

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 427

BY WAYS AND MEANS 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 44-204, 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.
6

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 44-204, Idaho Code, and to read as follows:

11 44-204. 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 in-
14 formation to his employer unless:

15 (a) The information is necessary for the employer to determine whether
16 the employee can perform the essential requirements of his position;
17 and

18 (b) At the time of or immediately before the hiring of the employee,
19 the employer identifies the specific personal medical information to be
20 disclosed and the employee agrees to the release of such personal medi-
21 cal information.

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

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

30 CHAPTER 2

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

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