

HOUSE JOURNAL
ALASKA STATE LEGISLATURE
THIRTY-SECOND LEGISLATURE
THIRD SPECIAL SESSION

Juneau, Alaska

Sunday

September 12, 2021

Twenty-eighth Day

Pursuant to adjournment the House was called to order by Speaker Stutes at 1:01 p.m.

Roll call showed 33 members present. Representatives Claman and Nelson had been excused from a call of the House today.

Representative Tuck moved and asked unanimous consent that Representative Patkotak be excused from a call of the House today. There being no objection, it was so ordered.

Representatives Kreiss-Tomkins, Rasmussen, and Tarr were absent, and their presence was noted later. Representative Carpenter was absent.

The invocation was offered by the Chaplain, Representative Spohnholz. Representative Thompson moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

In recognition of September which is recovery month when we recognize those in recovery, I offer the serenity prayer:

Grant me the serenity to accept the things I cannot change;
The courage to change the things I can;
And the wisdom to know the difference.

The Pledge of Allegiance was led by Representative Johnson.

CERTIFICATION OF THE JOURNAL

Representative Tuck moved and asked unanimous consent that the journal for the 27th legislative day of the Third Special Session be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

REPORTS OF STANDING COMMITTEES**SB 3006**

The Health & Social Services Committee considered:

CS FOR SENATE BILL NO. 3006(L&C) am

"An Act relating to COVID-19 immunization and proof of vaccination; relating to personal objections to the administration of COVID-19 vaccines; relating to COVID-19 immunization rights; relating to utilization review requirements; making temporary changes to state law in response to the novel coronavirus disease; relating to telemedicine and telehealth; relating to background checks; relating to certificates of need; and providing for an effective date."

and recommends it be replaced with:

HOUSE CS FOR CS FOR SENATE BILL NO. 3006(HSS)

"An Act relating to utilization review requirements; making temporary changes to state law in response to the novel coronavirus disease; relating to telemedicine and telehealth; relating to background checks; and providing for an effective date."

(HCR 301 – title change resolution)

The report was signed by Representatives Snyder and Zulkosky, Co-chairs, with the following individual recommendations:

Do pass (6): Fields, Spohnholz, McCarty, Prax, Snyder, Zulkosky

Amend (1): Kurka

The following fiscal note(s) apply to HCS CSSB 3006(HSS):

1. Zero, Dept. of Commerce, Community, & Economic Development
3. Zero, Dept. of Commerce, Community, & Economic Development
4. Zero, Dept. of Health & Social Services
5. Zero, Dept. of Public Safety

CSSB 3006(L&C) am is on today's calendar.

**The presence of Representative Kreiss-Tomkins was noted.

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE RESOLUTIONS

HCR 301

HOUSE CONCURRENT RESOLUTION NO. 301 by the House Health and Social Services Committee:

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, concerning Senate Bill No. 3006, relating to COVID-19 immunization and proof of vaccination; relating to personal objections to the administration of COVID-19 vaccines; relating to COVID-19 immunization rights; relating to utilization review requirements; making temporary changes to state law in response to the novel coronavirus disease; relating to telemedicine and telehealth; relating to background checks; and relating to certificates of need.

was read the first time.

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE BILLS

HB 3010

HOUSE BILL NO. 3010 by Representatives Eastman and Kurka, entitled:

"An Act relating to vaccines and vaccinations; relating to liability for vaccines; relating to the administration of vaccines; relating to the provision of information before vaccinations; relating to the

sale and advertisement of vaccines; relating to exemptions from vaccinations; relating to pharmacists and other health care providers; relating to health care insurers; relating to schools; relating to the Board of Pharmacy; relating to the Department of Education and Early Development; relating to the Department of Health and Social Services; relating to unfair trade practices; and providing for an effective date."

was read the first time and referred to the Education, Labor & Commerce, and Health & Social Services Committees.

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF SENATE BILLS

SB 3006

The following was read the second time:

CS FOR SENATE BILL NO. 3006(L&C) am

"An Act relating to COVID-19 immunization and proof of vaccination; relating to personal objections to the administration of COVID-19 vaccines; relating to COVID-19 immunization rights; relating to utilization review requirements; making temporary changes to state law in response to the novel coronavirus disease; relating to telemedicine and telehealth; relating to background checks; relating to certificates of need; and providing for an effective date."

with the:

Journal Page

HSS RPT CS(HSS) NEW TITLE 6DP 1AM	1506
FN1: ZERO(CED)	1506
FN3: ZERO(CED)	1506
FN4: ZERO(DHS)	1506
FN5: ZERO(DPS)	1506

Representative Tuck moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original bill:

HOUSE CS FOR CS FOR SENATE BILL NO. 3006(HSS)

"An Act relating to utilization review requirements; making temporary changes to state law in response to the novel coronavirus disease; relating to telemedicine and telehealth; relating to background checks; and providing for an effective date."

