

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Wednesday, March 25, 2026

TIME: 2:00 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chair VanOrden, Senators Harris, Bjerke (Bjerke), 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 2:01 p.m.

PRESENTATION: **Honoring Page Johnathan Richardson. Mr. Richardson** explained he had looked forward to this opportunity and enjoyed listening to the Senate floor debates.

DISCUSSION: **Senator Wintrow** asked who was his favorite Senator to review draft minutes. **Mr. Richardson** replied Senator Wintrow. **Senator Blaylock** asked what his future plans were. **Mr. Richardson** said he would serve his mission in Peru, then attend Brigham Young University, Idaho, to study economics.

MINUTES APPROVAL: **Senator Zuiderveld** moved to approve the Minutes of March 02, 2026. **Senator Blaylock** seconded the motion. The motion carried by **voice vote**.

S 1419 **IDAHO CHILD CARE PROGRAM - Amends and adds to existing law to establish the Idaho Child Care Program. Representative Jordan Redman** explained this legislation reformed the Idaho Child Care Assistance Program (ICCP). The bill updated program qualifications, constrained rulemaking, and implemented anti-fraud and integrity measures. Additionally, the bill directed Idaho Department of Health and Welfare (IDHW) to develop a fraud detection system. He noted this legislation was a policy bill and the code would sunset in July of 2028.

DISCUSSION: **Senator Wintrow** requested information on IDHW's current audit findings. **Juliette Charron**, Director, IDHW, reported a 360 review was conducted and a report would be presented to the Committee within a week. IDHW took administrative action—including terminating providers and suspending licenses—to address 28 providers identified by the audit. **Senator Wintrow** noted IDHW was able to successfully audit and hold providers accountable without legislation. **Director Charron** stated IDHW had the authority to review and audit any benefit program IDHW administered. She explained **S 1419** would provide additional tools needed to strengthen their ability to combat fraud, waste, and abuse in the program. She added fraud cases often stagnated at the county level, and this legislation created concurrent jurisdiction for the Office of the Attorney General (OAG) to prosecute cases of fraud. The bill implemented proactive safeguards—mandated proper registrations and established a clear process to address suspected fraud in coordination with the OAG—that would enhance IDHW's capacity to prevent and prosecute fraud, waste, and abuse within the ICCP.

Senator Blaylock asked how this legislation would impact the \$14 million that was appropriated to this program last year. **Director Charron** explained the \$14 million was recently removed from the IDHW maintenance budget. She reiterated integrity aspects of this legislation were vital and were not currently provided in administrative rule.

Senator Wintrow asked for clarification regarding how fraudulent behavior was currently addressed without legislation. **Director Charron** stated IDHW was unable to refer criminal activity, therefore, the OAG did not have jurisdiction to act on fraudulent cases. IDHW had limited authority to recover funds and address fraud and abuse through administrative action.

Senator Wintrow requested information on the drafting process and asked who was involved in drafting the legislation. **Representative Redman** responded Chair VanOrden, Representative John Vander Woude, IDHW, and representatives of the Boys and Girls Club were involved in stakeholder discussions. He noted he also met with Idaho Voices for Children. He stated this bill was drafted with the intention of providing IDHW with resources to proactively address fraud.

TESTIMONY:

Christine Tiddens, Executive Director, Idaho Voices for Children, shared her concerns regarding **S 1419**. She stated this legislation moved all requirements from rule into statute and repealed the current administrative rules upon passage. This legislation was not a direct transfer of rules into statute and there were several gaps. She voiced her concerns regarding eligibility, income exclusions, exclusion of certain qualifying activities, and audit requirements for non-profit organizations. **Ms. Tiddens** requested the legislation be held for further stakeholder discussions (Attachment 1).

Fred Birnbaum, Idaho Freedom Foundation, opposed **S 1419**. He believed the State should not be in the child care business. He said if the legislation was rejected, it would send a clear message to the Joint Finance-Appropriations Committee (JFAC) to keep the \$14 million out of the maintenance bill. He believed the sunset provision showed a lack of confidence in the legislation.

Gwynee McElhinney outlined her 45 years of professional experience as a speech-language pathologist. She said that maintaining the existing program would ensure the health and welfare of low-income working parents and their children.

August Christensen, Mayor of Driggs, Idaho, expressed concern that reduced income eligibility thresholds would disproportionately impact families in areas with high costs-of-living.

Megan Millward, licensed child care provider, explained that under this legislation, if a family failed to pay their co-pay, the provider could face the risk of closure and criminal liability for a contractual obligation the family did not fulfill.

DISCUSSION:

Senator Wintrow requested further discussion about audit costs. **Ms. Tiddens** clarified there was a 360 review conducted by IDHW, which was separate from internal audits. She stated the legislation would require non-profit child care providers to conduct annual financial audits, which could exceed local daycare budgets. **Senator Wintrow** asked about foster care eligibility under **S 1419**. **Ms. Tiddens** explained current exclusions to income requirements would not be transferred if this legislation passed.

