

Idaho Academy of Family Physicians  
2023 Legislative Report  
Week 12 March 20 – March 31

**Abortion law clarification passes legislature**

This bill (H342) is a product of tons of work behind the scenes this year that has included the IAFP, the IMA, the IHA and others. Included in the bill is the easing of restrictions on providers as it relates to pregnancy care. It eliminates the affirmative defense provision of Idaho's current abortion laws, and clarifies definitions of what is not abortion, including removal of a dead fetus, molar pregnancy, and ectopic pregnancy. It still does not include exemptions for the health of the mother, but only for impending death of the mother. Some in the medical community provided lukewarm support for the bill as it made some modestly positive changes to the law, while others opposed the bill because it does not go far enough to provide clarity on the legal necessity to preserve the health of the mother. This can only be described as a half-a-loaf in terms of what the medical community would prefer, but there were many comments from legislators who suggested further work on the issue needs to be done in the future. The bill now goes to the Governor for action.

This has been a very delicate issue and this proposal is a very delicate compromise bill that will leave no one completely satisfied.

**Amended Gender-Affirming Care bill sent to the Governor**

An amended version of House bill 71, the overly restrictive gender-affirming care bill was approved by both houses and sent to the Governor on March 30. The amended bill did not substantially change the provisions of the bill, it merely moved the language into another section of code. This bill has been rather controversial and many are pressing Governor Little to VETO the bill. As of this writing, the Governor has not yet acted on the bill.

**Note on format of this report:** as of Friday, March 31, the legislature has finished all items on their agendas and has recessed for one week to allow time for the Governor to act on bills. Below is the report of what we know at this moment of the final disposition of legislation we have been tracking. Bills that have been passed by both bodies or have become law are first, followed by bills of interest that did not survive the process.

Bills that have passed both House and Senate or have become law:

**H71: “Gender Affirming Care”** by Rep. Skaug

Criminalizes gender affirming care for minors. Makes it a felony to provide surgery, hormone therapy, and puberty blockers to minors suffering from gender dysphoria, with jail time of ten years.

*Status: **To Governor on March 28.** Amended by Senate and concurred by House.*

**H213 (formerly H084): “Rural Nursing Loan Program”** by Rep Healy

Creates a fund and loan repayment program to reimburse nurses for educational expenses when/if they practice in a rural health shortage area or critical access hospital. Maximum of \$25,000 total repayment based on verifiable educational cost.

*STATUS: **LAW.** Signed by Governor on March 20. Passed Senate 18-17 on March 14. Passed House 39-30 on March 3.*

**H330 (formerly S1108): “Cigar tax Cap”**, by Rep. Redman

All tobacco products, excluding cigars, will continue being subject to this 40% tax on the wholesale price, with cigars being capped at a tax of 0.50 cents per cigar.

*STATUS: **To Governor.** Passed Senate 25-8 on March 28. Passed House 60-10 on March 20. Introduced on March 14.*

**S1130: “Coronavirus Stop Act”** by Sens Winder, Lakey, Adams, Rep. Crane

Establishes limitations on the ability of private and public entities to impose a requirement that individuals receive a coronavirus vaccination.

*Status: **To Governor** on March 30. Passed House 43-27 on March 30. Passed Senate 28-7 on March 14. Introduced on March 8.*

**H244: “Care Facilities, Visitation, Vaccination”** by Rep. Young

Provides for in-person visitation rights and not preclude a visitor's vaccination status.

*STATUS: **To Governor** on March 29. Passed Senate 34-0 on March 24. Passed full House 57-11 on March 13.*

**S1096: “Alzheimers, dementia”** by Sen. Harris

Directs Department of Health and Welfare to convene the Alzheimer’s Disease and Related Dementias (ADRD) Alliance every five years, to update the ADRD

Strategic Plan for Idaho, and report to the Legislature and Governor on gaps, needs, and progress.

