

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Wednesday, January 22, 2025

TIME: 3:00 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman VanOrden, Vice Chairman Bjerke, Senators Harris, Zuiderveld, Lenney, Shippy, Blaylock, and Wintrow

ABSENT/ EXCUSED: Senator Keyser

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** convened the meeting of the Senate Health and Welfare Committee (Committee) at 3:02 p.m.

MOTION: **Chair VanOrden** requested unanimous consent to alter the agenda and present the RS before the docket rules. The motion carried by **voice vote**.

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

RS 31829 **Relating to Mental Health, Substance Use Services.** **Senator VanOrden** presented legislation that would move rules on adult and children mental health and substance use disorder services into Idaho Code. This bill neither increased nor decreased available services. It ensured that future decisions concerning these programs started at the Legislature.

MOTION: **Senator Blaylock** moved that **RS 31829** be sent to print. **Senator Lenney** seconded the motion. The motion carried by **voice vote**.

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

RS 31876 **Relating to Medical Freedom.** **Senator Foreman** explained this bill amended Idaho Code § Chapter 5, Title 73, replacing the title of the Coronavirus Stop Act with "Idaho Medical Freedom Act." It similarly replaced the mention of "coronavirus" with "medical intervention," a phrase which represented any pharmaceutical or biological agent or product designed to alter or restrict the biological functioning of the body. This legislation prohibited public, private, or parochial school, including trade schools, colleges, and universities, from implementing medical intervention mandates. It prohibited businesses from mandating medical intervention or using medical intervention as a basis for differentiating salaries or wages. Businesses were permitted to require medical intervention to be in accordance with international travel standards.

DISCUSSION: **Senator Wintrow** stated that though she would approve sending **RS 31876** to print, she had many questions for the bill hearing.

MOTION: **Senator Lenney** moved that **RS 31876** be sent to print. **Senator Zuiderveld** seconded the motion. The motion carried by **voice vote**.

RS 31878

Relating to Health. Senator Foreman explained this legislation created and added Section 39-9004, or the “Idaho Bill of Patient Medical Rights” to Idaho Code § Chapter 90. This legislation resulted from concern voiced by constituents and established seminal patient rights including:

- A patient could not be denied treatment for refusing a vaccine.
- A patient had a right to informed consent with respect to medications and medical treatments.
- No patient should be administered any experimental drug without informed written consent.

The Idaho Attorney General's Office had reviewed the legislation and determined it did not conflict with provisions in the Idaho or United States Constitution.

DISCUSSION:

Senator Wintrow mentioned she had previously supported this legislation for its Nondiscrimination Clause: that a patient could not be denied treatment on the basis of sexual orientation. She asked if he would be open to including that language in this iteration of the legislation. **Senator Foreman** asserted he would not be open to including that language.

MOTION:

Senator Lenney moved that **RS 31878** be sent to print. **Senator Zuiderveld** seconded the motion. **Senator Wintrow** requested to be recorded as voting nay. The motion carried by **voice vote**.

RS 31804C1

Relating to Juvenile Proceedings. Jared Larsen, Rules Chief, Department of Health and Welfare (Department), explained this legislation eliminated an additional court hearing for juveniles in Department custody. This additional hearing was a matter of court interpretation, not found in Idaho Constitution. It added on average two to four months of custody stay. By removing the hearing, the Department hoped to decrease custody stay from approximately 24 months closer to the national average of 19 months. **Mr. Larsen** thanked Senator Shippy for his collaboration and support of the legislation.

Mr. Larsen assured the Committee that if **RS 31804C1** were approved, the Department would bring in experts to answer questions during the official bill hearing. **Senator Wintrow** supported the idea.

MOTION:

Senator Wintrow moved to approve **RS 31804C1**. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL:

Chair VanOrden passed the gavel to Vice Chair Bjerke.

DOCKET NO. 58-0101-2401

Rules for the Control of Air Pollution in Idaho - Pending Rule. Tiffany Floyd, Air Quality Division Administrator, Department of Environmental Quality (DEQ), described docket changes to keep DEQ in line with federal standards developed by the Environmental Protection Agency (EPA). These changes fell under three categories: administrative, national standard, and specific. The administrative rules changed the non-attainment plan in Northern Ada County's vehicle inspection, altered requirements to state plans, and removed the emergency defense provision, leaving exceptions up to state discretion. The national standard changes included lowering the standard of Particulate Matter to 2.5 and removing wildfires as "exceptional events" allowed under the Clean Air Act. **Ms. Floyd** mentioned the communities of Pinehurst, St. Maries, and Salmon hovered near the standard of acceptable levels of Particulate Matter.

Senator Wintrow inquired why those communities had worse air quality. **Ms. Floyd** pointed to wood-burning stoves and DEQ's educational outreach on proper

combustion techniques. **Ms. Floyd** continued that the specific changes included EPA updates on lead smelter emission limits, a new list of acceptable substances for fire suppression, refrigeration, and air conditioning. Finally, the docket clarified definitions of the terms "Toxic Air Pollutant Non-Carcinogenic and Carcinogenic Increments," "Chemical Abstract Service," and "Open Burning."

Senator Wintrow thanked Ms. Floyd and DEQ for providing links in their rules to federal websites.

MOTION: **Chair VanOrden** moved to approve **Docket No. 58-0101-2401**. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 58-0105-2401 **Rules and Standards for Hazardous Waste - Pending Rule.** **Michael McCurdy**, Waste and Remediation Division Administrator, mentioned the docket maintains DEQ supremacy in lieu of the EPA and deleted duplicitous language identified by the Division of Financial Management. It also featured technical clarification to Hazardous Waste Generator Improvements Rule, Hazardous Waste Pharmaceuticals Rule, and the Definition of Solid Waste Rule.

MOTION: **Senator Harris** moved to approve **Docket No. 58-0105-2401**. **Senator Blaylock** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 58-0108-2401 **Idaho Rules for Public Drinking Water Systems - Pending Rule.** **Jerri Henry**, Drinking Water Protection and Finance Division Administrator, introduced the Committee to Federal Regulations Sections 900 through 905 related to Per- and Polyfluoroalkyl Substances (PFAS). PFAS were a group of manufactured chemicals found in many consumer products such as food packaging, personal care products, carpets, and clothing. DEQ consulted with the Drinking Water Advisory Committee and the Water Utility Council. **Ms. Henry** concluded that adopting the PFAS rule would be in the best interest of Idaho's public water systems and citizens.

Tyler Fortunati, Drinking Water Bureau Chief, added that the rule established enforceable Maximum Contaminant Levels for PFAS in drinking water incorporating federal monitoring, analytical reporting, and record keeping requirements. Additionally, it required PFAS sampling results for new wells and public water consistent with requirements for other contaminants. Finally, the rule corrected oversights in three sections to address geological data and bentonite group sections. These updates ensured alignment with federal standards while maintaining a focus on public health protection.

DISCUSSION: **Senator Blaylock** asked if this involved the introduction of a new testing system, and inquired about the cost. **Mr. Fortunati** explained a few public water systems had conducted voluntary sampling, but it would be new for the vast majority of public water systems. He would give a presentation to the Committee at a future date with the exact costs of treatment.

MOTION: **Chair VanOrden** entertained a motion to hold **Docket No. 58-0108-2401** until after **Mr. Fortunati's** presentation and subject to the call of the chair. **Senator Harris** moved to hold **Docket No. 58-0108-2401**. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

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

ADJOURNED: There being no further business at this time, **Chair VanOrden** adjourned the meeting at 3:50 p.m.

Senator VanOrden

Chair

Rebecca Kozlowski

Secretary