

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

- DATE:** Thursday, January 27, 2022
- TIME:** 3:00 P.M.
- PLACE:** Room WW54
- MEMBERS PRESENT:** Chairman Martin, Vice Chairman Riggs, Senators Heider, Harris, VanOrden (Bair), Zito, Stennett, and Wintrow
- ABSENT/ EXCUSED:** Senator Lee
- 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 3:00 p.m.
- RS 29017C1** **Updating Clean Air Act Section 128 for State Environmental Boards.** **Jess Byrne**, Director, Department of Environmental Quality (DEQ), introduced himself to the Committee. **Mr. Byrne** stated the proposed amendment to Idaho Code § 39-107 would add one more provision to ensure the composition of the State Environmental Board was consistent with requirements within the Clean Air Act (CAA). The CAA required a majority of members who represent the public interest and do not derive any significant portion of their income from persons or entities subject to air quality permits. He relayed the change was vetted with the various stakeholder groups and there were no concerns.
- DISCUSSION:** **Chairman Martin** asked Mr. Byrne to remind the Committee of primacy and give an update. **Mr. Byrne** responded that primacy was where the state took over implementing federal environmental laws. Idaho had taken over primacy for almost every program that we were able to. The implementation of the Clean Air Act and the Clean Water Act were examples.
- MOTION:** **Senator Wintrow** moved to send **RS 29017C1** to print. **Senator Riggs** seconded the motion. The motion carried by **voice vote**.
- RS 29063C1** **Division of Occupation and Professional Licenses Advisory Committees.** **Tim Frost**, Deputy Administrator, Idaho Division of Occupational and Professional Licenses (DOPL), introduced himself to the Committee. **Mr. Frost** announced he was representing DOPL and the Board of Nursing. He stated this bill made the following changes related to advisory committees:
- This proposal repealed the requirement for the establishment of an advisory committee for advanced practice registered nurses in Idaho Code § 54-1417. The committee was created in 1998 and was no longer needed.
 - The proposal updated Idaho Code § 67-2604, for the administrator of the Division of Occupational and Professional Licenses to establish advisory committees as needed to provide appropriate services to the Division boards and programs. As a part of their reorganization, over 25 advisory committees were identified that do not have statute authority to exist. The proposal allows the division administrator to refine current advisory committees and discontinue advisory committees no longer needed. The creation of any new advisory committees will work in conjunction with the sunrise and sunset procedures established by the Idaho legislature.

- The bill provides for a technical correction from H 318 in the 2020 legislative session regarding consistency in board member honorarium.

Mr Frost reported there was no impact to the General Fund.

MOTION: **Senator VanOrden** moved to send **RS 29063C1** to print. **Senator Riggs** seconded the motion. The motion carried by **voice vote**.

RS 29071C1 **Board of Pharmacy Definitions.** **Tim Frost**, Deputy Administrator, DOPL, introduced himself to the Committee. **Mr. Frost** reported the proposed legislation removes any discrepancies in definitions between statute and the administrative rules of the Board of Pharmacy. The bill moved several well-established definitions from administrative rule to statute, as they apply to terms in statute. He stated the bill consolidated all current statute definitions from seven sections of statute into one definitions section. It also clarified that drug outlets were included as an option for mutual recognition agreements between Idaho and other party states. **Mr Frost** reported there was no impact to the General Fund.

DISCUSSION **Senator Stennett** asked whether the definition on page 2 was not clear elsewhere. **Mr. Frost** responded that section 7 repealed a section of statute where the same definition was found. This was done as part of the simplification process.

MOTION: **Senator Harris** moved to send **RS 29071C1** to print. **Senator VanOrden** seconded the motion. The motion carried by **voice vote**.

RS 29078C1 **Uniform Controlled Substances Act.** **Tim Frost**, Deputy Administrator, DOPL, introduced himself to the Committee. **Mr. Frost**, relayed that The Idaho Board of Pharmacy administered the regulatory provisions of the state's Uniform Controlled Substances Act. This bill mirrors the federal Drug Enforcement Administration (DEA) controlled substance scheduling decisions for 2021, including placing (22) synthetic opioids in Schedule I, an opiate in schedule II, (6) drug substances in Schedule IV and an anticonvulsant substance in Schedule V.

1. On Page 1-8, the addition of 22 synthetic opioids and illicit synthetic fentanyl substances into schedule I
2. On page 10, the addition of oliceridine (Olinvyk) an opioid agonist for moderate to severe pain to schedule II
3. On page 13, the addition of Lemborexant (Dayvigo) an orexin receptor antagonist for insomnia in adults to schedule IV
4. On page 13, the addition of Remimazolam (Byfavo) a Gaba A receptor agonist benzodiazepine for sedation to schedule IV
5. On page 13, the addition of Serdexmethylphenidate (Azstarys) to treat ADHD in children and adults to schedule IV
6. On page 14, the addition of Solriamfetol (Sunosi) to treat narcolepsy (daytime sleepiness) or sleep apnea (breathing disorder during sleep) into schedule IV
7. On page 14, the addition of Brexanolone (Zulresso) to treat postpartum depression in adult women into schedule IV
8. On page 14, the addition of Pentazocine (Talwin) an opioid to treat moderate to severe pain into schedule IV
9. On page 15, the addition of Cenobamate (Xcopri) an anticonvulsant to treat partial onset seizures

Mr. Frost reported the legislation will have no impact on the state's General fund or any dedicated fund or federal fund because adding, removing, or rescheduling products to the Controlled Substances Act does not create any new state program and does not compel any state action.

MOTION: **Senator Wintrow** moved to send **RS 29078C1** to print. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairman Martin** adjourned the meeting at 3:15 p.m.

Senator Martin
Chair

Lena Amoah
Secretary