Senator Shippy asked whether advancing the sunset provision to require an earlier program reevaluation was a favorable aspect of the bill. **Mr. Birnbaum** reiterated his opposition to the use of federal funds. He stated the brief sunset period suggested limited confidence in the program, but the primary concern was the State should avoid government involvement in the child care sector.

Senator Zuiderveld asked if this program was sustainable considering the current federal budget and how this legislation incorporated changeable federal mandates to protect Idaho sovereignty. **Mr. Birnbaum** responded the federal budget was at \$7 trillion, with growth areas in Social Security, Medicare, and Medicaid. He explained if federal funding was withdrawn, maintenance of the program would fall on the State.

Senator Lenney stated he understood the program would continue without the passage of **S 1419**. He asked for Mr. Birnbaum's opinion. **Mr. Birnbaum** explained IDHW could not move forward with the program if no money was appropriated to the program.

TESTIMONY: **Doug Taylor**, Foundation for Government and Accountability (FGA), spoke in favor of **S 1419**. He supported the focus on program integrity through accountability, imposing consequences for those who were fraudulent, and legislative oversight.

DISCUSSION: **Senator Wintrow** asked if FGA was a national group based in the District of Colombia. **Mr. Taylor** replied the group had policy analysts across the country. **Senator Wintrow** asked if he helped write this legislation. **Mr. Taylor** stated he did not.

In closing, **Representative Redman** addressed concerns raised. He explained the administrative rules in question were moved to the daycare section and remained unchanged. **S 1419** did not appropriate funds but focused on strengthening program integrity to prevent fraud, waste, and abuse. The bill included a two-year sunset and ensured that, if the enhancement budget was approved, the program would operate with safeguards to ensure funds were used appropriately.

Acting Senator Bjerke asked if the ICCP would continue if this bill were held. **Representative Redman** explained that if **S 1419** did not pass, the ICCP would continue without the added integrity safeguards, however, the program would not be funded if the budget failed to pass.

Senator Shippy voiced his concern about creating a child care program in statute. He believed this program represented improper government intervention in a family matter. He explained he preferred language that set parameters for an existing funded program rather than formally creating the program in statute. **Representative Redman** agreed with his concerns, but explained there needed to be safeguards in place for the current program.

Chair VanOrden requested Director Charron address concerns about foster care and eligibility. **Director Charron** explained the concerns raised could be addressed with administrative rules in coordination with the Legislature. **Chair VanOrden** wanted confirmation that temporary rules could be enacted to take effect immediately. **Director Charron** answered affirmatively and clarified that current federal funding for the ICCP was approximately \$76 million.

Senator Wintrow asked how IDHW could promulgate rules for this program after the rules were repealed. **Director Charron** responded the existing rules for the ICCP would be repealed by this legislation, however, a temporary rule could be enacted to address foster parent eligibility. **Senator Wintrow** asked if this would be an eligibility requirement which could not be changed in rule. **Director Charron** stated the rule would provide clarification in regards to eligibility.

Senator Zuiderveld inquired about the proportion of total federal funds allocated to ICCP subsidies. **Monty Prow**, Deputy Director, IDHW, replied around \$54 million were federal funds.

Chair VanOrden requested Ms. Tiddens explain why there was immense concern about foster care eligibility. **Ms. Tiddens** replied the main concern was the affordability and maintenance of the ICCP with its current eligibility standards that were outlined in administrative rule. She reiterated that this legislation was not a clean transfer of administrative rules to code.

Chair VanOrden noted that legislators had raised valid concerns about the program's integrity and oversight, prompting efforts to develop a solution. She expressed concern that without statutory safeguards, the State could face the same issues again while the program continued to receive funding. She emphasized the need for measures to ensure proper administration and accountability.

Senator Shippy stated he could not support the bill as written.

MOTION: **Senator Lenney** moved to send **S 1419** to the floor with a **do pass** recommendation. **Senator Blaylock** seconded the motion.

DISCUSSION: **Senator Lenney** stated the program would continue to exist with or without this legislation. He noted aspects of **S 1419** that he liked, such as Attorney General fraud enforcement and the sunset clause.

Senator Zuiderveld stated long-term reliance on federal funding was irresponsible and created potential future state funding obligations.

Senator Wintrow said the program was funded entirely with federal funds and there was no State match. She expressed concern that eligibility could not be changed in rule.

SUBSTITUTE MOTION: **Senator Wintrow** moved to send **S 1419** to the 14th Order of Business for possible amendment. The motion failed for lack of a second.

