

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Thursday, February 20, 2025

TIME: 3:00 P.M.

PLACE: Room WW54

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

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: **Chair VanOrden** called the meeting of the Senate Health and Welfare Committee (Committee) to order at 3:01 p.m.

MINUTES APPROVAL: **Senator Blaylock** moved to approve the Minutes of February 6, 2025. **Senator Wintrow** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Keyser** moved to approve the Minutes of February 12, 2025. **Senator Bjerke** seconded the motion. The motion carried by **voice vote**.

S 1088 **PSYCHOLOGISTS - Amends and repeals existing law to revise provisions regarding the licensure and practice of psychology in Idaho.** **Senator Harris** stated this bill streamlined the practice of psychology in Idaho by removing unnecessary barriers, updating supervision requirements for prescribing psychologists, and eliminating obsolete language. **Lance Giles**, contract lobbyist for Idaho Psychological Association, outlined changes to the bill (Attachment 1). He noted that the Division of Occupational and Professional Licensing (DOPL) had voiced no objections to the bill.

DISCUSSION: **Senator Wintrow** asked if changes to supervision requirements would result in more people receiving quality psychological care. **Mr. Giles** responded in the affirmative.

TESTIMONY: **Kendra Westerhaus, Lynn McAurther, and Patrick Bartos** testified in support of **S 1088** because it removed unnecessary oversight on service extenders, allowed continuity of care for Idahoans traveling out-of-state, and removed statutory barriers that placed an undue burden on psychologist supervisors.

MOTION: **Senator Keyser** moved to send **S 1088** to the Senate floor with a **do pass** recommendation. **Senator Bjerke** seconded the motion.

DISCUSSION: **Senator Wintrow** thanked Mr. Giles for his behind-the-scenes work preparing the informational packet and meeting with Senators to address their concerns.

VOICE VOTE: The motion carried by **voice vote**.

S 1089

WASTE TIRE DISPOSAL - Repeals and adds to existing law to establish provisions regarding waste tire disposal and recycling. Senator Harris stated this bill addressed the clean-up of over twenty abandoned tire piles throughout the state which posed a health and environmental hazard. A 2003 law shifted tire removal responsibility from the Department of Environmental Quality (DEQ) to counties. **S 1089** created a three-year pilot program with a 50 cent fee for tires solid commercially to create a state fund to address the approximately 153,000 abandoned tires. 35 states had similar programs with fees ranging from \$0.25 to \$10. This would incentivize businesses to address the piles.

Roy Egurine (Attachment 2 & 3) presented that this bill repealed the existing Waste Tire Disposal Act and granted DEQ authority to contract for cleanups or provide grants to local governments for tire removal. **Mr. Egurine** expected the program to raise about \$1 million annually. The pilot program's goal was to offer reimbursement for recyclers, helping them compete with illegal tire dumping.

Rob Gerus, Liberty Tires, discussed the benefits of recycling.

DISCUSSION: **Senator Zuiderveld** asked about projected company earnings from the passage of **S 1089**. **Mr. Gerus** stated while he might receive more business, he expected the company to maintain average margins due to costs of obtaining the tires.

TESTIMONY: **Craig Hunter**, President and CEO of Tire Reclaim, Caldwell ID, testified in favor of the bill due to the need for tire recycling. He asserted that 70% of Idaho tires end up in the landfill and outlined important products made by recycled tires.

DISCUSSION: **Senator Shippy** asked if recycling plants sealed off dirt to protect tires from leaching chemicals into the soil. **Mr. Hunter** pointed to the Environmental Protection Agency report from April 2024 that discussed appropriate tire disposal.

Senator Wintrow asked about the risk of the piles and the benefits of cleaning them up. **Mr. Hunter** noted each individual tire contained approximately 10,000 mosquito larva and that the rotting rubber posed a significant fire hazard.

Senator Zuiderveld commented this felt like going into business with private industry. She wanted to verify that the government would not pay companies to retrieve tires for recycling. **Mr. Hunter** affirmed that companies paid for retrieval and recycling on their own.

TESTIMONY: **Lance Sayers**, Association of Idaho Cities, testified in support of the bill because it created an effective collaboration between private industry and the Legislature to address the inadequate funding of tire removal. He furthered that cities and counties were not in a position to address the issue on their own.

Seth Grigg, Idaho Association of Counties, testified in support as it provided a mechanism for counties to request grants to address the tires.

