

IN THE SENATE

SENATE BILL NO. 1009

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO HEALTH; AMENDING CHAPTER 90, TITLE 39, IDAHO CODE, BY THE AD-
2 DITION OF A NEW SECTION 39-9004, IDAHO CODE, TO ESTABLISH PROVISIONS
3 REGARDING HEALTH RIGHTS OF PATIENTS AND OTHER PERSONS; AMENDING SECTION
4 39-9004, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVI-
5 SIONS REGARDING ENFORCEMENT; AND DECLARING AN EMERGENCY AND PROVIDING
6 AN EFFECTIVE DATE.
7

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

9 SECTION 1. That Chapter 90, Title 39, Idaho Code, be, and the same is
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
11 ignated as Section 39-9004, Idaho Code, and to read as follows:

12 39-9004. HEALTH RIGHTS. (1) The state, a political subdivision of the
13 state, or a public health district cannot:

14 (a) Order Idaho residents in general to remain in their homes, close
15 their businesses, social distance, or wear masks or other facial cover-
16 ings because of an emergency, extreme emergency, or medical emergency,
17 whether declared or undeclared; or

18 (b) Advertise via any medium, electronic or otherwise, for the recom-
19 mended public use of any vaccine, drug, or medication classified as ex-
20 perimental by competent medical authority. The same prohibition shall
21 apply to any vaccine, drug, or medication that has not been fully clini-
22 cally tested and approved according to recognized, traditional, and ac-
23 cepted standards of clinical testing.

24 (2) A patient cannot be denied treatment for refusing a vaccine or other
25 medication.

26 (3) A patient has the right to emergency treatment.

27 (4) A patient cannot be refused treatment based on sex, age, race, na-
28 tional origin, ethnicity, religion, sexual orientation, gender identity,
29 veteran or military status, or any other basis prohibited by federal law.

30 (5) A patient has the right to informed consent and must be provided
31 with sufficient information with respect to medications and medical treat-
32 ment in plain and understandable language prior to being asked for consent to
33 take or receive such medications or treatment.

34 (6) No patient shall be administered any experimental drug or medi-
35 cation by any health care practitioner unless the patient or the patient's
36 legally designated representative provides signed informed written consent
37 to the use of such experimental drug or medication.

38 (7) A patient has the right to refuse treatment.

39 (8) A patient has the right to choose the patient's health care
40 providers.

1 (9) A patient has the right to privacy and to decide what personal med-
2 ical information will be released and when and to whom such information will
3 be released.

4 (10) A patient has the right to a fair review or appeal of any complaint
5 against a physician, hospital, or other health care provider.

6 (11) A patient may not be prohibited from bringing a legal cause of ac-
7 tion against a health care provider by the state or a political subdivision
8 of the state.

9 (12) A health care provider licensed or certified by the state of Idaho
10 shall not receive or accept funding, privileges, or benefits from a govern-
11 ment entity in return for violating a provision of this section.

12 (13) A patient shall, when possible, be given the opportunity to desig-
13 nate a person or persons who will be kept informed of the patient's condi-
14 tion, prescribed or recommended medications, and options with respect to ap-
15 plicable and available medical procedures.

16 (14) Visitation by a patient's family members or legal guardians shall
17 be allowed unless the patient refuses visitation or visitation is expressly
18 denied by the attending physician for sound medical reasons in the best in-
19 terest of the patient. General denial of visitation by family members or le-
20 gal guardians shall not be instituted as a matter of administrative policy.

21 SECTION 2. That Section 39-9004, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 ~~39-9004~~ 39-9005. ENFORCEMENT. (1) No public official, employee, or
24 agent of the state of Idaho or any of its political subdivisions, shall act
25 to impose, collect, enforce, or effectuate any penalty in the state of Idaho
26 that violates the public policy set forth in section 39-9003(2), Idaho Code.

27 (2) The attorney general shall take such action as is provided in sec-
28 tion 67-1401(15), Idaho Code, in the defense or prosecution of rights pro-
29 tected under this ~~act~~ chapter.

30 SECTION 3. An emergency existing therefor, which emergency is hereby
31 declared to exist, this act shall be in full force and effect on and after
32 July 1, 2023.