ROLL CALL VOTE: **Senator Zuiderveld** requested a roll call vote on the original motion to send **S 1419** to the floor with a **do pass** recommendation. **Senators Harris, Lenney, Blaylock, Keyser, Acting Senator Bjerke (Bjerke), and Chair VanOrden** voted aye. **Senators Zuiderveld, Shippy, and Wintrow** voted nay. The motion carried.

S 1418 **KRATOM - Adds to existing law to establish the Idaho Kratom Consumer Protection and Safety Act.** **Senator Nichols** requested **S 1418** be sent to the 14th Order of Business to provide further clarification. Changes were requested by the Idaho State Police (ISP), and additional labeling requirements were requested by the Idaho Association of Physicians. She stated kratom was a plant that had been sold in Idaho for over 25 years. Natural kratom contained trace amounts of 7-hydroxymitragynine (7-OH), however, the Food and Drug Administration (FDA) recommended regulation of only 7-OH, the high potency, synthetic compound. She stated Idaho had no clear safety standards for kratom products, however, this legislation would set clear limits. Products could not legally exceed 2 percent 7-OH or one milligram per serving of 7-OH. The legislation improved transparency, restricted kratom sales to adults 21 and older, and set penalties. **Senator Nichols** said the legislation reflected conversations with law enforcement, counselors, health care providers, businesses, and consumers. She noted several states had adopted similar legislation (Attachment 2).

TESTIMONY: The following individuals testified in opposition of **S 1418**:

- Jeffrey Keller, MD.
- Tia Rustici.
- Chief Tracy Basterrechea, Idaho Chiefs of Police Association (ICPA).
- DeNae Jones.
- Jenivee Hardcastle, Substance Abuse Counselor.
- Caleb Matlock.
- Ryan Rustici.
- Sheriff Samuel Hulse, Bonneville County Sheriff's Office.
- Shante Sanchez, Bonneville County Coroner's Office.

Several testifiers opposed the bill because kratom was addictive and unsafe despite its natural origin. The testifiers advocated for placing kratom in Schedule 1 of the Uniform Controlled Substances Act. **Ms. Rustici, Ms. Jones, Mr. Matlock, and Mr. Rustici** supported a full ban on kratom and shared stories of losing a loved one to a kratom overdose. **Dr. Keller** and **Ms. Hardcastle** stated that individuals experiencing kratom withdrawal exhibited symptoms similar to those associated with heroin withdrawal. Several testifiers were concerned **S 1418** would block local communities from deciding what was best for them and would instead protect the kratom industry.

Chief Basterrechea said this legislation would create new costs for the Idaho State Police (ISP) and required additional responsibilities for an understaffed agency. He stated **S 1418** created a pathway to broader drug legalization and prioritized profits over public safety.

DISCUSSION: **Senator Lenney** asked if kratom could lead to opioid addiction. **Mr. Keller** answered kratom could act as a gateway drug leading to other addictions.

Senator Blaylock inquired about testing requirements. **Chief Basterrechea** stated these requirements would fall onto ISP and testing equipment had a one-time cost of \$350,000, in addition to \$35,000 annual ongoing costs.

Senator Keyser asked if there was specific language Mr. Basterrechea was referring to in the legislation that would lead to further drug legalization. **Chief Basterrechea** responded it was the ICPA's belief that this legislation set the framework for future legalization of marijuana. He noted this legislation would not ban the possession of 7-OH products and did not provide actionable enforcement authority to law enforcement.

Acting Senator Bjerke asked if ISP currently had enforcement authority for kratom products. **Chief Basterrechea** answered ISP did not and explained the ICPA's opinion was this legislation did not affect kratom or 7-OH products in the State. **Acting Senator Bjerke** asked if this legislation would change current law enforcement of kratom products. **Chief Basterrechea** answered the legislation would not.

Senator Shippy noted the statement of purpose was fiscally neutral and requested further information on testing equipment costs. **Chief Basterrechea** replied the bill made ISP responsible for testing, and ISP currently did not have the equipment to differentiate between a 7-OH product and natural kratom.

TESTIMONY: The following individuals testified in support of **S 1418**:

- Grayson Abele, toxicologist.
- Robert Durkin, American Kratom Association (AKA).
- Allie Mathes.
- Gina Rogers.
- Norm Litchfield, MD, Idaho Society of Addiction Medicine (IDSAM).
- Professor Marilyn Huestis.
- Isaiah Holley, 7Hope Alliance.
- Doug Ball, Jacksons Food Stores.
- Kaylee Lamont, 7Hope Alliance.
- Tyson Baker.
- Curt Bramble, AKA.
- Andrea Jackson, Jackson BevCo Inc.
- Cate Heil, IDSAM.
- Tremayne Arnold, Capitol Distributing.
- R. Shane Lee.
- Christopher Deoudes.
- Shawn Lepper.
- Drake Fischer.
- Heidi Sykora, DNP, International Plant and Herbal Alliance.
- Brianna Bodey.
- Lora Romney.
- Melody Woolf.

