

STATEMENT OF PURPOSE

RS29086 / #billnum

On April 7, 2021, Governor Little issued executive order 2021-04 which essentially prohibited the state of Idaho from requiring proof of vaccination to receive or access state services and facilities. This legislation codifies and expands the Governor's executive order and provides that individuals will not be required to provide proof of vaccination or negative test results in order to: apply or receive services provided by the state; enter a government venue; or be hired or maintain employment with the state. This legislation also provides for civil penalties for violating this legislation.

FISCAL NOTE

There will be negligible fiscal impacts to state or local governments if this legislation passes because it does not create or expand any programs and does not require the expenditure of any funds.

Contact:

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).



LEGISLATURE OF THE STATE OF IDAHO



Sixty-sixth Legislature

First Regular Session - 2021

IN THE _____

BILL NO. _____

BY _____

AN ACT

RELATING TO IMMUNIZATION; AMENDING CHAPTER 23, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2359, IDAHO CODE, TO PROVIDE THAT A PERSON SHALL NOT BE REQUIRED TO RECEIVE ANY VACCINATION OR TO PROVIDE PROOF OF ANY OTHER FORM OF IMMUNIZATION OR NEGATIVE LABORATORY TEST FOR CERTAIN PURPOSES, TO DEFINE TERMS, TO PROVIDE FOR CERTAIN FINES AND FORFEITED FEES IN THE CASE OF VIOLATIONS, AND TO PROVIDE FOR CERTAIN EXCEPTIONS; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 23, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-2359, Idaho Code, and to read as follows:

67-2359. IMMUNIZATION NOT REQUIRED FOR CERTAIN PURPOSES. (1) No person shall be required to receive any vaccination or to provide proof of any other form of immunization or negative laboratory test result in order to:

- (a) Apply for or receive services provided by the state or a political subdivision of the state;
- (b) Enter or remain in a government venue; or
- (c) Be hired by the state or maintain employment with the state.

(2) An employee of the state or a political subdivision of the state may not be discriminated against on the basis of such employee's immunization status, including decisions relating to promotion, compensation, or job duties.

(3) For purposes of this section:

(a) "Government venue" means a building, an office, a school, a park, a recreation area, or any other place that is:

- (i) Owned or operated by the state or a political subdivision of the state; and
- (ii) Is:
 1. Accessible to the general public during the day or part of the day; or
 2. A place where people apply for or receive services offered by the state or a political subdivision of the state.

(b) "Immunization status" means an indication of whether a person has received one (1) or more doses of a vaccine.

(c) "Political subdivision" means a city, a county, a school district, a special purpose district, a community college, a public body corporate and politic, or any other entity created by state law, local ordinance, or executive order.

(d) "State" means any agency, officer, department, division, bureau, board, commission, or institution of the state of Idaho, including any state institution of higher education.

1 (4) (a) A violation of this section by the state or a political subdivi-
2 sion of the state shall result in a civil fine of no less than five hun-
3 dred dollars (\$500) and no more than one thousand dollars (\$1,000) to
4 be assessed on the highest-ranking employee responsible for the deci-
5 sion violating this section. The fine is to be paid personally by the
6 employee and must not be paid from the state's or the political subdivi-
7 sion's budget.

8 (b) A person required to receive a vaccination or to provide any other
9 form of immunization or negative laboratory test result in contraven-
10 tion of this section may seek the remedy provided in this subsection by
11 filing a claim in the small claims court pursuant to chapter 23, title
12 1, Idaho Code. The magistrate judge may award up to five hundred dollars
13 (\$500) to the plaintiff as compensatory damages and the remainder of the
14 civil fine shall be deposited in the legislative legal defense fund es-
15 tablished in section 67-451A, Idaho Code.

16 (c) In addition to the other remedies provided in this subsection, if
17 the wrongful action by the state or political subdivision took place at
18 an event charging admission fees to the government venue, the court may
19 order all proceeds from the event to be forfeited and deposited in the
20 legislative legal defense fund.

21 (5) This section does not apply to immunization requirements for
22 schools pursuant to chapter 48, title 39, Idaho Code, or for day care facili-
23 ties pursuant to chapter 11, title 39, Idaho Code.

24 SECTION 2. 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 3. 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.