

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 708

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 A CORONAVIRUS VACCINATION, HAVE A VAC-
4 CINE PASSPORT, OR PROVIDE PROOF OF ANY OTHER FORM OF CORONAVIRUS IMMUN-
5 NIZATION OR NEGATIVE LABORATORY TEST FOR CERTAIN PURPOSES, TO PROHIBIT
6 CERTAIN DISCRIMINATION, TO DEFINE TERMS, AND TO PROVIDE FOR CERTAIN EX-
7 CEPTIONS; PROVIDING SEVERABILITY; AND DECLARING 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. CORONAVIRUS VACCINE PASSPORTS PROHIBITED. (1) No person
14 shall be required to receive a coronavirus vaccination, have a vaccine
15 passport, or provide proof of any other form of coronavirus immunization or
16 negative laboratory test result for coronavirus 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 during a time when the venue is
20 accessible to the general public; or

21 (c) Be hired by the state or maintain employment with the state. An em-
22 ployee of the state or a political subdivision of the state may not be
23 discriminated against on the basis of such employee's immunization sta-
24 tus, including decisions relating to promotion, compensation, or job
25 duties. However, the state may require:

26 (i) An employee who has previously tested positive for coron-
27 avirus to provide a negative laboratory test result for coron-
28 avirus in order to return to work;

29 (ii) An employee to be tested for coronavirus if the employee was
30 potentially exposed to coronavirus during the course and scope of
31 employment; or

32 (iii) Coronavirus vaccination for an employee whose job duties in-
33 clude:

34 1. Travel to a state, territory, or country that requires
35 such vaccination; or

36 2. Entry into a private location that requires such vaccina-
37 tion.

38 (2) For purposes of this section:

39 (a) "Coronavirus" means:

40 (i) Severe acute respiratory syndrome coronavirus 2;

41 (ii) The disease caused by severe acute respiratory syndrome
42 coronavirus 2; or

- 1 (iii) Any subsequently identified mutation, modification, or
 2 strain of coronavirus if the transmission of said virus among hu-
 3 mans rises to the level of an epidemic or pandemic and qualifies
 4 for an emergency declaration under applicable Idaho law.
- 5 (b) "Government venue" means a building, an office, a school, a park, a
 6 recreation area, or any other place that:
- 7 (i) Is owned or operated by the state or a political subdivision
 8 of the state; and
- 9 (ii) Is:
- 10 1. Accessible to the general public during the day or part of
 11 the day; or
- 12 2. A place where people apply for or receive services of-
 13 ferred by the state or a political subdivision of the state.
- 14 (c) "Immunization status" means an indication of whether a person has
 15 received one (1) or more doses of a vaccine for coronavirus.
- 16 (d) "Political subdivision" means a city, a county, a school district,
 17 a special purpose district, a community college, a public body corpo-
 18 rate and politic, or any other entity created by state law, local ordi-
 19 nance, or executive order.
- 20 (e) "State" means any agency, officer, department, division, bureau,
 21 board, commission, or institution of the state of Idaho, including any
 22 state institution of higher education.
- 23 (f) "Vaccine passport" means a document establishing that a person has
 24 been vaccinated for coronavirus.
- 25 (3) This section does not apply to any coronavirus immunization re-
 26 quirement:
- 27 (a) Imposed by the federal government;
- 28 (b) For schools pursuant to chapter 48, title 39, Idaho Code;
- 29 (c) For day care facilities pursuant to chapter 11, title 39, Idaho
 30 Code; or
- 31 (d) Imposed by a health care facility as defined in section 48-303,
 32 Idaho Code.

33 SECTION 2. SEVERABILITY. The provisions of this act are hereby declared
 34 to be severable, and if any provision of this act or the application of such
 35 provision to any person or circumstance is declared invalid for any reason,
 36 such declaration shall not affect the validity of the remaining portions of
 37 this act.

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