

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 491

BY NICHOLS

AN ACT

1 RELATING TO MEDICAL PRIVACY; AMENDING SECTION 39-9002, IDAHO CODE, TO DE-
2 FINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 90, TI-
3 TLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-9004, IDAHO CODE,
4 TO ESTABLISH PROVISIONS REGARDING PRIVACY OF PERSONAL MEDICAL INFORMA-
5 TION; AMENDING SECTION 39-9004, IDAHO CODE, TO REDESIGNATE THE SECTION,
6 TO PROVIDE THAT CERTAIN VIOLATIONS SHALL CONSTITUTE MISDEMEANORS, AND
7 TO MAKE A TECHNICAL CORRECTION; PROVIDING SERVERABILITY; AND DECLARING
8 AN EMERGENCY.
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10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1. That Section 39-9002, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 39-9002. DEFINITIONS. (1) "Health care services" ~~shall~~ means any ser-
14 vice, treatment, or provision of product for the care of physical or mental
15 disease, illness, injury, defect or condition, or to otherwise maintain or
16 improve physical or mental health, subject to all laws and rules regulating
17 health service providers and products within the state of Idaho.

18 (2) "Mode of securing" ~~shall~~ means to purchase directly or on credit
19 or by trade, or to contract for third-party payment by insurance or other
20 legal means authorized by the state of Idaho, or to apply for or accept em-
21 ployer-sponsored or government-sponsored health care benefits under such
22 conditions as may legally be required as a condition of such benefits, or any
23 combination of the same.

24 (3) "Penalty" ~~shall~~ means any civil or criminal fine, tax, salary or
25 wage withholding, surcharge, fee or any other imposed consequence, estab-
26 lished by law or rule of the federal government of the United States of Amer-
27 ica or its subdivision or agency, that is used to punish or discourage the ex-
28 ercise of rights protected under this chapter.

29 (4) "Personal medical information" means any information related to or
30 revealing specifics or details of a person's medical or dental condition,
31 diagnosis, treatment, operation, procedure, medication, vaccination, immu-
32 nization, genetic modulation, or inoculation or any other similar or related
33 information.

34 SECTION 2. That Chapter 90, Title 39, Idaho Code, be, and the same is
35 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
36 igned as Section 39-9004, Idaho Code, and to read as follows:

37 39-9004. MEDICAL PRIVACY. (1) Every person within the state of Idaho
38 has a right to confidentiality and privacy concerning his personal medical
39 information.

1 (2) With the exception of a person's health care provider, caretaker,
2 or guardian, no person, business, corporation, facility, enterprise, organ-
3 ization, school, college, university, agency, or department, whether public
4 or private, shall condition access on or require the release or revelation of
5 a person's personal medical information.

6 (3) An employer shall not, in connection with hiring, promotion, demo-
7 tion, retention, disciplinary action, or other related decisions, request
8 or require the release or revelation of a person's personal medical informa-
9 tion.

10 (4) The provisions of subsections (2) and (3) of this section shall not
11 prevent an employer from requiring or performing a drug screening in compli-
12 ance with company policy.

13 SECTION 3. That Section 39-9004, Idaho Code, be, and the same is hereby
14 amended to read as follows:

15 39-9004~~5~~. ENFORCEMENT. (1) No public official, employee, or agent of
16 the state of Idaho or any of its political subdivisions, shall act to impose,
17 collect, enforce, or effectuate any penalty in the state of Idaho that vio-
18 lates the public policy set forth in section 39-9003(2), Idaho Code.

19 (2) Any violation of section 39-9004(2) or (3), Idaho Code, shall con-
20 stitute a misdemeanor.

21 (3) The attorney general shall take such action as is provided in sec-
22 tion 67-1401(15), Idaho Code, in the defense or prosecution of rights pro-
23 tected under this act.

24 SECTION 4. SEVERABILITY. The provisions of this act are hereby declared
25 to be severable, and if any provision of this act or the application of such
26 provision to any person or circumstance is declared invalid for any reason,
27 such declaration shall not affect the validity of the remaining portions of
28 this act.

29 SECTION 5. An emergency existing therefor, which emergency is hereby
30 declared to exist, this act shall be in full force and effect on and after its
31 passage and approval.