

MINUTES
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Wednesday, February 17, 2021
TIME: 1:30 P.M.
PLACE: Room EW05
MEMBERS: Chairman Holtzclaw, Vice Chairman Syme, Representatives Harris, Kingsley, Christensen, Giddings, Wisniewski, Horman, Hanks, von Ehlinger, Weber, Chew, Necochea, Toone

**ABSENT/
EXCUSED:** None

GUESTS: Sarah Clendenon; Rosa Martinez; Naomi Watson; Deanna France; Sabrina Napolitano; Valerie Charles; Dale Ann Barton; Craig Campbell; Eva Selleck; Jamie Neill, IMA; Robert Jones; Jani Revier, IDOL; Michael Johnson, IDOL; Josh McKenna, IDOL; David Pettinger; Audrey Heikkila; Toni Lawson, Idaho Hospital Assoc.

Chairman Holtzclaw called the meeting to order at 1:30 PM.

H 141: **Rep. Troy** presented **H 141** to the Committee stating it would shine a light on what happens between our universities and agencies. It would require any state agency contracts with any Institute of Higher Education to be put out for a bid rather than automatically awarded. She explained there is some concern with language contained in this bill and requested this legislation be sent to the amending order.

MOTION: **Rep. Necochea** made a motion to send **H 141** to the General Orders. **Motion carried by voice vote. Rep. Troy** will sponsor the bill on the floor.

H 138: **Keith Reynolds**, Director, Department of Administration presented **H 138** to the Committee stating it would repeal outdated sections of Idaho Code as part of the Governor's Red Tape Reduction Act. It would remove three disused sections of code which were put in place in 1947 and look like session law, not anything which should be codified. Two of these sections deal with transfer of appropriations and the third deals with leftover proceeds from bond accounts. These funds were transferred to the permanent building fund and were spend many decades ago.

MOTION: **Rep. Syme** made a motion to send **H 138** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Syme** will sponsor the bill on the floor.

H 142: **Jani Revier**, Director, Idaho Department of Labor presented **H 142** to the Committee stating it would further define worker eligibility for unemployment insurance. There is no anticipated neutral impact on the Unemployment Insurance trust fund and no impact on the general fund as they are separate pools of money.

MOTION: **Rep. Syme** made a motion to send **H 142** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Syme** will sponsor the bill on the floor.

H 139: **Susan Buxton**, Administrator, Division of Human Resources presented **H 139** to the Committee stating it would allow state employees to donate unused sick leave to their colleagues. This would have no impact to any budgets or revenues because this is time which is already built in to the state payroll fund.

MOTION: **Rep. Horman** made a motion to send **H 139** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Horman** will sponsor the bill on the floor.

H 140:

Rep. Giddings presented **H 140** to the Committee stating it would add a section to code which would disallow state agencies from discriminating against unvaccinated persons.

Sarah Clendenon, Health Freedom Idaho; **Rosa Martinez**; **Naomi Watson**; **Deanna France**; **Sabrina Napolitano**; **Valerie Charles**; **Dale Ann Barton**; **Craig Campbell**; **Anya Stroup**; **Eva Selleck**; **Robert Jones**; **David Pettinger**; **Audrey Heikkila**; and **Carol Andrews** all gave testimony **in support** of **H 140**. They cited current Idaho Code which allows citizens health freedoms for themselves and their children as well as their constitutional rights. Many of them shared concerns about the possibility they may lose their jobs due to vaccination status and most shared a personal story of a vaccination injury among their family or friends. They stated vaccinations are not a one size fits all therapy and shared concerns about the lack of personalization of care in regards to vaccination. They shared concerns about privacy of medical information and Health Insurance Portability and Accountability Act (HIPAA) violations as well as the concern that a mandate could be a very slippery slope. Overwhelmingly they stated any medical procedure should be a personal choice and nobody should be discriminated against due to their choices.

In response to Committee questions, **Ms. Watson** confirmed that patients can contract diseases after exposure from their caretakers under the right circumstances. She also explained current standards in her workplace allowing staff to opt out of vaccination and requiring staff to wear surgical masks while on duty if they have refused vaccination.

Christine Pisani, Executive Director, Idaho Council of Development Disabilities; **Jamie Neil** Director of Government Affairs, Idaho Medical Association; and **Toni Lawson**, Idaho Hospital Association all testified **in opposition** to this legislation. They stated this legislation is unnecessary as there are already exemptions written into code which allow vaccine choice. They also cited code which allows Medicaid to cover in-home health care for some patients who are immunocompromised. They stated people with compromised immune systems have a right to access to the safest care possible, which in many cases means people who have been vaccinated for common illnesses like the flu. They further stated the disabled community is at a higher risk of contracting communicable diseases as well as developing complications to common diseases such as the flu. This legislation would take away this community's ability to take steps to protect themselves and their families. They stated this legislation would restrict physician's choice in hiring the best candidates for patient care and could easily become a blanket ban against all physicians who contract with Medicaid. They expressed concern for the future, stating there is no way to predict future pandemics and this legislation could interfere with medical progress. They explained no workplace or Hospital in Idaho currently has or supports a vaccine mandate and no employer in the state needs additional policy.

In response to Committee questions **Ms. Pisani** confirmed her organization does not ask employees to divulge if they contract any disease. **Mr. Neil** stated his clients all honor HIPAA and they are currently allowed to require proof of vaccination under federal mandates put in place by the previous administration. He also stated hospitals and physicians follow Centers for Disease Control (CDC) guidelines and safety standards in instances where employees are dealing with a chronic disease such as hepatitis. In response to other Committee questions **Ms. Lawson** stated there are currently a vast number of lawyers and labor groups involved with issues of privacy rights in the face of potential vaccine requirements. They all agreed this legislation is not only a safety issue for some sectors of the population, but also unnecessary due to the number of possible exemptions for employees.

MOTION: Rep. Christensen made a motion to send H 140 the floor with a DO PASS recommendation.

Committee members questioned if individuals or families receiving home health care are able to inquire about vaccination status of any health care workers who come into their homes. They further questioned the impact this legislation would have if those workers are contracted through state providers such as Medicaid. Others stated in this case HIPAA would protect individual worker's rights to privacy in regards to their vaccination status. Committee members commented their respect for an individual's right to choose vaccination or not, but were concerned by wording in the legislation which would prohibit employers from reassigning unvaccinated workers in cases where they could be a potential danger to clients or patients with compromised immune systems. Other Committee members commented this legislation allows all state agencies to function normally and simply bars them from mandating vaccines. Individuals who choose not to be vaccinated may also choose to work in sectors away from people with compromised immune systems.

ROLL CALL VOTE ON MOTION: A roll call vote was requested on the motion. **Motion carried by a vote of 9 AYE, 4 NAY, 1 Absent/Excused. Voting in favor of the motion: Reps. Kingsley, Christensen, Giddings, Wisniewski, Horman, Hanks, von Ehlinger, Weber, and Holtzclaw. Voting in opposition to the motion: Reps. Syme, Chew, Necochea, and Toone. Rep. Harris was Absent/Excused. Rep. Giddings will sponsor this bill on the floor.**

ADJOURN: There being no further business to come before the Committee the meeting adjourned at 3:08 PM.

Representative Holtzclaw
Chair

Emma Wall
Secretary