

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 291

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE BUSINESS BILL OF RIGHTS; AMENDING TITLE 73, IDAHO CODE, BY
2 THE ADDITION OF A NEW CHAPTER 5, TITLE 73, IDAHO CODE, TO PROVIDE A SHORT
3 TITLE, TO DEFINE TERMS, TO PROHIBIT CERTAIN STATE AND LOCAL GOVERNMENT
4 ACTIONS, AND TO PROVIDE FOR THE TERMINATION OF A DISASTER EMERGENCY OR
5 PUBLIC HEALTH ORDER UPON VIOLATION.
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7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Title 73, 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 5, Title 73, Idaho Code, and to read as follows:

11 CHAPTER 5
12 BUSINESS BILL OF RIGHTS

13 73-501. SHORT TITLE. This chapter shall be known and may be cited as
14 the "Business Bill of Rights."

15 73-502. DEFINITIONS. As used in this chapter:

16 (1) "Business" means any undertaking operated for economic gain, in-
17 cluding but not limited to a corporation, partnership, trust, proprietor-
18 ship, firm, association, or joint venture.

19 (2) "Governmental entity" means the state of Idaho and all agencies,
20 commissions, and other governmental bodies of the state, all counties and
21 municipalities of the state, all other political subdivisions, including
22 but not limited to health boards, employees, or elected officials of any of
23 the governmental entities identified in this definition, and any govern-
24 mental bodies, officials, or employees not specifically mentioned in this
25 chapter.

26 (3) "Occupational or professional licensure" means a license, certifi-
27 cate, registration, permit, or other authorization of any person to practice
28 a profession or occupation issued by a licensing authority, as that term is
29 defined in section 67-9403, Idaho Code.

30 73-503. STATE AND LOCAL GOVERNMENT PROHIBITIONS. During any disaster
31 emergency declared by the governor or any public health order issued by a
32 governmental entity, a governmental entity shall not:

33 (1) Revoke or threaten to revoke a business license or liquor license
34 because such business remains open;

35 (2) Revoke or threaten to revoke the occupational or professional li-
36 censure of a business owner or employee because such business remains open;

37 (3) Fine, sanction, or seize funds or assets of a business because such
38 business remains open; or

1 (4) Require a business to close, to reduce its hours, to alter its man-
2 ner of business operations, or to otherwise restrict such business in its
3 manner of operation, including with respect to access by employees, cus-
4 tomers, suppliers, consultants, or contractors.

5 73-504. TERMINATION OF DISASTER EMERGENCY OR PUBLIC HEALTH ORDER. A
6 violation of section 73-503, Idaho Code, shall result in the termination of
7 any disaster emergency or public health order, or both, in place when a gov-
8 ernmental entity engages in a prohibited action against a business.