice vote, the Senate adjourned at 12:06 p.m. until the hour of 10 a.m., Thursday, March 3, 2022.

JANICE MCGEACHIN, President

Attest: JENNIFER NOVAK, Secretary