

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 429

BY WAYS AND MEANS 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.  
4

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 individual age eighteen (18) years 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 the  
32 adult or child to wear a mask, use a plexiglass barrier, or observe other sim-  
33 ilar medical measures by submitting a signed statement to school officials  
34 stating his objection to the requirement for medical, religious, or personal  
35 belief reasons.

36 (5) No person shall limit the participation of an individual exempted  
37 under subsection (4) of this section in school activities or programs by rea-  
38 son of such exemption.

39 SECTION 2. SEVERABILITY. The provisions of this act are hereby declared  
40 to be severable, and if any provision of this act or the application of such  
41 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.