

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 734

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO SCHOOLS; AMENDING SECTION 33-212, IDAHO CODE, TO REVISE PROVI-
2 SIONS REGARDING SCHOOL-REQUIRED ACTIONS TO PREVENT THE SPREAD OF INFEC-
3 TIOUS DISEASE; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.
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5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 33-212, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 33-212. AUTHORITY TO CLOSE SCHOOLS TO PREVENT THE SPREAD OF INFECTIOUS
9 DISEASE. (1) Notwithstanding any provision of law or rule to the contrary,
10 only the following person or entities shall have the authority to close
11 schools or otherwise limit any aspect of school programs or activities to
12 prevent the spread of contagious or infectious disease:

13 (a) The governor or state board of education, whose authority may apply
14 statewide or to any area of the state; or

15 (b) A board of school district trustees as provided in section 33-512,
16 Idaho Code, or the board of directors of a public charter school.

17 (2) Only a person or an entity listed in subsection (1) of this section
18 shall have the authority to require, in schools or during school programs or
19 activities, measures intended to prevent the spread of contagious or infec-
20 tious disease.

21 (3) A decision by a person or an entity listed in subsection (1) of this
22 section for schools or related activities to remain open or to reopen, or to
23 require or not require measures in schools or during school programs or ac-
24 tivities to prevent the spread of contagious or infectious disease, shall
25 not constitute a violation of any order issued by the department of health
26 and welfare pursuant to section 56-1003(7), Idaho Code; a district board of
27 health pursuant to section 39-414(2), Idaho Code; or a city pursuant to sec-
28 tion 50-304, Idaho Code.

29 (4) Any student eighteen (18) years of age or older acting on his own
30 behalf, and any parent or guardian of a minor child acting on behalf of the
31 child, may exempt himself or the minor child from any requirement for a
32 student to wear a mask by submitting a signed statement to school officials
33 stating his objection to the requirement for medical, religious, or personal
34 belief reasons.

35 (5) No person shall limit the participation or make additional require-
36 ments of a student exempted under subsection (4) of this section in school
37 activities or programs by reason of such exemption.

38 SECTION 2. SEVERABILITY. The provisions of this act are hereby declared
39 to be severable, and if any provision of this act or the application of such
40 provision to any person or circumstance is declared invalid for any reason,

1 such declaration shall not affect the validity of the remaining portions of
2 this act.

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