*STATUS: **LAW.** Signed by Governor on March 28. Passed House 67-0 on March 21. Passed Senate 35-0 on March 7. Introduced on Feb 15.*

**H061: “Telehealth Access Act”** by Rep. Young

This bill allows for interstate telehealth mental and behavioral health access to providers.

*Status: **LAW.** Signed by Governor on March 27. Passed Senate 32-3 on March 21. Passed House 54-14 on March 3. introduced on Jan 31.*

**H187 (formerly H72): “Sudden Cardiac Arrest”** by Rep. Ehlers

This bill is to encourage greater access of automatic external defibrillators (AEDs) in the public by removing undue regulations for persons or businesses that have an AED. It adds stronger immunity protections (commonly called “Good Samaritan laws”) for AEDs.

*STATUS: **LAW.** Signed by Governor on March 23. Passed Senate 35-0 on March 20. Passed House 65-0 on March 3. Introduced on Feb 21.*

**H031: “Certified Medication Assistants”** by Rep. Healy

Allows additional accredited bodies to provide education and certification to CNAs who want to become MA-C certified.

*STATUS: **LAW.** Signed by Governor on March 20. Passed full Senate 34-0 on March 13. Passed full House 70-0 on Feb 17. Introduced Jan 25.*

**H003: “Physicians and Physician Assistants”** by Rep. Wheeler, IDOPL

This bill would remove the registration requirement for supervising physicians for the purpose of supervising interns, residents, physician assistants, or other medical personnel.

*STATUS: **LAW.** Signed by the Governor on March 6. Passed Senate 33-0 on Feb 23, to Governor. Passed House 65-0 on Jan 30. Introduced in House Health and Welfare on January 18.*

**H004: “Controlled Substances”** by Rep. Chew, IDOPL

This is the annual conformity bill to align Idaho’s Controlled substances act with federal FDA changes. In this case, it places synthetic opioids into Schedule I, a

substance to treat insomnia in Schedule IV, and an anti-convulsive substance in Schedule V.

**STATUS:** **LAW.** Signed by Governor on March 6. Passed Senate 25-8 on Feb 23, to Governor. Passed full House 53-13 on Jan 30. Introduced in House Health and Welfare on January 18.

**S1029: “Child Protection, Immunizations”** by Sen. Lenney

Prohibits investigations and court orders terminating a parent’s relationship with their child based on the child’s immunization status.

**STATUS:** **LAW.** Signed by Governor on Feb 27. Passed House 64-5 on Feb 20. Passed Senate 31-3 on Feb 13. Introduced on Jan 26.

**H153 (formerly H62): “Bridge Year Physicians”** by Reps. Wheeler and Dixon

Directs State Board of Medicine to create standards and new license for those physicians who have graduated from Medical school but have not matched with a residency to be able to provide certain care in the interim.

**STATUS:** **LAW.** Signed by Governor on March 21. Passed Senate 33-1 on March 13. Passed House 67-0 on Feb 24. Introduced on Feb 15.

**H162: “Virtual Health Care”** by Rep. Redman

Expands definition of Virtual Care and virtual care practice parameters. Expands scope of practice and changes definition of patient/provider relationship.

**STATUS:** **LAW.** Signed by Governor on March 21. Passed Senate 34-0 on March 13. Passed House 69-0 on Feb 28. Introduced on Feb 17.

**S1005: “Daycare, immunizations”** by Sen. Herndon

Requires daycare facilities to make parents/guardians aware of their right to vaccine exemptions in any case they are made aware of vaccine recommendations.

**STATUS:** **LAW.** Signed by Governor on March 20. Passed House 66-4 on March 14. Passed Senate 34-0 on Feb 9. introduced on Jan 19.

**H223: “Medical Consent, Natural Death”** by Rep. Healy

provides clarity to providers and the public who utilize advanced care plans, living wills, and durable power for health care.

**STATUS:** **To Governor.** Passed Sente 34-1 on March 28. Passed House 69-0 on March 8, awaiting hearing in Senate Health and Welfare Committee.

