

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Wednesday, February 21, 2024

TIME: 3:00 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chair VanOrden, Senators Lee, Bjerke, Zuiderveld, Wintrow, and Taylor

**ABSENT/
EXCUSED:** Senator Harris

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: **Chair VanOrden** called the meeting of the Senate Health and Welfare Committee (Committee) to order at 3:00 p.m.

S 1287 **HEALTH - Adds to existing law to limit the jurisdiction of certain health organizations.** **Senator Nichols** explained that **S 1287** amended Title 39 of Idaho code by adding a new chapter to prohibit the jurisdiction of certain health organizations. She explained that this legislation restricted the World Health Organization (WHO), United States Department of Health and Human Services (HHS), and the Center for Disease Control (CDC) recommendations from being used for medical decisions in the State without approval of the Legislature. She noted that this legislation prevented the Idaho Department of Health and Welfare from unilaterally making rules that governed the State without approval from the Legislature. She pointed to the severability clause as a legal safeguard to the bill. Noted that the goal of this legislation was to make sure that the State of Idaho had sovereignty over its own public health decisions rather than outside government organizations.

TESTIMONY: **Marta Soderlund; Jennifer Christiano; Cynthia Buse; Kari Stringham; Xavier Figueroa; Ronald Harris; Sulamita Rotante**, Western Manager of American Action Fund; **Daniel Murphy; Heidi Smith; Joy Huffman; Steven Keyser**; and **Viki Purdy**, Adams County Commissioner, testified in support of the bill.

The testimony revolved around the following discussion.

- Concerns were raised about freedom from large bureaucratic, unelected health organizations, including the WHO, CDC, and HHS, which had made significant regulatory changes to Idaho.
- It was noted that the ability for the Idaho State Legislature or local government to make decisions related to public health had been taken away by federal and global health organizations.
- There was a highlighted lack of care for federal and state constitutions by international organizations.

David Pettinger; Leslie Manookian, President and Founder of Health Freedom Defense Fund; and **Miste Karlfeldt**, Health Freedom Idaho, testified in opposition to the bill.

The testimony revolved around the following discussion.

- Concerns were expressed about legislative overreach in sections two and three.
- Issues were raised regarding the executive branch's ability to restrict access to public meetings and other breaches of executive authority.
- There were discussions about the Legislature's ability to adopt HHS or CDC recommendations, irrespective of what this legislation stated.

DISCUSSION: **Senator Nichols** thanked those who testified and stated that **S 1287** limited the influence of federal and global health organizations in Idaho. She noted that the second subsection prohibited the implementation of any mandates from the HHS and CDC without the affirmative votes from both houses of the Legislature and explicitly denied the ability for these organizations' recommendations being used to justify public health requirements. **Senator Nichols** addressed concerns revolving around the third subsection which restricted the Idaho Health Department from issuing or enforcing mandates without the approval of the Legislature.

MOTION: **Senator Bjerke** moved to send **S 1287** to the floor with a **do pass** recommendation. **Senator Zuiderveld** seconded the motion. The motion failed by **voice vote**.

H 399 **MATERNAL MORTALITY - Adds to existing law to authorize the Board of Medicine to collect and report data on maternal mortality rates.** **Representative Blanksma** explained that **H 399** amended § 54-1806 of Idaho Code which authorized the Board of Medicine (Board) to collect and review data concerned with maternal mortality in Idaho. **Representative Blanksma** also explained that the Board was given continued authority to create committees and instruct them on how to operate.

DISCUSSION **Senator Wintrow** asked for clarification on what this legislation would do to the authority of the Board of Medicine in relation to the formation and function of committees as well as the gathering of information. **Representative Blanksma** responded that it was the goal of the legislation to give continued support and authority to the Idaho Board of Medicine and pointed to page two of the legislation where the authority and data capabilities were mentioned.

TESTIMONY: **Emily Corrigan**, Idaho section chair of the American College of Obstetricians and Gynecologists (ACOG), stood in support of **H 399**. She expressed the importance of an open and trustworthy committee to create an effective review process to improve maternal health outcomes across the State. She endorsed comprehensive reporting and evidence-based policy solutions as key drivers in maternal mortality solutions. **Senator Wintrow** asked Dr. Corrigan if she believed that this legislation would give doctors the records and information necessary. **Dr. Corrigan** responded that she believed the committee should be restarted in some capacity quickly so the Board of Medicine and the Department of Occupational and Professional Licenses (DOPL) could apply proper safeguards to the committee. She noted that these were untested waters for DOPL, but ACOG was hopeful that the legislation was a good first step before any data was lost.

Judy Halverson, United Women in Faith, stood in support of **H 399**. She pointed to a series of statistics that showed a possible worsened maternal mortality problem in the State and noted the large number of obstetricians that had left the State, which concerned her organization. She urged the committee to pass this bill and to have a maternal mortality review committee return to Idaho.

Laura Tirrell, family doctor, District 19, stood in support of **H 399**. **Dr. Tirrell** recalled a series of examples from other states where a maternal review board was extremely beneficial to reducing maternal mortality rates of the respective states including Arizona and California. Those review boards allowed for the

states to understand where problems occurred and attempt to resolve them, which the doctor noted was extremely successful. She also explained that individual hospitals continued to review their own data but without **H 399** the State of Idaho may lack a perspective over the entire state.

Chairman VanOrden asked if there was anyone present that still wanted to testify. There was none and she welcomed Representative Blanksma back to close the debate.

DISCUSSION: **Representative Blanksma** explained that there was no lost data for not having the review board, just that it would not be reviewed.

Senator Zuiderveld asked if data was exclusively for Idaho and helping Idahoans. **Representative Blanksma** responded yes, the data was only Idaho centric. Explained that at one point she hoped to have a larger mountain states data set, but did not go in that direction.

MOTION: **Senator Lee** moved to send **H 399** to the floor with a **do pass** recommendation. **Senator Taylor** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chair VanOrden** adjourned the meeting at 3:38 p.m.

Senator VanOrden
Chair

Lena Amoah
Secretary

Griffin Zue
Substitute Secretary