

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 579

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO EMPLOYEE PERSONAL MEDICAL INFORMATION; AMENDING CHAPTER 2, TI-  
2 TLE 44, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 44-203, IDAHO CODE,  
3 TO PROVIDE FOR THE LIMITED DISCLOSURE OF AN EMPLOYEE'S PERSONAL MEDICAL  
4 INFORMATION; AMENDING THE HEADING FOR CHAPTER 2, TITLE 44, IDAHO CODE;  
5 AND DECLARING AN EMERGENCY.  
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7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Chapter 2, Title 44, 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 44-203, Idaho Code, and to read as follows:

11 44-203. PERSONAL MEDICAL INFORMATION OF EMPLOYEES. (1) An employee  
12 has a right to confidentiality and privacy concerning his personal medical  
13 information. No employee shall be required to disclose personal medical  
14 information to his employer unless:

15 (a) The disclosure is necessary for purposes of:

16 (i) The Americans with disabilities act, P.L. 101-336, and amend-  
17 ments to such act;

18 (ii) The family and medical leave act, P.L. 103-3, and amendments  
19 to such act;

20 (iii) Chapter 59, title 67, Idaho Code; or

21 (iv) Other relevant federal or state law; or

22 (b) The information is necessary for the employer to determine whether  
23 the employee can perform the essential requirements of his position or  
24 of a new position to which the employee has requested a transfer or pro-  
25 motion and, at the time of or immediately before the hiring of the em-  
26 ployee, the employer identified the specific personal medical informa-  
27 tion to be disclosed and the employee agreed to the release of such per-  
28 sonal medical information. The employer may require that such informa-  
29 tion be updated or kept current if the employee is made aware of the re-  
30 quirement at the time of or immediately before hiring.

31 (2) For purposes of this section, "personal medical information" means  
32 any information related to or revealing specifics or details of an individ-  
33 ual's medical or dental condition, diagnosis, treatment, operation, pro-  
34 cedure, medication, immunization, genetic modulation, inoculation, or any  
35 other similar or related information. "Personal medical information" does  
36 not include employer drug or alcohol testing results.

37 SECTION 2. That the Heading for Chapter 2, Title 44, Idaho Code, be, and  
38 the same is hereby amended to read as follows:

39 CHAPTER 2

40 EMPLOYER AND EMPLOYEE RIGHTS AND DUTIES ~~EMPLOYEE ASSISTANCE PROGRAMS~~

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