**H242 (formerly H098): “Abortion, Pregnant Minors”** by Rep. Ehart

Adds definitions related to the illegal trafficking of minors to procure a criminal abortion and amends the section of Idaho code dealing with criminal abortion by prohibiting anyone from trafficking a minor for a criminal abortion with the intent of concealing the crime from the minor’s parents.

*Status: **To Governor.** Amended and Passed by Senate 27-7 on March 30. Passed House 57-12 on March 7. Introduced on March 1.*

Bills of interest that failed to pass both bodies:

**H224: “Medical Consent, Pelvic Exams”** by Reps. Green, Skaug, Young

Prohibits pelvic examination of anesthetized or unconscious patients. Legislation does provide exceptions for specific occurrences.

*STATUS: **Returned to Senate Health and Welfare Committee** on March 30. Passed House 68-0 on March 14.*

**H331: “Tobacco Products, Vaping”** by Reps. Raymond, Green

Includes electronic smoking products into definition of all other tobacco-related products and provides for taxation.

*STATUS: **Did not receive hearing** in House Revenue and Taxation Committee.*

**H201 (formerly H122): “Medicaid Eligibility, postpartum”** by Rep. Blanksma

Expands Children’s Health Insurance Program (CHIP) and postpartum health coverage. Expands coverage from 60 days to one year.

*STATUS: **NO ACTION** Introduced on Feb 23, awaiting action by House Health and Welfare Committee*

**H155 (formerly H069): “Vaccines, prohibition”** by Rep. Monks

Codifies and expands Governor’s executive order and provides that individuals will not be required to provide proof of vaccination or negative test results in order to: apply or receive services provided by the state; enter a government venue; or be hired or maintain employment with the state with some exceptions.

*STATUS: **NO ACTION THIS WEEK** To Senate Amending order for possible amendments on March 3. Passed House 49-21 on Feb 20. Introduced on Feb 15.*

**S1088: “Coronavirus Stop Act”** by Sens. Adams, Winder, Lakey, Rep. Crane

Establishes limitations on the ability of private and public entities to impose a requirement that individuals receive a coronavirus vaccination.

*STATUS: NO ACTION. Introduced on Feb 14. Awaiting action in Senate Judiciary and Rules Committee.*

**H308: “Medical ethics Defense Act”** by Rep. Wisniewski

The purpose of this legislation is to recognize and protect the rights of conscience for health care practitioners and health care entities when they are asked to provide medical services which go against their conscience.

*STATUS: HELD in House Health and Welfare Committee on March 17.*

**S1108 (Replaced by H330): “Tobacco Tax, cigars”** by Sens. Bjerke, Bernt, Rep. Redman

Caps excise tax on cigars at 0.50 cents per cigar. All tobacco products, excluding cigars, will continue being subject to 40% tax on the wholesale price.

*STATUS: Passed Senate 31-2 on March 6. Awaiting action by House Revenue and Taxation Committee.*

**H200: “Medicaid, Managed Care Transition”** by Rep. Redman

Implemented Managed Care for Idaho’s Medicaid programs.

*STATUS: FAILED in House Health and Welfare Committee on March 8.*

*(Apparently watered down “resolution” expressing will of the legislature on this issue is forthcoming). Introduced on Feb 23.*

**H081: “Maternal Mortality Review Committee”** by Rep. Healy

Completely removes sunset date for the Maternal Mortality Review Committee (currently scheduled for July 1, 2023).

*STATUS: Returned to sponsor from House Health and Welfare on Feb 15. Introduced on Feb 2.*

**H123: “Medicaid expansion, repeal”** by Rep. Vander Woude

Repeals the Medicaid Expansion law approved by Idaho voters a five years ago.

