

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Tuesday, March 21, 2023

TIME: 2:00 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman VanOrden, Vice Chairman Zuiderveld, Senators Lee, Harris, Bjerke, Wintrow, and Taylor

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman VanOrden** called the meeting of the Senate Health and Welfare Committee (Committee) to order at 2:11 p.m.

GUBERNATORIAL APPOINTMENT VOTE: **Senator Wintrow** moved to send the Gubernatorial appointment of **Bruce Cyr** to the floor with the recommendation he not be confirmed by the Senate. **Senator Taylor** seconded the motion.

SUBSTITUTE MOTION: **Senator Zuiderveld** moved to hold the vote subject to the call of the Chair. **Senator Harris** seconded the motion.

SUBSTITUTE MOTION ROLL CALL VOTE: **Chairman VanOrden** could not discern the voice vote, she called for a roll call vote. **Chairman VanOrden, Vice Chairman Zuiderveld, Senators Lee, Harris and Bjerke** voted aye. **Senators Wintrow and Taylor** voted nay. The motion carried by **voice vote**.

PASSED THE GAVEL: Chairman VanOrden passed the gavel to Vice Chair Zuiderveld.

GUBERNATORIAL APPOINTMENT VOTE: **Senator Harris** moved to send the Gubernatorial appointment of **John Sigler** to the Board of Environmental Quality to the floor with the recommendation he be confirmed by the Senate. **Senator Bjerke** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT VOTE: **Senator Taylor** moved to send the Gubernatorial appointment of **LeAnn Gelskey** to the Board of Environmental Quality to the floor with the recommendation she be confirmed by the Senate. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

H 82 **IDAHO DIETARY SUPPLEMENT ACT - Adds to existing law to enact the Idaho Dietary Supplement Act, which provides that the production, marketing, distribution, sale, and use of dietary supplements that were legal as of July 1, 2022, in Idaho shall remain legal in Idaho, regardless of any changes to federal law. Representative Gallagher** explained the Idaho legislature could ensure state sovereignty from federal overreach of currently legal dietary supplements. This bill did not prevent future Idaho legislative action on any specific dietary supplement. The bill guaranteed free market access of the current dietary supplements to our citizens and health care providers. She referenced a very large Idaho company that sold health products and supplements, and provided 1700 jobs to Idahoans. This was Idaho's largest e-commerce company and in the top 100 in North America as of 2020.

DISCUSSION: **Senator Taylor** asked if he had heard back from that company. **Representative Gallagher** replied no. **Senator Taylor** asked who was trying to introduce the federal legislation. **Representative Gallagher** replied it was U.S. Senator Dick Durbin. **Senator Taylor** inquired how federal overreach would affect the supplement business if they already displayed what would most likely be required on their labels. **Representative Gallagher** replied the proposed legislation attempted to reclassify those regulations to treat vitamins and supplements as drugs.

Senator Wintrow asked if Idaho passed this legislation, would it conflict with federal law, and would that be something Idaho needed litigate. **Representative Gallagher** replied several states had legalized marijuana, which was not legal on a federal level.

TESTIMONY: **Steven Keyser** testified in support of **H 82**. He stated his wife currently used several supplements that seemed to be very effective. Her condition had significantly improved. He believed the issue was a legitimate concern because of the tremendous power, money and influence of the pharmaceutical industries, where if they had more control through the FDA, it would become extremely expensive to go through that approval processes.

MOTION: **Senator Lee** moved to send **H 82** to the floor with a **do pass** recommendation. **Senator Bjerke** seconded the motion. The motion was carried by **voice vote**.

H 223 **HEALTH - Amends and repeals existing law to update terminology in the Medical Consent and Natural Death Act.** **Representative Healey** explained the bill updated medical terminology and clarified existing statute. It provided clarity and the public who utilized advanced care plans, living wills and durable power for health care.

DISCUSSION: **Senator Wintrow** asked if oxygen and medicine would be included in the definition of comfort and care. **Representative Healey** responded that would be up to the medical provider who oversaw that care.

Bob Aldrich and Françoise Cleveland registered in support of **H 223**.

MOTION: **Senator Lee** moved to send **H 223** to the floor with a **do pass** recommendation. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

H 224 **HEALTH - Adds to existing law to prohibit pelvic exams of anesthetized and unconscious patients except under certain circumstances.** **Senator Lee** explained this legislation would also allow that procedure to be done when a patient was unconscious. For example, evidence needed to be collected from a sexual assault victim if they were unconscious.

MOTION: **Senator Harris** moved to send **H 224** to the floor with a **do pass** recommendation. **Senator Bjerke** seconded the motion. The motion passed by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairman VanOrden** adjourned the meeting at 2:53 p.m.

Senator VanOrden
Chair

Michelle Tierney
Secretary