

MINUTES
HOUSE HEALTH & WELFARE COMMITTEE

DATE: Thursday, March 02, 2023

TIME: 9:00 A.M.

PLACE: Room EW20

MEMBERS: Chairman Vander Woude, Vice Chairman Erickson, Representatives Blanksma, Kingsley (Crawford), Mitchell, Dixon(24), Gallagher, Healey, Redman, Wheeler, Chew, Rubel, Roberts

**ABSENT/
EXCUSED:** Vice Chairman Erickson, Reps. Blanksma, Mitchell

GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of session the sign-in sheet will be filed with the minutes in the Legislative Library.

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

S 1005: **Sen. Scott Herndon**, District 1, presented **S 1005**, to require licensed day-care facilities communicate immunization requirements and exemptions to parents, mirroring what is required for the schools. This impacts licensed facilities with seven or more children. The Department of Health and Welfare (DHW) is asked to transmit the information to the facilities when licenses are renewed.

Answering questions, **Sen. Herndon** said local licensing entities must follow the state-level licensing requirements. There are no stipulations regarding the communication method.

MOTION: **Rep. Roberts** made a motion to send **S 1005** to the floor with a **DO PASS** recommendation.

Sara Clendenon, representing Health Freedom Idaho, testified **in support of S 1005**. This ensures parents are told the same for schools and daycare. This assures transparency and a fully-informed consent.

VOTE ON MOTION: **Chairman Vander Woude** called for a vote on the motion to send **S 1005** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Redman** will sponsor the bill on the floor.

H 216: **Rep. Brooke Green**, District 18, presented **H 216**, to address a lack of law and codify best practices for the use of gestational carriers. Without any laws, an open question exists whether the surrogacy contracts are enforceable. The legal definition of a mother includes the birth mother, who would be the surrogate. Without any statute guidance, the current practice requires the surrogate and biological mother appear in court where the surrogate must relinquish her rights to the child and the biological mother must adopt the child. Additionally, this legislation will prevent abuse of the system in a variety of ways. Sideboards assure everyone experiences the agreed upon expectations.

Rep. Dori Healey, District 15, further presented **H 216**. The Gestational Carrier Agreement acknowledges enforceable contracts for surrogates, parents, and infants. It gives parents authority over the child at birth without amending the birth record. It provides assurance the biological parents will be recognized and establishes oversight for an unregulated industry. It also stipulates there are no receipts of federal or state funds allowed during surrogacy.

Shaylyn Pease, Dr. Kevin Maas, Yuki Ohi-Maas, Renee Ripley, Maureen Tennyson, Melissa Sherman, Crystal Kulack, and Connie Aceves, testified in support of **H 216**. They shared their stories of health issues, use of a surrogate, and their children. They also shared the emotional turmoil experienced as either surrogates or biological mothers when they had to appear in court and prove their parental rights to adopt their biological child. Husbands signed a paper and were automatically the legal or non-legal fathers. The process was spelled out clearly in legal and medical paperwork. It was a disconnect to then be treated contrary to the contracts after the birth.

In closing comments **Rep. Green** said annually there are surrogacy services used by approximately ten Idaho residents and 100 non-Idaho residents. This legislation addresses the fundamental right to reproduce and provides a smooth transition into parenthood while assuring babies are going home to their families.

MOTION: **Rep. Wheeler** made a motion to **HOLD H 216** in committee. **Motion carried by voice vote.**

RS 30545: **Chairman Vander Woude** brought **RS 30545** before the committee, stating it is a replacement for **H 216**.

MOTION: **Rep. Roberts** made a motion to introduce **RS 30545** and recommend it be sent directly to the Second Reading Calendar. **Motion carried by voice vote.** **Reps. Green** and **Healey** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee the meeting adjourned at 10:00 a.m.

Representative Vander Woude
Chair

Irene Moore
Secretary