*STATUS: NO ACTION. Introduced on Feb 10 in House Health and Welfare Committee, awaiting hearing. (NOTE: Rep. Vander Woude claims he’s introducing this merely to spur conversation about the cost issue, no intent to move bill forward)*

**H146: “Substance Abuse Prevention Fund”** by Rep Erickson

Creates new fund and distribute \$1.5 million from Liquor Account into this new fund.

*STATUS: NO ACTION. Introduced in House Health and Welfare on Feb 15, awaiting committee hearing.*

**H307 (formerly H154): “mRNA Vaccine, Misdemeanor”** by Sen Nichols, Rep. Boyle

Makes providing or administering a vaccine using a messenger ribonucleic acid technology in an individual may not be administered, and is subject to fines.

*STATUS: Did not receive a hearing in House Health and Welfare.*

**H154 (replaced by H307): “Vaccines, misdemeanor”** by Rep. Boyle, Sen. Nichols

Establishes that providing a Vaccine containing mRNA technology is a misdemeanor violation in Idaho.

*STATUS: Introduced in House Health and Welfare on Feb 15 awaiting committee hearing.*

**H98: (replaced by H242) “Abortion, pregnant minors”** by Rep. Ehart, Sen. Lakey and others

Makes it illegal to take a minor out of state to procure an abortion.

*STATUS: NO ACTION THIS WEEK. Introduced on Feb 7 in House State Affairs committee, awaiting hearing.*

**S1050: “Child protection, notification”** by Sen. Herndon

Establishes certain rights and notification thereof, of the parents or guardian in the case of an investigation into child abuse or neglect. Rights include: right to not answer questions; right to consult with an attorney; right to refuse investigators entry into the home; and right to refuse questioning of any minor children in the home.

*STATUS: NO ACTION. Introduced on Feb 7 in Senate Judiciary and Rules committee, awaiting hearing.*

**H109: “Hospitals, property tax”** by Rep. Tanner

Eliminates property tax exemption for associated properties affiliated with a hospital facility. Administrative offices, etc. would no longer be eligible for

property tax exemption – only those buildings that meet the strict definition of a hospital would qualify for exemption.

*STATUS: NO ACTION. introduced on Feb 9 in House Revenue and Taxation Committee, awaiting hearing.*

**H110: “Property tax, hospitals”** by Rep. Tanner

Gives discretion to County Commissioners to decide if hospital properties are granted property tax exemption under their non-profit status.

*STATUS: NO ACTION. Introduced on Feb 9 in House Revenue and Taxation Committee, awaiting hearing.*

**H026: “Children’s Mental Health Services”** by Rep. Erickson

Regarding confidentiality or disclosure of information where a parent is seeking information for Medicaid coverage. Also clarifies that providing access to such services and support is necessary reason to obtain medical records.

*STATUS: NO ACTION. Introduced in House Health and Welfare on Jan 25, awaiting full hearing.*

**H027: “Employee Medical Information Protection Act”** by Rep. Shepherd

This bill is designed to prevent discrimination in the workplace based on vaccination status as it pertains to Coronavirus or other emergency authorized vaccines.

*STATUS: NO ACTION. Introduced in House Business committee on Jan 25, awaiting committee hearing.*

**H028: “Allied Health Professions Board”** by Rep. Erickson, IDOPL

Creates the Allied Health Professions Board by combining the Physical Therapy Licensure Board, the dieticians licensing board, occupational therapy licensure board, board of athletic trainers, and respiratory therapy licensure board into one oversight board to regulate those entities.

*STATUS: NO ACTION. Introduced in House Health and Welfare on Jan 25, awaiting committee hearing.*

**S1162: “Smoking In Cars with Minors”** by Sen. Lent

This legislation prohibits smoking or vaping in a vehicle when a minor, age 18 or under, is present. Enforcement is through fines. Adds Vaping to the law.



Status: **Did not receive a hearing** in Senate State Affairs Committee. Introduced on March 13.

