

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 577

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO FREE EXERCISE OF RELIGION; AMENDING CHAPTER 4, TITLE 73, IDAHO
2 CODE, BY THE ADDITION OF A NEW SECTION 73-405, IDAHO CODE, TO DEFINE A
3 TERM, TO PROVIDE CERTAIN REQUIREMENTS REGARDING A CORONAVIRUS VACCINE
4 REQUIREMENT AND RELIGIOUS EXEMPTIONS, TO PROVIDE FOR A CLAIM AGAINST
5 AN EMPLOYER IN CERTAIN INSTANCES, TO PROVIDE FOR ATTORNEY'S FEES, AND
6 TO PROVIDE THAT CERTAIN EMPLOYMENT PRACTICES SHALL REMAIN ILLEGAL; AND
7 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
8

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

10 SECTION 1. That Chapter 4, Title 73, 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 73-405, Idaho Code, and to read as follows:

13 73-405. EMPLOYER CORONAVIRUS VACCINE MANDATES -- RELIGIOUS EXEMP-
14 TIONS. (1) As used in this section, "coronavirus" is as defined in section
15 6-3402, Idaho Code.

16 (2) Consistent with the standard set forth in section 73-402, Idaho
17 Code, if an employee of a employer requests a religious exemption from a
18 coronavirus vaccine requirement, such employer shall bear the burden of
19 proof that the denial of such request is both essential to furthering a
20 compelling interest and is the least restrictive means of furthering that
21 interest.

22 (3) An employee whose religious exercise is burdened in violation of
23 the provisions of subsection (2) of this section may assert such violation
24 in a claim against the employer and may obtain appropriate relief against the
25 employer. An employee who prevails in an action to enforce the provisions of
26 this section shall be awarded attorney's fees and costs.

27 (4) Nothing in this section shall make legal any employment practice
28 that is otherwise illegal under Idaho law.

29 SECTION 2. An emergency existing therefor, which emergency is hereby
30 declared to exist, this act shall be in full force and effect on and after
31 July 1, 2022.