

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 69

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO IMMUNIZATION; AMENDING CHAPTER 23, TITLE 67, IDAHO CODE, BY THE  
2 ADDITION OF A NEW SECTION 67-2359, IDAHO CODE, TO PROVIDE THAT A PERSON  
3 SHALL NOT BE REQUIRED TO RECEIVE A CORONAVIRUS VACCINATION, HAVE A VAC-  
4 CINE PASSPORT, OR PROVIDE PROOF OF ANY OTHER FORM OF CORONAVIRUS IMMU-  
5 NIZATION OR NEGATIVE LABORATORY TEST FOR CERTAIN PURPOSES, TO PROHIBIT  
6 CERTAIN DISCRIMINATION, TO PROVIDE THAT A PERSON SHALL NOT BE REQUIRED  
7 FOR CERTAIN PURPOSES TO BE VACCINATED OR PROVIDE PROOF OF VACCINATION IF  
8 THE VACCINE IS BEING OFFERED UNDER EMERGENCY USE AUTHORIZATION, TO DE-  
9 FINE TERMS, AND TO PROVIDE FOR CERTAIN EXCEPTIONS; PROVIDING SEVERABIL-  
10 ITY; AND DECLARING AN EMERGENCY.  
11

12 Be It Enacted by the Legislature of the State of Idaho:

13 SECTION 1. That Chapter 23, Title 67, Idaho Code, be, and the same is  
14 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
15 ignated as Section 67-2359, Idaho Code, and to read as follows:

16 67-2359. CERTAIN VACCINE PASSPORTS PROHIBITED. (1) No person shall be  
17 required to receive a coronavirus vaccination, have a vaccine passport, or  
18 provide proof of any other form of coronavirus immunization or negative lab-  
19 oratory test result for coronavirus in order to:

20 (a) Apply for or receive services provided by the state or a political  
21 subdivision of the state;

22 (b) Enter or remain in a government venue during a time when the venue is  
23 accessible to the general public; or

24 (c) Be hired by the state or maintain employment with the state. An em-  
25 ployee of the state or a political subdivision of the state may not be  
26 discriminated against on the basis of such employee's coronavirus immu-  
27 nization status, including decisions relating to promotion, compensa-  
28 tion, or job duties. However, the state may require:

29 (i) An employee who has previously tested positive for coron-  
30 avirus to provide a negative laboratory test result for coron-  
31 avirus in order to return to work;

32 (ii) An employee to be tested for coronavirus if the employee was  
33 potentially exposed to coronavirus during the course and scope of  
34 employment; or

35 (iii) Coronavirus vaccination for an employee whose job duties in-  
36 clude:

37 1. Travel to a state, territory, or country that requires  
38 such vaccination; or

39 2. Entry into a private location that requires such vaccina-  
40 tion.

41 (2) No person shall, in order to do an activity listed in subsection  
42 (1) (a) through (c) of this section, be required to receive a vaccination or

1 provide proof of having received such vaccination if the vaccine is being of-  
 2 ferred under emergency use authorization.

3 (3) For purposes of this section:

4 (a) "Coronavirus" means:

5 (i) Severe acute respiratory syndrome coronavirus 2;

6 (ii) The disease caused by severe acute respiratory syndrome  
 7 coronavirus 2; or

8 (iii) Any subsequently identified mutation, modification, vari-  
 9 ant, or strain of coronavirus if the transmission of said virus  
 10 among humans rises to the level of an epidemic or pandemic and  
 11 qualifies for an emergency declaration under applicable Idaho  
 12 law.

13 (b) "Emergency use authorization" means authorization by the federal  
 14 food and drug administration of unapproved medical products to be used  
 15 in an emergency pursuant to section 564 of the federal food, drug, and  
 16 cosmetic act.

17 (c) "Government venue" means a building, an office, a school, a park, a  
 18 recreation area, or any other place that:

19 (i) Is owned or operated by the state or a political subdivision  
 20 of the state; and

21 (ii) Is:

22 1. Accessible to the general public during the day or part of  
 23 the day; or

24 2. A place where people apply for or receive services of-  
 25 ferred by the state or a political subdivision of the state.

26 (d) "Immunization status" means an indication of whether a person has  
 27 received one (1) or more doses of a vaccine for coronavirus.

28 (e) "Political subdivision" means a city, a county, a school district,  
 29 a special purpose district, a community college, a public body corpo-  
 30 rate and politic, or any other entity created by state law, local ordi-  
 31 nance, or executive order.

32 (f) "State" means any agency, officer, department, division, bureau,  
 33 board, commission, or institution of the state of Idaho, including any  
 34 state institution of higher education.

35 (g) "Vaccine passport" means a document establishing that a person has  
 36 been vaccinated for coronavirus.

37 (4) This section does not apply to any requirement:

38 (a) Imposed by the federal government;

39 (b) For schools pursuant to chapter 48, title 39, Idaho Code;

40 (c) For day care facilities pursuant to chapter 11, title 39, Idaho  
 41 Code; or

42 (d) Imposed by a health care facility as defined in section 48-303,  
 43 Idaho Code.

44 SECTION 2. SEVERABILITY. The provisions of this act are hereby declared  
 45 to be severable, and if any provision of this act or the application of such  
 46 provision to any person or circumstance is declared invalid for any reason,  
 47 such declaration shall not affect the validity of the remaining portions of  
 48 this act.

1           SECTION 3. An emergency existing therefor, which emergency is hereby  
2 declared to exist, this act shall be in full force and effect on and after its  
3 passage and approval.