DISCUSSION: **Senator Shippy** asked if DEQ had executive power to prosecute illegal dumping. **Mr. Grigg** stated while it was illegal to take tires, DEQ did not have the funds to enforce. The county potentially had the mechanism to enforce penalties, but he would have to consult statute for specific penalties. **Senator Harris** reaffirmed that the 2003 law removed DEQ enforcement power over abandoned tire piles.

Senator Zuiderveld asked about potential tire fee when the three year program expired. **Senator Harris** confirmed that after three years the program would end and the fee would disappear. **Senator Zuiderveld** inquired if that meant they anticipated eliminating the piles within the next three years. **Senator Harris** affirmed that they did not predict completely solving the problem, but would give the Legislature the ability to renew the program or shut it down three year hence.

MOTION: **Senator Wintrow** moved to send **S 1089** to the Senate Floor with a **do pass** recommendation. **Senator Blaylock** seconded the motion.

DISCUSSION: **Senator Wintrow** appreciated the 2024 presentation to the Committee and felt this solution was reasonable and responsible.

Senate Zuiderveld stated she disapproved of another program adding fees for her constituents. She noted her district had employed creative solutions to resolve the problem and felt the free market would have a better approach than government intervention.

Senator Shippy explained he would be in favor of a voluntary fee, but since an individual could transport tires to a recycling plant on their own, he felt the mandatory fee was an unnecessary burden.

Senator Bjerke and **Senator Blaylock** stated they would vote for the motion, but retained the right to change their vote on the floor after further research. **Senator Bjerke** stated government and private industry were already too intertwined to try to separate.

Senator Lenney expressed that he felt counties and cities could solve the problem better than government, and would vote no.

ROLL CALL VOTE: **Senator Zuiderveld** requested a **roll call vote**. **Chair VanOrden, Senators Harris, Blaylock, and Bjerke** and **Wintrow** voted aye. **Senators Zuiderveld, Lenney, Shippy** and **Keyser** voted nay. The motion carried on a **roll call vote**.

H 59 **MEDICAL ETHICS DEFENSE ACT - Adds to existing law to establish the Medical Ethics Defense Act.** **Senator Bjerke** stated this bill aimed to protect the conscience right of healthcare professionals by ensuring they were not forced to participate in procedures that conflict with religious, moral, or ethical beliefs. The bill expanded whistleblower protection and free speech rights, ensuring healthcare workers had legal protection while allowing necessary accommodations for emergency situations.

DISCUSSION: **Senator Wintrow** asked if during drafting they had consulted risk management to discuss potential malpractice claims. **Senator Bjerke** replied he and Representative Young had discussed with risk management, but had not heard back from hospitals. He intended to make a few amendments to the bill based on recommendations from the House of Representatives.

Gregory Chafuen, legal council for Alliance Defending Freedom, iterated this bill did not allow discrimination on a patient's characteristics, but instead focused solely on medical procedures. He clarified that emergency life-saving care was exempt. **Mr. Chafuen** continued saying that states with similar laws had not experienced negative consequences and the bill required employees to give notice of any conscience objections beforehand so employers could accommodate.

Senator Lenney asked if the bill covered healthcare workers in private hospitals, including nurses that did not receive flu shots and wished to not wear masks. **Mr. Chafuen** stated the bill covered procedures in private hospitals. Since wearing a mask was not a medical procedure, the bill would not cover resistance to that action.

Senator Wintrow inquired whether this bill required employers to hire workers with conscience concerns that would interfere with business, citing the example of an obstetrician-gynecologist candidate who refused to prescribe contraceptives. **Mr. Chafuen** replied that the bill only covered those already employed by an institution; it was up to hiring committees to screen applicants for potential concerns. **Senator**

Wintrow clarified that under the new bill, institutions would not be liable for refusing to hire individuals based on religious concerns. **Mr. Chafuen** confirmed.

Senator Wintrow asked if this bill created a separate but equal dynamic where healthcare workers, including police and fire department, could refuse service to patients. **Mr. Chafuen** replied the bill ensured service objections were based on procedures, not an individual's identity or lifestyle. It focused on protecting healthcare professionals' right of conscience, not denying services to specific patients. **Senator Wintrow** countered that medical procedures were tied to an individual's quality of life and refusal to participate in various procedures caused real harm. **Mr. Chafuen** replied that telehealth technology allowed greater access to care and that the bill allowed people to employ doctors with ethical integrity.

