

STATEMENT OF PURPOSE

RS29096 / #billnum

This bill affirms a parent's right to oversee all medical treatment of their child, including those who are 14 years old and up. It further affirms that a federal vaccine mandate does not trump a parent's right to oversee the fundamental affairs of their child, including those who are 14 years old and up. This legislation is in line with Idaho's current ten statutes that confirm a parent's right, not the state's right, to control and oversee the affairs of their child. These statutes include:

32-1010	Intent of the Legislature - Parental Rights
32-1011	Parental Right to the Care, Custody and Control of Children
32-1012	Parental Right to Direct the Education of Children
32-1013	Interference with Fundamental Parental Rights Restricted
33-1608	Family Life and Sex Education
33-1609	"Sex Education" Defined
33-1610	Involvement of Parents and Community Groups
33-1611	Excusing Children from Instruction in Sex Education
33-6001	Parental Rights
33-6002	Annual Notice of Parental Rights

FISCAL NOTE

There is no impact to the general fund nor to any local government because this is a continued validation of the supreme role of parents in following Idaho's tradition of upholding parental rights, including those 14 years old and up, as clearly defined in the aforementioned statutes.

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).

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## LEGISLATURE OF THE STATE OF IDAHO

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Sixty-sixth Legislature

First Regular Session - 2021  
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IN THE _____

BILL NO. _____

BY _____

AN ACT

RELATING TO MINORS; AMENDING SECTION 39-3801, IDAHO CODE, TO REQUIRE PARENTAL OR LEGAL GUARDIAN CONSENT FOR CERTAIN TREATMENT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 39-3801, Idaho Code, be, and the same is hereby amended to read as follows:

39-3801. INFECTIOUS, CONTAGIOUS, OR COMMUNICABLE DISEASE -- MEDICAL TREATMENT OF MINOR ~~14 YEARS OF AGE OR OLDER~~ -- CONSENT OF PARENTS OR GUARDIAN ~~UNNECESSARY~~ REQUIRED. Notwithstanding any other provision of law, a minor ~~fourteen (14) years of age or older~~ who may have come into contact with any infectious, contagious, or communicable disease ~~may give consent to the furnishing of hospital, medical and surgical care related to the diagnosis or treatment of such disease, if the disease or condition is one which is required by law, or regulation adopted pursuant to law, to be reported to the local health officer. Such consent shall not be subject to disaffirmance because of minority. The~~ shall require the consent of the parent, parents, or legal guardian of such minor ~~shall not be necessary to authorize hospital, medical, and surgical care related to such disease and such parent, parents, or legal guardian shall not be liable for payment for any care rendered pursuant to this section.~~

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.