

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 97

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO COVID-19; AMENDING CHAPTER 48, TITLE 39, IDAHO CODE, BY THE AD-
2 DITION OF A NEW SECTION 39-4806, IDAHO CODE, TO PROVIDE THAT AT LEAST
3 SEVENTY PERCENT OF COVID-19 VACCINE DOSES MUST BE ADMINISTERED WITHIN
4 FOURTEEN DAYS OF RECEIPT BY THE ENTITY RESPONSIBLE FOR ADMINISTERING
5 THE VACCINE, TO PROVIDE FOR A FINE, TO PROVIDE THAT THE ADMINISTRATOR
6 OF THE VACCINATION PROGRAM MUST IMMEDIATELY REALLOCATE UNUSED DOSES,
7 TO PROVIDE THAT VACCINE DOSES BE ADMINISTERED IN A CERTAIN ORDER AND TO
8 PROVIDE AN EXCEPTION, TO PROVIDE FOR ENFORCEMENT, AND TO PROVIDE THAT
9 THE PROVISIONS OF THE SECTION WILL BE EFFECTIVE FOR A CERTAIN AMOUNT OF
10 TIME; PROVIDING A SUNSET DATE; AND DECLARING AN EMERGENCY.
11

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

13 SECTION 1. That Chapter 48, Title 39, Idaho Code, be, and the same is
14 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
15 ignated as Section 39-4806, Idaho Code, and to read as follows:

16 39-4806. ADMINISTRATION OF COVID-19 VACCINES. (1) At least seventy
17 percent (70%) of COVID-19 vaccine doses distributed to the state of Idaho
18 by the federal government must be administered to Idaho residents within
19 fourteen (14) days of receipt of the vaccine doses by the hospital, clinic,
20 pharmacy, or other entity responsible for administering the vaccine.

21 (2) An entity responsible for administering COVID-19 vaccine doses
22 that fails to administer at least seventy percent (70%) of the doses within
23 fourteen (14) days of such doses' receipt and fails to immediately notify the
24 administrator designated by the governor to administer the vaccination pro-
25 gram will be fined five thousand dollars (\$5,000) for each day notification
26 is required and not given. Any fine imposed pursuant to this subsection will
27 be deposited in the state general fund.

28 (3) The administrator of the vaccination program must immediately
29 reallocate unused doses to an entity that is able to timely administer the
30 doses to Idaho residents.

31 (4) COVID-19 vaccine doses will, to the extent possible, be adminis-
32 tered in the order of priority directed by the governor. However, to prevent
33 waste or destruction of vaccine doses, a dose may be administered to a per-
34 son outside the order of priority if the alternative would be the waste or
35 destruction of a dose. Each entity responsible for administering COVID-19
36 vaccine doses must establish a waiting list or other procedure to ensure that
37 vaccine doses are promptly administered as provided in this section.

38 (5) The department of health and welfare will and is authorized to take
39 the actions necessary to enforce the provisions of this section.

40 (6) The provisions of this section will be effective until the earliest
41 of the following:

- 1 (a) Forty percent (40%) of the Idaho population has been fully vacci-
- 2 nated for COVID-19;
- 3 (b) The governor makes a finding by executive order that COVID-19 is no
- 4 longer epidemic within the state of Idaho; or
- 5 (c) July 1, 2022.

6 SECTION 2. The provisions of Section 1 of this act shall be null, void,
7 and of no force and effect on and after July 1, 2022.

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