TESTIMONY: **Katherine Hartley, David Ripley, Kristina Hardy, Peggy McFarland, Katie Thompson** and **Shane Macaulay** supported **H 59** for the following reasons: it allowed healthcare workers to remain in the profession, protected patients from electing potentially harmful procedures, alleviated concerns about violating personal ethics, and eliminated the risk of retaliation or censorship for healthcare providers speaking their conscience.

Karen Cuellar, Steven Shapiro, Nikson Mattews, and Sheila Weaver opposed **H 59** for the following reasons: it could prevent patients from accessing treatment, such as hormone blockers for breast cancer or autoimmune disease care; it unfairly impact rural communities with fewer doctor options; and it prioritized personal conflicts over public healthcare.

Mistie Tolman, Planned Parenthood alliance advocates, opposed **H 59** because she believed its language was too broad, and that allowing healthcare providers to refuse care for nearly any reason meant potential withholding of critical information or treatment. **Ms. Tolman** claimed this could lead to discrimination and shielded providers from liability if their refusals caused harm.

DISCUSSION: **Senator Wintrow** addressed page 3, line 9 and asked if the bill allowed refusal of services like receptionist care, not solely medical procedures. **Ms. Tolman** asserted that was her understanding.

TESTIMONY: **Joy Hoffman**, nurse, supported **H 59** because she claimed a majority of health care providers would rather stop practicing medicine than go against religious beliefs. She believed this bill addressed some of the controversy of nurses protesting the COVID-19 vaccine.

DISCUSSION: **Senator Lenney** inquired whether it was required for traveling nurses to obtain the COVID-19 vaccine. **Ms. Hoffman** replied she believed so.

Chair VanOrden asked if this bill allowed providers to refuse routine child wellness vaccinations. **Senator Bjerke** responded it did not seem likely for a pediatric doctor to object to vaccinations, but under this bill they could refuse. **Chair VanOrden** asked what a parent would do if they were new to the area and did not know other doctors. **Mr. Chafuen** responded the bill built upon informed consent and allowed doctors to voice their concerns about vaccines which may result in the parent scheduling an appointment with a different pediatrician.

Senator Harris asked what changes the House of Representatives recommended for this bill. **Senator Bjerke** replied he would add two words, but he preferred for the Committee to send a do pass recommendation. From the Senate floor, he would move for **H 59** to be sent to the 14th Order. **Senator Lenney** clarified that the preference would be to send the bill to the floor with a do pass recommendation. **Senator Bjerke** confirmed that would make him feel most comfortable.

Senator Blaylock voiced concerns about the potential for discrimination and requested the bill add that workers were required to give prior notice to their supervisors of potential ethical concerns. **Senator Bjerke** stated he appreciated the concern and was in the process of adding the word "required" to the bill.

Senator Wintrow drew attention to page three section seven and asked if the bill provided blanket immunity for malpractice claims and where it addressed patient rights. **Senator Bjerke** stated malpractice liability should not apply in connection with conscience violations. He continued that it was important to offer legal protection to those exercising right of conscience. **Senator Wintrow** provided an example of intersex surgery on infants and wondered if this bill would set up a separate but equal medical precedent.

Senator Bjerke closed by stating some third party contractors did not require traveling nurses to receive vaccination. He furthered that **H 59** helped keep medical practitioners in Idaho by providing them tools to accomplish their work without compromising their values.

MOTION: **Senator Keyser** moved to send **H 59** to the Senate floor with a **do pass** recommendation. **Senator Zuiderveld** seconded the motion.

DISCUSSION: **Senator Shippy** determined that if **H 59** kept healthcare providers in the profession, then it was in the Legislature's best interest to pass the bill.

Senator Zuiderveld discussed her grandparent's experience in Nazi concentration camps and asserted a conscience-based medical exception would protect Idaho from repeating history and save lives.

SUBSTITUTE MOTION: **Senator Wintrow** made a substitute motion to send **H 59** to the 14th Order for possible amendment. The motion died for lack of a second.

VOICE VOTE: The motion to send **H 59** to the Senate Floor with a **do pass** recommendation carried on a **voice vote**. **Senator Wintrow** requested to be recorded as voting nay.

ADJOURNED: There being no further business at this time, **Chair VanOrden** adjourned the meeting at 5:20 p.m.

Senator VanOrden
Chair

Rebecca Kozlowski
Secretary