

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 604

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO IMMUNIZATION; AMENDING CHAPTER 23, TITLE 67, IDAHO CODE, BY THE
2 ADDITION OF A NEW SECTION 67-2359, IDAHO CODE, TO PROVIDE THAT A PERSON
3 SHALL NOT BE REQUIRED TO RECEIVE ANY VACCINATION OR TO PROVIDE PROOF OF
4 ANY OTHER FORM OF IMMUNIZATION OR NEGATIVE LABORATORY TEST FOR CERTAIN
5 PURPOSES, TO PROHIBIT CERTAIN DISCRIMINATION, TO DEFINE TERMS, AND TO
6 PROVIDE FOR CERTAIN EXCEPTIONS; PROVIDING SEVERABILITY; AND DECLARING
7 AN EMERGENCY.
8

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

10 SECTION 1. That Chapter 23, Title 67, 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 67-2359, Idaho Code, and to read as follows:

13 67-2359. IMMUNIZATION NOT REQUIRED FOR CERTAIN PURPOSES. (1) No per-
14 son shall be required to receive any vaccination or to provide proof of any
15 other form of immunization or negative laboratory test result for a communi-
16 cable disease in order to:

17 (a) Apply for or receive services provided by the state or a political
18 subdivision of the state;

19 (b) Enter or remain in a government venue; or

20 (c) Be hired by the state or maintain employment with the state, except
21 that the state may require:

22 (i) An employee who has previously tested positive for a commu-
23 nicable disease to provide a negative laboratory test result for
24 such disease in order to return to work;

25 (ii) An employee to be tested for a communicable disease if the
26 employee was potentially exposed to such disease during the course
27 and scope of employment; or

28 (iii) Vaccination for an employee whose job duties include travel
29 to a state, territory, or country that requires such vaccination.

30 (2) An employee of the state or a political subdivision of the state may
31 not be discriminated against on the basis of such employee's immunization
32 status, including decisions relating to promotion, compensation, or job du-
33 ties.

34 (3) For purposes of this section:

35 (a) "Government venue" means a building, an office, a school, a park, a
36 recreation area, or any other place that is:

37 (i) Owned or operated by the state or a political subdivision of
38 the state; and

39 (ii) Is:

40 1. Accessible to the general public during the day or part of
41 the day; or

- 1 2. A place where people apply for or receive services of-
2 ferred by the state or a political subdivision of the state.
3 (b) "Immunization status" means an indication of whether a person has
4 received one (1) or more doses of a vaccine.
5 (c) "Political subdivision" means a city, a county, a school district,
6 a special purpose district, a community college, a public body corpo-
7 rate and politic, or any other entity created by state law, local ordi-
8 nance, or executive order.
9 (d) "State" means any agency, officer, department, division, bureau,
10 board, commission, or institution of the state of Idaho, including any
11 state institution of higher education.
12 (4) This section does not apply to immunization requirements:
13 (a) Imposed by the federal government;
14 (b) For schools pursuant to chapter 48, title 39, Idaho Code; or
15 (c) For day care facilities pursuant to chapter 11, title 39, Idaho
16 Code.

17 SECTION 2. SEVERABILITY. The provisions of this act are hereby declared
18 to be severable, and if any provision of this act or the application of such
19 provision to any person or circumstance is declared invalid for any reason,
20 such declaration shall not affect the validity of the remaining portions of
21 this act.

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