**S1002: “Abortion”** by Sens. Herndon and Foreman

This bill changes the definition of abortion in the criminal abortion law to mean any viable fetus within the uterus and done so in an intentional manner. (the intent here is to eliminate the arguments regarding care for ectopic pregnancies or any extrauterine implantation/growth).

STATUS: **NO ACTION**. Introduced in Senate State Affairs Committee on January 16, awaiting committee hearing.

**S1018: “Food, Vaccines”** by Sen Nichols

Prohibits the placement of vaccines or vaccine material in food without notification of such.

Status: **NO ACTION**. Introduced on Jan 25, awaiting hearing in Senate Health and Welfare committee.

**H062 (replaced by H153): “Bridge year physician licensing”** by Reps. Wheeler and Dixon

Directs State Board of Medicine to create standards and new license for those physicians who have graduated from Medical school but have not matched with a residency to be able to provide certain care in the interim.

Status: *Will not advance.*

**H69 (replaced by H155): “Vaccines, Coronavirus”** by Rep. Monks

Codifies the Governor’s Executive Order stating that no proof of vaccination shall be required in order to apply for or receive state services, enter a government facility or work for a state contractor.

Status: *Will not advance.*

**H122 (replaced by H201): “Medicaid, Postpartum Coverage”** by Rep. Blanksma

Expands Children’s Health Insurance Program (CHIP) and postpartum health coverage. Expands coverage from 60 days to one year. Expands qualification from 138% of poverty level to 205%.

STATUS: **NO ACTION THIS WEEK**. Introduced on Feb 10 in House Health and Welfare Committee, awaiting hearing.

**H020: “Child Protection – false reports”** by Rep. Scott, Sen Herndon

Adds a misdemeanor criminal penalty to possible civil penalties in the case a knowingly false report, a report in bad faith, or with malice, to Child Protective Services is filed.

*STATUS: held in House Judiciary and Rules Committee on Feb 17. Introduced on January 20.*

**H084 (replaced by H213): “Rural Nursing Loan repayment”** by Rep. Healy

Creates a fund and loan repayment program to reimburse nurses for educational expenses when/if they practice in a rural health shortage area or critical access hospital. Maximum of \$25,000 total repayment based on verifiable educational cost.

*STATUS: Returned to committee on Feb 27. New bill to be printed. Passed House Health and Welfare Committee on Feb 16. Introduced on Feb 2*

**H72 (replaced by H187): “Sudden Cardiac Arrest”** by Rep. Ehlers

Removes barriers to access to Automatic External Defibrillators, by strengthening liability protections of such use under the Good Samaritan laws.

*Status: NO ACTION THIS WEEK. Introduced on Feb 2, awaiting hearing in House Judiciary, Rules, and Administration Committee.*

**H039: “WWAMI Contracts”** by Rep. Berch

Repeals requirement that WWAMI students must return to practice in Idaho or repay their expenses.

*STATUS: NO ACTION. Introduced on Jan 25, sent to Ways and Means Committee (unlikely to advance).*

**S1012: “Patient Right to visitation”** by Sen. Bjerke

Ensures fundamental right to family to visit their relatives in a hospitals, hospices, and long-term care facilities. No health care facility may require a vaccine as condition for visitation, and every health care facility must allow their patients to be hugged by their loved ones.

*STATUS: NO ACTION. introduced on Jan 20, awaiting hearing in Senate Health and Welfare Committee. (unlikely to advance)*

**S1009: “Health Rights”** by Sen. Foreman

This is a list of patient rights that includes no mandates of vaccines, masks, etc; prohibits government entities from advertising the use of experimental drugs, vaccines, etc.; clarifies a patient cannot be denied treatment for refusing a vaccine; a right to informed consent; shall not be administered an experimental vaccine without express consent; right to visitation in a medical facility; and a number of other things that are currently guaranteed under the law...

*STATUS: **NO ACTION**. Introduced in Senate Health and Welfare on January 19, awaiting hearing. (unlikely to advance)*

Ken Burgess

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