

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Wednesday, February 26, 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 to order the meeting of the Senate Health and Welfare Committee (Committee) at 3:01 p.m.

SCR 104 **NUREMBERG CODE - States findings of the Legislature and affirms support for the Nuremberg Code and other complementary ethical standards.** **Senator Nichols** presented this resolution reaffirmed Idaho's commitment to ethical medical and scientific research by upholding the Nuremberg Code, particularly the principles of informed consent and transparency. She explained the Nuremberg trials addressed medical atrocities committed during World War II. This resolution sent a message that Idaho stood for ethical medical practices.

DISCUSSION: **Senator Blaylock** noted the State had medical codes of ethics already in place, and asked if there were specific policies or laws Senator Nichols anticipated this would update. **Senator Nichols** explained this was anticipatory of future medical interventions like nanotechnology and artificial intelligence, and inspired by the events of COVID-19.

Senator Wintrow asked why Idaho would adopt a foreign declaration when the State had standards of ethics and did not typically adopt international codes. **Senator Nichols** replied the Nuremberg trials were conducted by Americans, and thus not entirely foreign. She iterated this was future-looking to ensure medical research maintained ethical standards.

Senator Shippy inquired why the Nuremberg Code was the standard of ethics. **Senator Nichols** stated various organizations used this as a foundation which proved its worth as a bedrock principle. **Senator Shippy** pointed to a 2003 publication from the United Nations Educational, Scientific, and Cultural Organization (UNESCO) which he identified as using pro-abortion language. He noted this countered Idaho's position as a pro-life state. **Senator Nichols** replied **SCR 104** incorporated the Nuremberg Code and United Nations as complimentary contributions emphasizing the importance of medical freedom. The resolution did not require the State to agree with all United Nations actions or publications.

Senator Bjerke asked what percentage of people agreed that Nuremberg Code should be the standard of ethics. **Senator Nichols** replied currently many people agreed what happened during the COVID-19 pandemic was similar to the events of Nuremberg. She outlined experimentation with food production, fetal tissue, nanotechnology, and artificial intelligence as evidence the State needed stronger informed consent and transparency requirements. **Senator Bjerke** agreed that the events of COVID-19 pandemic created distrust in the medical system.

Senator Blaylock called into question comparisons between Nuremberg and COVID-19 pandemic by sharing a list of torturous medical experiments conducted in Nuremberg including freezing people to death, sewing babies together to create conjoined twins, injecting substances into eyes to change their color, and pressurizing individuals to identify the maximum altitude to sustain life. **Senator Nichols** replied if she had drawn a comparison, it was not intentional, and instead stated to both events had a similar atmosphere of mistrust.

MOTION: **Senator Keyser** moved to send **SCR 104** back to the floor with a **do pass** recommendation. **Senator Zuiderveld** seconded the motion.

DISCUSSION: **Senator Lenney** thanked Senators Blaylock and Shippy for their questions. He pointed to the Senate passage of **S 1038** which stated Idaho need not comply with the World Health Organization. While he appreciated the intent of the bill, he agreed with Senator Wintrow's comment that Idaho did not adhere to foreign declarations.

Senator Zuiderveld emphasized the importance of learning from history by sharing her grandparents' experience in Nazi concentration camps. She advocated for safeguards of medical ethics, such as this bill, which ensured such atrocities did not repeat.

Senator Shippy stated the United Nations should not establish what Idaho considered ethical.

Senator Nichols closed the discussion thanking Senator Zuiderveld for her comments about not repeating the past. She noted the importance of protecting the future from potentially harmful medical technologies and argued this resolution ensured medical protection for Idahoans.

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

H 91 **DEPARTMENT OF HEALTH AND WELFARE - Amends and repeals existing law to remove provisions that the Department of Health and Welfare (Department) has identified as obsolete or superfluous.** **Alex Adams**, Department Director, stated this bill eliminated 150 obsolete sections of Idaho Code such as references to committees that had not met in decades and antiquated requirements for newspaper advertisements. The Department's efforts to ensure transparency included a three week review period where they received no comments.

DISCUSSION: **Senator Wintrow** asked Director Adams to address some of the sections of code, particularly in reference to **S 1102** which changed residential inspection guidelines. **Director Adams** discussed that since the programs were obsolete, there would be no impact if **S 1102** passed. He stated a code was determined to be obsolete if it was outdated and not being used, or was already addressed in a different section of code. **Senator Wintrow** asked if this bill would affect discussions about family personal care services. **Director Adams** replied the 150 sections contained no reference to family personal care services. He stated family personal care services did not appear in code which contributed to his inability to renew the waiver.

MOTION: **Senator Harris** moved to send **H 91** to the floor with a **do pass** recommendation. **Senator Keyser** seconded the motion. The motion carried by **voice vote**.

- H 110** **MEDICAID - Adds to existing law to provide that the Department of Health and Welfare shall not prohibit licensed or registered health care providers from providing services covered by the state Medicaid program. Senator Zuiderveld** explained this bill guaranteed that the Legislature and licensing boards set scope of practice as opposed to Medicaid. This ensured Medicaid could not veto the Legislature through inaction, and required providers to enter into a written agreement with Medicaid. This bill received no objections from the Department.
- MOTION:** **Senator Blaylock** moved to send **H 110** to the floor with a **do pass** recommendation. **Vice Chair Bjerke** seconded the motion. The motion carried by **voice vote**.
- H 198** **LABORATORIES - Amends, repeals, and adds to existing law to establish provisions regarding laboratories. Senator Bjerke** discussed this bill moved Idaho Administrative Procedure Act (IDAPA) 16.02.06 relating to Quality Assurance for Clinical Laboratories, 16.02.13 relating to State of Idaho Drinking Water Laboratory Certification Program, 16.02.24 relating to Clandestine Drug Laboratory Cleanup, and 16.02.25 relating to State Laboratory Fees, into Idaho Statute. He clarified that Section 12 increased laboratory fees for the first time since 1977 in order for State Laboratories to be at market level and thus not disadvantage private entities.
- DISCUSSION:** **Senator Wintrow** asked whether this caused substantive changes. **Senator Bjerke** clarified it simply moved rules into statute.
- MOTION:** **Senator Shippy** moved to send **H 198** back to the floor with a **do pass** recommendation. **Senator Wintrow** seconded the motion.
- DISCUSSION:** **Senator Shippy** commented that he appreciated the fee increase because it created free market competition and benefitted a laboratory-owning constituent.
- VOICE VOTE:** The motion carried by **voice vote**.
- ADJOURNED:** There being no further business at this time, **Chair VanOrden** adjourned the meeting at 3:58 p.m.

Senator VanOrden
Chair

Rebecca Kozlowski
Secretary