

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 411

BY WAYS AND MEANS COMMITTEE

AN ACT

1
2 RELATING TO VACCINATIONS; AMENDING CHAPTER 48, TITLE 39, IDAHO CODE, BY THE
3 ADDITION OF A NEW SECTION 39-4806, IDAHO CODE, TO PROVIDE LEGISLATIVE
4 INTENT, TO ESTABLISH PROVISIONS REGARDING VACCINE MANDATES AND FORCED
5 VACCINATION, TO PROVIDE A PENALTY, AND TO PROVIDE SEVERABILITY; AND
6 DECLARING AN EMERGENCY.

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

8 SECTION 1. That Chapter 48, Title 39, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 39-4806, Idaho Code, and to read as follows:

11 39-4806. DISALLOWAL AND PREEMPTION OF VACCINATION MANDATES AND FORCED
12 VACCINATION. (1) The legislature finds that uniform laws protecting indi-
13 viduals from forced or coerced vaccination are necessary to protect the in-
14 dividual citizen's rights as recognized by the United States constitution
15 and the constitution of the state of Idaho. It is the legislature's intent
16 to universally prohibit and wholly occupy the field of vaccination mandates
17 within this state.

18 (2) Notwithstanding any other provision of law, including during the
19 continuance of any state of disaster or emergency or any proclaimed state of
20 extreme emergency, insurrection, or martial law, neither the governor nor
21 any agency of any governmental entity or political subdivision of the state,
22 including without limitation the department of health and welfare, a public
23 health district, a county, a city, an agency, or a board, may adopt or en-
24 force any law, rule, regulation, or ordinance that mandates, requires, or
25 orders the vaccination, immunization, genetic modulation, or inoculation of
26 any person.

27 (3) Notwithstanding any other provision of law, including during the
28 continuance of any state of disaster or emergency or any proclaimed state of
29 extreme emergency, insurrection, or martial law, neither the governor nor
30 any agency of any governmental entity or political subdivision of the state,
31 including without limitation the department of health and welfare, a public
32 health district, a county, a city, an agency, or a board, may issue an order
33 of isolation and quarantine based solely or primarily upon the vaccination
34 status of any person.

35 (4) Notwithstanding any other provision of law, no physician, surgeon,
36 or other provider of health care, including without limitation any dentist,
37 physician assistant, nurse practitioner, registered nurse, licensed prac-
38 tical nurse, nurse anesthetist, medical technologist, physical therapist,
39 hospital, or nursing home, shall vaccinate, immunize, genetically modulate,
40 or inoculate any person without such person's express consent or, in the case
41 of a minor or an incapacitated person, the express consent of such person's
42 legal parent or guardian.

1 (5) Notwithstanding any other provision of law, no person shall vacci-
2 nate, immunize, genetically modulate, or inoculate any person without such
3 person's express consent or, in the case of a minor or an incapacitated per-
4 son, the express consent of such person's legal parent or guardian.

5 (6) A violation of this section shall be a misdemeanor.

6 (7) The provisions of this section are hereby declared to be severable,
7 and if any provision is declared invalid for any reason, such declaration
8 shall not affect the validity of the remaining portions of this section.

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