(HCR 301 – title change resolution)

Representative Tilton objected.

**The presence of Representatives Rasmussen and Tarr was noted.

The question being: "Shall HCS CSSB 3006(HSS) be adopted in lieu of the original bill?" The roll was taken with the following result:

HCS CSSB 3006(HSS)

Second Reading

Adopt

YEAS: 19 NAYS: 17 EXCUSED: 3 ABSENT: 1

Yeas: Drummond, Edgmon, Fields, Foster, Hannan, Hopkins, Josephson, Kreiss-Tomkins, Merrick, Ortiz, Schrage, Snyder, Spohnholz, Story, Stutes, Tarr, Tuck, Wool, Zulkosky

Nays: Cronk, Eastman, Gillham, Johnson, Kaufman, Kurka, LeBon, McCabe, McCarty, McKay, Prax, Rasmussen, Rauscher, Shaw, Thompson, Tilton, Vance

Excused: Claman, Nelson, Patkotak

Absent: Carpenter

And so, HCS CSSB 3006(HSS) was adopted.

The Speaker announced that the deadline for amendments is 2:00 p.m. to the Chief Clerk's office.

The Speaker stated that, without objection, the House would recess to 2:00 p.m.; and so, the House recessed at 1:22 p.m.

AFTER RECESS

The Speaker called the House back to order at 2:11 p.m.

SECOND READING OF SENATE BILLS

SB 3006

The following was before the House in second reading:

HOUSE CS FOR CS FOR SENATE BILL NO. 3006(HSS)

"An Act relating to utilization review requirements; making temporary changes to state law in response to the novel coronavirus disease; relating to telemedicine and telehealth; relating to background checks; and providing for an effective date."

Amendment No. 1 was offered by Representative McCabe:

Page 3, line 14:

Delete all material

Renumber accordingly

Representative McCabe moved and asked unanimous consent that Amendment No. 1 be adopted.

Representative Zulkosky objected.

The question being: "Shall Amendment No. 1 be adopted?" The roll was taken with the following result:

HCS CSSB 3006(HSS)

Second Reading

Amendment No. 1

YEAS: 17 NAYS: 19 EXCUSED: 3 ABSENT: 1

Yeas: Cronk, Eastman, Gillham, Johnson, Kaufman, Kurka, LeBon, McCabe, McCarty, McKay, Prax, Rasmussen, Rauscher, Shaw, Thompson, Tilton, Vance

Nays: Drummond, Edgmon, Fields, Foster, Hannan, Hopkins, Josephson, Kreiss-Tomkins, Merrick, Ortiz, Schrage, Snyder, Spohnholz, Story, Stutes, Tarr, Tuck, Wool, Zulkosky

Excused: Claman, Nelson, Patkotak

Absent: Carpenter

And so, Amendment No. 1 was not adopted.

Amendment No. 2 was offered by Representative Kurka:

Page 2, line 8, following "AS 11.71.140 - 11.71.190":

Insert "or an abortion-inducing drug"

Representative Kurka moved and asked unanimous consent that Amendment No. 2 be adopted.

Representative Prax objected.

The question being: "Shall Amendment No. 2 be adopted?" The roll was taken with the following result:

HCS CSSB 3006(HSS)

Second Reading

Amendment No. 2

YEAS: 15 NAYS: 21 EXCUSED: 3 ABSENT: 1

Yeas: Cronk, Eastman, Gillham, Johnson, Kaufman, Kurka, LeBon, McCabe, McKay, Merrick, Rasmussen, Rauscher, Shaw, Tilton, Vance

Nays: Drummond, Edgmon, Fields, Foster, Hannan, Hopkins, Josephson, Kreiss-Tomkins, McCarty, Ortiz, Prax, Schrage, Snyder, Spohnholz, Story, Stutes, Tarr, Thompson, Tuck, Wool, Zulkosky

Excused: Claman, Nelson, Patkotak

Absent: Carpenter

And so, Amendment No. 2 was not adopted.

Amendment No. 3 was not offered.

