

MINUTES  
**SENATE HEALTH & WELFARE COMMITTEE**

**DATE:** Tuesday, February 05, 2019

**TIME:** 3:00 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Martin, Vice Chairman Souza, Senators Heider, Lee, Harris, Burtenshaw, Bayer, Jordan, and Nelson

**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:** **Chairman Martin** called the meeting of the Senate Health and Welfare Committee (Committee) to order at 3:05 p.m.

**RS 26590** **Kelli Brassfield**, Policy Analyst, Idaho Association of Counties, presented **RS 26590**, to repeal the requirement to provide and certify an educational AIDS pamphlet. She explained that in 1988, Idaho Code § 32-412A was updated to require that county recorders issue an educational pamphlet about AIDS to those applying for marriage licenses. Education regarding HIV and AIDS has greatly advanced since then, and this RS proposes to remove that section of code from the duties of the county recorder.

**MOTION:** **Vice Chairman Souza** moved to send **RS 26590** to print. **Senator Heider** seconded the motion. The motion passed by **voice vote**.

**RS 26523** **Mr. Brassfield** presented **RS 26523**, relating to the "Chairman" requirement of the Regional Behavioral Health Board. She explained that last year, H 337, brought by the Idaho Department of Health and Welfare, added a county commissioner to the appointing authority of each regional behavior health board. However, after the bill passed, the Idaho Association of Counties realized that the new language limited the seat to a Chairman of the Board of County Commissioners within the district. This RS will amend Idaho Code § 39-3122 to remove that chairman requirement, and therefore allowing any commissioner within a district to participate in this opportunity.

**MOTION:** **Senator Lee** moved to send **RS 26523** to print. **Vice Chairman Souza** seconded the motion. The motion passed by **voice vote**.

**H 10** **Berk Fraser**, Deputy Executive Director of the Idaho Board of Pharmacy (Board), presented **H 10**, relating to the Pharmacy Practice Act. He explained that this bill cleans up obsolete provisions and removes unnecessary restrictions in the Pharmacy Practice Act. It will allow pharmacists to practice across state lines more easily by making the pharmacy license more mobile. The bill will broaden Idaho's local public health districts' abilities to dispense medications, thereby increasing access to care. It will also mirror language found in other health professions allowing the Board to take emergency disciplinary action. Finally, the bill corrects the state's Donation Act to be more consistent with other states in allowing expired animal medications to be donated for use by other animals.

**DISCUSSION:** **Senator Jordan** asked if interstate compacts were in place for pharmacy practice. **Mr. Fraser** replied that rules were in place, but this bill will allow the Board to implement those rules. He clarified, after a question from Vice Chairman Souza, that this is new for pharmacy, and that he wasn't aware of any other boards taking up something similar.

**Senator Jordan** pointed to page 7 of the bill, lines 44 to 49, outlining procedures for acting quickly in an emergency to suspend, revoke, or restrict license registration. She asked where the procedures for that emergency were located in code or elsewhere. **Mr. Fraser** responded that this was done by the direction of the Attorney General's Office. The rule allows the Board to act quickly on a license that is a danger to public health, but they must act according to procedures set out in the Administrative Procedures Act. He asked for Alex Adams, former Director of the Board, to come forward and speak more to the issue.

**Mr. Adams** noted that this same language was added by the Board of Dentistry last year. The Administrative Procedures Act contains language related to emergency hearings, but the Attorney General's opinion was that similar language needed to be in place within their own practice act before they could take that emergency action. He explained cases related to opioids that should have triggered an immediate revocation of the pharmacist's license, but did not. **Vice Chairman Souza** asked if this language was modeled off anything and how it compares to other compacts. **Mr. Adams** explained that this language is drawn from a nurse licensure compact based on mutual recognition with other states. What Idaho currently has for pharmacy only pertains to license transfer, but at exorbitant cost from the National Pharmacy Association. Idaho is the first state to attempt this type of compact for pharmacy, and its success is dependent on other states joining in, which he believes is likely to happen.

**Senator Heider** and **Mr. Fraser** discussed the definition of "PIC" as used throughout the bill, since "person in charge" was crossed out in several places, and why the change to "pharmacist in charge" was made.

**Senator Nelson** pointed out where the bill removes a provision on drug notification for epilepsy and seizure drugs after 2021. He asked why the notification was originally there and why it was being removed. **Mr. Fraser** explained that it had to do with differences between brand name and generic products being prescribed. **Mr. Adams** further explained that there was a national fear when this provision was introduced that brand switching could result in patient harm. A study done by the FDA showed that there was no harm done when switching between generic and brand name products, and the American Epilepsy Society acknowledged the results of that study. The provision is being removed to reflect this new evidence. He also explained the reason for the 2021 date.

**Senator Jordan** asked Mr. Adams why the bill repeals Idaho Code § 54-1763, which relates to Board duties and powers and legend drug donation. **Mr. Adams** indicated that several different acts are being consolidated into a chapter of this bill, including the Legend Drug Donation Act and the Wholesale Drug Distribution Act.

**TESTIMONY:** **Pam Eaton**, President and CEO of the Idaho Retailers Association, testified in support of **H 10** and commended the Board of Pharmacy for their work.

**MOTION:** **Senator Burtenshaw** moved that **H 10** be sent to the floor with a **do pass** recommendation. **Senator Heider** seconded the motion. The motion passed by **voice vote**.

**H 11** **Mr. Fraser** presented **H 11**, related to the Uniform Controlled Substance Act. He explained that it updates the Uniform Controlled Substance Act to conform with federal law, reflecting changes to various synthetic drugs, such as fentanyl.

**TESTIMONY:** **Kurt Stembridge**, Greenwich Bio Sciences (Greenwich), testified in support of the bill. He explained that Greenwich invented the first FDA approved cannabidiol (CBD) oil product, which was changed from a Schedule I substance by the Drug Enforcement Administration (DEA) in 2018. He stated that the last paragraph in **H 11** was identical to the language used by the DEA to schedule their product. He thanked the Board of Pharmacy and described the use of their CBD product in Idaho.

**MOTION:** **Senator Harris** moved to send **H 11** to the floor with a **do pass** recommendation. **Senator Bayer** seconded the motion. The motion passed by **voice vote**.

**H 12** **Mr. Adams** presented **H 12** and explained it relates to opioid antagonists, principally naloxone, which is given to reverse opioid overdoses. He provided an overview of Idaho's original opioid antagonist bill, discussed its success in terms of naloxone use, and noted the lack of criminal penalty for its use. He indicated that Idaho hospitals wanted to engage in opioid outreach programs, but language in statute was creating difficulties in sending social workers out to do this work, especially if it involved giving away free samples. This bill changes language from "prescriber" and "pharmacist" to "health professional," thereby allowing social workers to dispense the drug and increasing opioid outreach programs in Idaho.

**TESTIMONY:** **Janice Fulkerson**, Director of Contracting and Community Relations for Northpoint Recovery, testified in support of the bill. She described the mission and scope of practice of Northpoint Recovery and spoke to the importance of drug recovery and treatment programs.

**MOTION:** **Senator Nelson** moved that **H 12** be sent to the floor with a **do pass** recommendation. **Senator Heider** seconded the motion. The motion passed by **voice vote**.

**ADJOURNED:** There being no further business at this time, **Chairman Martin** adjourned the meeting at 3:40 p.m.

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Senator Martin  
Chair

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Margaret Major  
Secretary

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Jessica Goodwin  
Asst. Clerk/Minutes Editor