

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 421

BY WAYS AND MEANS 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 ANY VACCINATION OR TO PROVIDE PROOF OF
4 ANY OTHER FORM OF IMMUNIZATION OR NEGATIVE LABORATORY TEST FOR CERTAIN
5 PURPOSES, TO DEFINE TERMS, TO PROVIDE FOR CERTAIN FINES AND FORFEITED
6 FEES IN THE CASE OF VIOLATIONS, AND TO PROVIDE FOR CERTAIN EXCEPTIONS;
7 PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.
8

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

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

13 67-2359. IMMUNIZATION NOT REQUIRED FOR CERTAIN PURPOSES. (1) No per-
14 son shall be required to receive any vaccination or to provide proof of any
15 other form of immunization or negative laboratory test result in order to:

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

18 (b) Enter or remain in a government venue; or

19 (c) Be hired by the state or maintain employment with the state.

20 (2) An employee of the state or a political subdivision of the state may
21 not be discriminated against on the basis of such employee's immunization
22 status, including decisions relating to promotion, compensation, or job du-
23 ties.

24 (3) For purposes of this section:

25 (a) "Government venue" means a building, an office, a school, a park, a
26 recreation area, or any other place that is:

27 (i) Owned or operated by the state or a political subdivision of
28 the state; and

29 (ii) Is:

30 1. Accessible to the general public during the day or part of
31 the day; or

32 2. A place where people apply for or receive services of-
33 fered by the state or a political subdivision of the state.

34 (b) "Immunization status" means an indication of whether a person has
35 received one (1) or more doses of a vaccine.

36 (c) "Political subdivision" means a city, a county, a school district,
37 a special purpose district, a community college, a public body corpo-
38 rate and politic, or any other entity created by state law, local ordi-
39 nance, or executive order.

40 (d) "State" means any agency, officer, department, division, bureau,
41 board, commission, or institution of the state of Idaho, including any
42 state institution of higher education.

1 (4) (a) A violation of this section by the state or a political subdivi-
2 sion of the state shall result in a civil fine of no less than five hun-
3 dred dollars (\$500) and no more than one thousand dollars (\$1,000) to
4 be assessed on the highest-ranking employee responsible for the deci-
5 sion violating this section. The fine is to be paid personally by the
6 employee and must not be paid from the state's or the political subdivi-
7 sion's budget.

8 (b) A person required to receive a vaccination or to provide any other
9 form of immunization or negative laboratory test result in contraven-
10 tion of this section may seek the remedy provided in this subsection by
11 filing a claim in the small claims court pursuant to chapter 23, title
12 1, Idaho Code. The magistrate judge may award up to five hundred dollars
13 (\$500) to the plaintiff as compensatory damages and the remainder of the
14 civil fine shall be deposited in the legislative legal defense fund es-
15 tablished in section 67-451A, Idaho Code.

16 (c) In addition to the other remedies provided in this subsection, if
17 the wrongful action by the state or political subdivision took place at
18 an event charging admission fees to the government venue, the court may
19 order all proceeds from the event to be forfeited and deposited in the
20 legislative legal defense fund.

21 (5) This section does not apply to immunization requirements for
22 schools pursuant to chapter 48, title 39, Idaho Code, or for day care facili-
23 ties pursuant to chapter 11, title 39, Idaho Code.

24 SECTION 2. SEVERABILITY. The provisions of this act are hereby declared
25 to be severable, and if any provision of this act or the application of such
26 provision to any person or circumstance is declared invalid for any reason,
27 such declaration shall not affect the validity of the remaining portions of
28 this act.

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