Reasons testifiers supported **S 1418** included personal experiences with kratom to manage pain or substance dependence. Many noted risks were associated with 7-OH products. Individuals testified the reported kratom overdose in Bonneville County utilized incomplete toxicology reports and noted faults in the coroner reports.

Ms. Huestis explained her personal kratom research and data which showed tolerability for use of natural kratom. Several testifiers noted a full kratom ban would force users into withdrawal, which would lead to increased demand for illicit opioids.

DISCUSSION: **Senator Wintrow** asked what individuals would resort to if a full ban were implemented and if amendments would sufficiently address safety concerns. **Mr. Litchfield** outlined his understanding of the amendments and said that if individuals sought other opioids, they were at a much higher risk of overdose.

Senator Shippy asked if Mr. Baker supported adding a special tax to kratom to offset the cost of enforcement and testing. **Mr. Baker** replied that every batch of kratom had to be tested through certified third-party laboratories. He explained if law enforcement inquired about a kratom business, they would receive a batch number and a lot number, which was registered with a lab. He believed kratom businesses would not have a problem including amendments related to this matter.

Senator Lenney asked if Mr. Bramble served in the Utah Legislature. **Mr. Bramble** explained he was in the Utah Senate for 24 years before retiring in 2024. **Senator Lenney** asked Mr. Bramble if he had worked with Senator McKell on the original Utah kratom legislation. **Mr. Bramble** clarified that Senator McKell introduced a kratom ban bill in Utah, in contrast, he had worked on banning only adulterated kratom in Utah.

Senator Shippy noted conflicting testimony regarding the addictive nature of kratom and asked whether the addictiveness could be attributed to other substances.

Ms. Heil responded that while kratom-specific testing was not routinely included in standard drug screenings, common illicit substances were tested for and were not present in cases she experienced.

Senator Wintrow requested Ms. Heil explain the importance of labeling. **Ms. Heil** said that a common phrase from her patients was if they would have known kratom could be addictive they never would have used kratom products. She explained the first step in reducing harm was including a warning label. She suggested additional labeling advising consultation with a physician before use.

Senator Harris asked what position the Idaho Medical Association (IMA) took on **S 1418**. **Susie Keller**, Chief Executive Officer of the IMA, stated this was a complicated issue and the IMA did not have a position on **S 1418**.

Senator Wintrow expressed concern that failure to pass regulatory legislation could result in no action being taken, leaving the substance unregulated. **Ms. Keller** responded that while regulation was preferable to inaction, additional consideration may be needed to ensure regulatory measures adequately addressed public health concerns.

Senator Shippy asked Ms. Sanchez whether it was possible to distinguish between natural kratom and synthetic products in kratom-related deaths. **Ms. Sanchez** replied testing limitations made it difficult to keep pace with rapidly evolving synthetic products.

In closing, **Senator Nichols** addressed testifier concerns regarding testing costs, age restrictions, and kratom's use in other countries. She emphasized that kratom should be regulated in the same way alcohol and tobacco were regulated. **Senator Nichols** believed this legislation was a balanced approach and would be Idaho's best enforceable public safety framework for kratom products.

Senator Zuiderveld asked if products were being laced at factories or during transit. **Mr. Deoudes** replied that 7-OH was coming from China. **Senator Zuiderveld** shared her concerns regarding false retaliation against kratom stores. **Mr. Deoudes** said kratom companies were FDA compliant and welcomed ISP's involvement.

Senator Keyser asked if the style of enforcement in **S 1418** was similar to tobacco and alcohol enforcement. **Senator Nichols** answered affirmatively and added the Boise Police Department's drug and alcohol enforcement division requested it be similar.

Senator Shippy asked if there were proposed amendments in addition to the amendments provided for the Committee. **Senator Nichols** said additional amendments included clarification that ISP was not required to test products and additional labeling requirements. **Senator Shippy** asked if the enforcement clause would be removed or if testing would be removed. **Senator Nichols** clarified that nothing would be removed, however, testing would fall under the manufacturer or producer. **Senator Shippy** asked if Senator Nichols agreed this legislation could ultimately incur costs for the State. **Senator Nichols** said it could go either way, but this legislation would create initial regulations that could be changed in the future.

MOTION: **Senator Keyser** moved to send **S 1418** to the 14th Order of Business for possible amendment. **Senator Wintrow** seconded the motion.

VOICE VOTE: The motion carried by **voice vote**. **Senators Harris, Blaylock, and Chair VanOrden** requested to be recorded as voting nay.

ADJOURNED: There being no further business at this time, **Chair VanOrden** adjourned the meeting at 5:56 p.m.

Madyson Crea
Secretary

Senator VanOrden
Chair

Rachel Verrette
Secretary