

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 430

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO MASK MANDATES; AMENDING CHAPTER 23, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2359, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE PROHIBITION OF MASK MANDATES; AND DECLARING AN EMERGENCY.

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

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

67-2359. MASK MANDATES PROHIBITED. (1) Notwithstanding any provision of law to the contrary:

(a) It shall be prohibited for the state, any political subdivision, or any private employer to mandate that an individual in this state must use a face mask, face shield, or other face covering for the purpose of preventing or slowing the spread of a contagious or infectious disease;

(b) No official or private employer may mandate that an individual in this state must use a face mask, face shield, or other face covering for the purpose of preventing or slowing the spread of a contagious or infectious disease;

(c) A face mask, face shield, or face covering to prevent or slow the spread of a contagious or infectious disease shall not be required by the state, a political subdivision, an official, or any private employer as a condition for entry, education, employment, or other services; and

(d) If the state, a political subdivision, an official, or a private employer recommends using a face mask, face shield, or face covering to prevent or slow the spread of a contagious or infectious disease, such recommendation shall be accompanied by a notice that the recommendation is not mandatory.

(2) A violation of subsection (1) of this section shall result in the termination of any disaster emergency or public health order, or both, in place when the state or a political subdivision engages in a prohibited action. This subsection shall not apply with respect to a violation by a private employer.

(3) For purposes of this section:

(a) "Official" means an officer or an employee of the state or a political subdivision.

(b) "Political subdivision" means a county, city, public health district, school district, special purpose district, or other district or municipality organized under any general or special law of this state, except the term "political subdivision" does not include any hospital or health care facility.

1 (c) "Private employer" means any person, partnership, limited liabil-
2 ity company, association, corporation, nonprofit entity, labor organi-
3 zation, or other private, nonpublic entity employing one (1) or more em-
4 ployees within Idaho. "Private employer" does not include any hospital
5 or health care facility.

6 (d) "State" means the state of Idaho or any of its agencies, boards,
7 commissions, departments, divisions, or institutions, including any
8 state institution of higher education, except the term "state" does not
9 include any hospital or health care facility.

10 (4) The provisions of this section shall apply to any contractor or
11 agent of the state, a political subdivision, or a private employer.

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