Amendment No. 4 was offered by Representatives Vance, Tilton, McCabe, Gillham, Cronk, Tarr, McCarty, Rasmussen, Rauscher, Kurka, and Eastman:

Page 1, line 1, following "**Act**" (title amendment):

Insert "**relating to the right of patients to have a support person present during treatment and during stays at certain facilities;**"

Page 1, following line 8:

Insert new bill sections to read:

**** Sec. 2.** AS 18.08 is amended by adding a new section to read:

Sec. 18.08.093. Right of patients to support person. (a) A provider of emergency medical services who treats a patient shall allow a support person of the patient's choice to be present during treatment. The support person may be any individual and is not required to be the patient's surrogate under AS 13.52.030.

(b) A provider of emergency medical services shall have written policies and procedures regarding a patient's right to have a support person present during treatment, including provisions describing any clinically necessary or reasonable restriction the provider may place on access to the patient and the reason for the restriction. A provider of emergency medical services shall inform each patient or support person, as appropriate, of the patient's right to have a support person present, including any restriction on that right, and shall ensure that a support person enjoys full and equal visitation privileges consistent with patient preferences and the policies and procedures.

(c) A patient's right to a support person under this section may not be withheld based on a state or federal declaration of disaster.

*** Sec. 3.** AS 18.20 is amended by adding a new section to read:

Article 6. Right of Patients to Support Person While in Hospital, Nursing Facility, Assisted Living Home, or Hospice Care.

Sec. 18.20.600. Right of patients to support person. (a) A hospital, nursing facility, assisted living home, or hospice provider shall allow a support person of the patient's choice to be present during the patient's stay. The support person may be any individual and is not required to be the patient's surrogate under AS 13.52.030.

(b) A hospital, nursing facility, assisted living home, or hospice provider shall have written policies and procedures regarding a patient's right to have a support person present during the patient's stay, including provisions describing any clinically necessary or reasonable restriction the hospital, nursing facility, assisted living home, or hospice provider may place on access to the patient and the reason for the restriction. A hospital, nursing facility, assisted living home, or hospice provider shall inform each patient or support person, as appropriate, of the patient's right

to have a support person present, including any restriction on that right, and shall ensure that a support person enjoys full and equal visitation privileges consistent with patient preferences and the policies and procedures.

(c) A patient's right to a support person under this section may not be withheld based on a state or federal declaration of disaster.

(d) In this section,

(1) "assisted living home" has the meaning given in AS 47.32.900;

(2) "hospice" has the meaning given in AS 47.32.900;

(3) "hospital" has the meaning given in AS 18.20.130;

(4) "nursing facility" has the meaning given in AS 18.20.390."

Renumber the following bill sections accordingly.

Page 3, line 27:

Delete "Sections 3 and 4(a)"

Insert "Sections 5 and 6(a)"

Page 3, line 28:

Delete "Section 4(b)"

Insert "Section 6(b)"

Page 3, line 30:

Delete "sec. 5"

Insert "sec. 7"

Representative Vance moved and asked unanimous consent that Amendment No. 4 be adopted.

Representative Zulkosky objected.

The Speaker stated that, without objection, the House would recess; and so, the House recessed at 3:33 p.m.

AFTER RECESS

The Speaker called the House back to order at 3:56 p.m.

SECOND READING OF SENATE BILLS**SB 3006**

The following was before the house in second reading with Amendment No. 4 moved and pending (page 1511):

HOUSE CS FOR CS FOR SENATE BILL NO. 3006(HSS)

"An Act relating to utilization review requirements; making temporary changes to state law in response to the novel coronavirus disease; relating to telemedicine and telehealth; relating to background checks; and providing for an effective date."

The question being: "Shall Amendment No. 4 be adopted?" The roll was taken with the following result:

HCS CSSB 3006(HSS)

Second Reading

Amendment No. 4

YEAS: 20 NAYS: 16 EXCUSED: 3 ABSENT: 1

Yeas: Cronk, Eastman, Gillham, Johnson, Kaufman, Kurka, LeBon, McCabe, McCarty, McKay, Merrick, Prax, Rasmussen, Rauscher, Shaw, Tarr, Thompson, Tilton, Tuck, Vance

Nays: Drummond, Edgmon, Fields, Foster, Hannan, Hopkins, Josephson, Kreiss-Tomkins, Ortiz, Schrage, Snyder, Spohnholz, Story, Stutes, Wool, Zulkosky

Excused: Claman, Nelson, Patkotak

Absent: Carpenter

And so, Amendment No. 4 was adopted and the new title follows:

HOUSE CS FOR CS FOR SENATE BILL NO. 3006(HSS) am H

"An Act relating to the right of patients to have a support person present during treatment and during stays at certain facilities; relating to utilization review requirements; making temporary changes to state law in response to the novel coronavirus disease; relating to telemedicine and telehealth; relating to background checks; and providing for an effective date."

