

MINUTES
HOUSE STATE AFFAIRS COMMITTEE

DATE: Wednesday, March 29, 2023

TIME: 1:00 P.M.

PLACE: Room EW40

MEMBERS: Chairman Crane(13), Vice Chairman Young, Representatives Palmer, Barbieri, Holtzclaw, Scott, Andrus, Skaug, Alfieri, Allgood, Crane(12), Gannon, Green

**ABSENT/
EXCUSED:** None

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 Crane (13) called the meeting to order at 1:00 P.M.

MOTION: **Rep. Allgood** made a motion to approve the minutes from March 21, 2023, March 22, 2023 and March 27, 2023. **Motion carried by voice vote.**

H 374: **Rep. Blanksma** presented **H 374**, legislation clarifying Idaho's abortion law by including the definition of an abortion, removing the affirmative defense language and adds language regarding the reporting standard on rape and incest.

Dr. John Werdel, Medical Director, St. Luke's Women's Health Care Services, testified **in support** of **H 374** stating, he can only express lukewarm support of **H 374** and it provides a small step forward to providing safe care for citizens. Dr. Werdel remarked there are many medical professionals impacted by the current abortion law and they are frightened at the prospect of providing care to pregnant patients. Dr. Werdel commented further by adding, that while this legislation is a step to improving the law, it does not go far enough to reassure physicians and stabilize the workforce.

Kenneth McClure, Idaho Medical Association, testified **in support** of **H 374**, however, his association is supporting this legislation reluctantly because they believe there is more good that can be done. Mr. McClure remarked their view is to examine the health and life of the mother versus the health and life of the fetus and the unfortunate fact is sometimes a choice must be made between the two. Mr. McClure stated the removal of the affirmative defense puts doctors in a much better position and they will continue to participate in conversations to improve this legislation. Responding to committee questions, Mr. McClure stated his organization was not at the table to negotiate the language in **H 374**.

Dr. Megan Kasper testified **in support** of **H 374**, stating this legislation is a step in the right direction to provide health care providers more clarity.

Kayla Dodson, testified **in opposition** of **H 374**, stating this legislation is confusing and may have dangerous consequences for patients. Ms. Dodson remarked criminal consequences should be removed and exceptions for women's health and incest and rape conditions should be included.

Cindy Thorngren, Southwest Idaho National Organization For Women, testified **in opposition**, of **H 374**, stating legislation is needed to allow a woman an abortion to save her life and protect her ability to have additional children.

Jennifer Beazer testified in opposition of **H 374**, stating she works in rare diseases and is a member of a genetics team examining genetic conditions affecting pregnancy outcomes and those genetic compositions are endless. Ms. Beazer remarked a patient should decide if it is healthy for them to carry a non-viable pregnancy and the life of the mother and baby should be valued equally.

Dr. Emily Corrigan, OB-GYN, testified in support of **H 374**, stating she has seen multiple patients who have been searching for doctors to treat them because many doctors are fearful of and confused by the current law. Dr. Corrigan remarked multiple doctors are leaving the state because of the current abortion law and doctors are trained to determine what the best options are for their patients. Dr. Corrigan agreed there is still work to be done regarding Idaho's abortion laws.

David Ripley, Idaho Chooses Life, testified in support, of **H 374**, stating this legislation is a pro-life bill, it clarifies the initial intent of the legislature and is an improvement to the current law. Mr. Ripley remarked it was always the intent that life-threatening conditions be included in current law and this legislation provides that clarification. Mr. Ripley affirmed the value of the pre-born child is not meant to demean the value of the mother's life. If possible, Mr. Ripley would clarify that language at a future date.

MOTION: **Rep. Palmer** made a motion to send **H 374** to the floor with a **DO PASS** recommendation.

In support of the motion, **Rep. Palmer** stated if other items need to be added, that's another bill for another day but testimonies have been heard in support of the legislation before them today.

Ken McClure clarified he was kept informed of this legislation but was not included to every negotiation. Mr. McClure stated he was able to give input during the drafting process.

Rep. Blanksma presented closing testimony of **H 374**, stating the language included in this legislation is a cumulation of topics everyone involved in the drafting of **H 374** could agree on.

SUBSTITUTE MOTION: **Rep. Gannon** made a substitute motion to send **H 374** to General Orders.

In support of the substitute motion, **Rep. Gannon** stated after hearing the testimonies, it is apparent there are several items that could be added to this legislation and he would like to see some of the language of **H 342** added to **H 374**. **Rep. Green** stated this legislation needs to protect a mother's future health and fertility and these decisions should only be between the patient and their doctor.

In opposition to the substitute motion, **Rep. Crane (12)** thanked everyone for their work on this legislation and he will be supporting the original motion. **Rep. Young** stated the individuals who worked on this legislation wanted the life of the mother and the life of the baby protected and attempted to create language to provide guidelines to make those difficult decisions but more work needs to be done. **Chairman Crane (13)** stated this is not the bill he wanted and it has been easy to say someone is pro-life but now the work begins. Chairman Crane (13) remarked a "post-Roe" decision is a much different discussion and this legislation is a first step in the right direction.

VOTE ON SUBSTITUTE MOTION: **Rep. Green** requested a roll call vote on the substitute motion. **Substitute motion failed by a vote of 2 AYE and 11 NAY. Voting in favor** of the motion: **Reps. Gannon and Green. Voting in opposition** to the motion: **Reps. Crane (13), Young, Palmer, Barbieri, Holtzclaw, Scott, Andrus, Skaug, Alfieri, Allgood and Crane (12).**

VOTE ON ORIGINAL MOTION:

Rep. Green requested a roll call vote on the original motion. **Original motion carried by a vote of 11 AYE and 2 NAY. Voting in favor of the motion: Reps. Crane (13), Young, Palmer, Barbieri, Holtzclaw, Scott, Andrus, Skaug, Alfieri, Allgood and Crane (12). Voting in opposition to the motion: Reps. Gannon and Green. Rep. Blanksma** will sponsor the bill on the floor.

MOTION:

Rep. Palmer made a motion to hold the dockets on the agenda subject to call of the Chair. **Motion carried by voice vote.**

ADJOURN:

There being no further business to come before the committee, the meeting adjourned at 2:16 P.M.

Representative Crane (13)
Chair

Lisa Hendricks
Secretary