

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 416

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO THE OCCUPATIONAL LICENSING PROTECTION ACT; AMENDING TITLE 67,  
2 IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 97, TITLE 67, IDAHO CODE, TO  
3 PROVIDE A SHORT TITLE, TO DEFINE A TERM, AND TO PROVIDE THAT VACCINATION  
4 RECORDS SHALL NOT BE USED FOR OCCUPATIONAL LICENSING PURPOSES; PROVID-  
5 ING SEVERABILITY; AND DECLARING AN EMERGENCY.  
6

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

8 SECTION 1. That Title 67, Idaho Code, be, and the same is hereby amended  
9 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-  
10 ter 97, Title 67, Idaho Code, and to read as follows:

11 CHAPTER 97

12 OCCUPATIONAL LICENSING PROTECTION ACT

13 67-9701. SHORT TITLE. This chapter shall be known and may be cited as  
14 the "Occupational Licensing Protection Act."

15 67-9702. DEFINITION. As used in this chapter, "licensing authority"  
16 means any agency, bureau, commission, department, division, or professional  
17 or occupational licensing board charged with granting, suspending, or re-  
18 voking the license, certificate, registration, permit, or other authoriza-  
19 tion of any person to practice a profession or occupation, including but not  
20 limited to the professional and occupational licensing boards within the de-  
21 partment of self-governing agencies.

22 67-9703. VACCINATION RECORDS -- OCCUPATIONAL LICENSING PURPOSES. (1)  
23 A licensing authority shall not deny an applicant a license on the basis of  
24 whether the applicant has or has not received a specific vaccination, or  
25 a series of vaccinations, as shown in the applicant's vaccination history  
26 record. A licensing authority shall not require the submission of docu-  
27 ments containing medical information for the sole purpose of ascertaining  
28 an applicant's vaccination history record as part of an application process  
29 for licensure. A licensing authority shall not use any documents provided  
30 or information gathered tending to show a vaccination history record as the  
31 basis to deny the applicant a license.

32 (2) A licensing authority shall not suspend, revoke, decline to renew,  
33 decline to reinstate, or take any disciplinary action against a licensee on  
34 the basis of whether the licensee has or has not received a specific vacci-  
35 nation, or a series of vaccinations, as shown in the licensee's vaccination  
36 history record.

37 (3) A licensing authority shall not suspend, revoke, decline to renew,  
38 decline to reinstate, or take any disciplinary action against a licensee on

1 the basis of any adverse employment action taken against such licensee due to  
2 the licensee's vaccination history record or refusal of any vaccination.

3 (4) A person who is denied the issuance, reinstatement, or renewal of a  
4 license or who is disciplined by a licensing authority in violation of this  
5 section may bring a civil action in district court against the licensing au-  
6 thority to obtain any of the following remedies:

- 7 (a) Injunctive relief;  
8 (b) Issuance, renewal, or reinstatement of licensure; and  
9 (c) Any other relief deemed appropriate.

10 SECTION 2. SEVERABILITY. The provisions of this act are hereby declared  
11 to be severable and if any provision of this act or the application of such  
12 provision to any person or circumstance is declared invalid for any reason,  
13 such declaration shall not affect the validity of the remaining portions of  
14 this act.

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