Amendment No. 5 was offered by Representatives Eastman and Kurka:

Page 1, line 1, following "Act" (title amendment):

Insert **"relating to interference with constitutional rights; relating to personal objections to the administration of COVID-19 vaccines;"**

Page 1, following line 8:

Insert new bill sections to read:

**** Sec. 2.** AS 11.76.110(a) is amended to read:

(a) A person commits the crime of interference with constitutional rights if

(1) the person injures, oppresses, threatens, or intimidates another person with intent to deprive that person of a right, privilege, or immunity in fact granted by the constitution or laws of this state;

(2) the person intentionally injures, oppresses, threatens, or intimidates another person because that person has exercised or enjoyed a right, privilege, or immunity in fact granted by the constitution or laws of this state; [OR]

(3) under color of law, ordinance, or regulation of this state or a municipality or other political subdivision of this state, the person intentionally deprives another of a right, privilege, or immunity in fact granted by the constitution or laws of this state;

or

(4) the person administers a COVID-19 vaccine to another person or that person's minor child over the objection of the person in violation of AS 18.09.330.

* **Sec. 3.** AS 18.09 is amended by adding a new section to read:

Article 2A. COVID-19 Immunization Rights.

Sec. 18.09.330. Objection to the administration of COVID-19 vaccine. An individual may object to the administration of a COVID-19 vaccine to that individual based on religious, medical, or other grounds. A parent or guardian of a minor child may object to the administration of a COVID-19 vaccine to the minor child based on religious, medical, or other grounds. A person may not require an individual to provide justification or documentation to support the individual's decision to decline a COVID-19 vaccine or to decline a COVID-19 vaccine for a minor child."

Renumber the following bill sections accordingly.

Page 3, line 27:

Delete "Sections 3 and 4(a)"

Insert "Sections 5 and 6(a)"

Page 3, line 28:

Delete "Section 4(b)"

Insert "Section 6(b)"

Page 3, line 30:

Delete "sec. 5"

Insert "sec. 7"

Representative Eastman moved and asked unanimous consent that Amendment No. 5 be adopted.

Representative Josephson objected.

The question being: "Shall Amendment No. 5 be adopted?" The roll was taken with the following result:

HCS CSSB 3006(HSS) am H

Second Reading

Amendment No. 5

YEAS: 18 NAYS: 18 EXCUSED: 3 ABSENT: 1

Yeas: Cronk, Eastman, Gillham, Johnson, Kaufman, Kurka, LeBon, McCabe, McCarty, McKay, Merrick, Prax, Rasmussen, Rauscher, Shaw, Thompson, Tilton, Vance

Nays: Drummond, Edgmon, Fields, Foster, Hannan, Hopkins, Josephson, Kreiss-Tomkins, Ortiz, Schrage, Snyder, Spohnholz, Story, Stutes, Tarr, Tuck, Wool, Zulkosky

Excused: Claman, Nelson, Patkotak

Absent: Carpenter

And so, Amendment No. 5 was not adopted.

HOUSE JOURNAL

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1517

Representative Tuck moved and asked unanimous consent that HCS CSSB 3006(HSS) am H be returned to the Rules Committee.

Representative Eastman objected.

The question being: "Shall HCS CSSB 3006(HSS) am H be returned to the Rules Committee?" The roll was taken with the following result:

HCS CSSB 3006(HSS) am H
Return to Rules Committee

YEAS: 20 NAYS: 16 EXCUSED: 3 ABSENT: 1

Yeas: Drummond, Edgmon, Fields, Foster, Hannan, Hopkins, Josephson, Kreiss-Tomkins, Merrick, Ortiz, Rauscher, Schrage, Snyder, Spohnholz, Story, Stutes, Thompson, Tuck, Wool, Zulkosky

Nays: Cronk, Eastman, Gillham, Johnson, Kaufman, Kurka, LeBon, McCabe, McCarty, McKay, Prax, Rasmussen, Shaw, Tarr, Tilton, Vance

Excused: Claman, Nelson, Patkotak

Absent: Carpenter

And so, HCS CSSB 3006(HSS) am H was returned to the Rules Committee.

The Speaker stated that, without objection, the House would recess to a call of the chair; and so, the House recessed at 5:52 p.m.

AFTER RECESS

The Speaker called the House back to order at 6:53 p.m.

ANNOUNCEMENTS

Uniform Rule 23(d) is in effect.

House committee schedules are published under separate cover.

ADJOURNMENT

Representative Tuck moved and asked unanimous consent that the House adjourn. There being no objection, the House adjourned at 6:53 p.m.

Crystalline Jones
Chief Clerk