

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 719

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO FREE EXERCISE OF RELIGION; AMENDING CHAPTER 4, TITLE 73, IDAHO  
2 CODE, BY THE ADDITION OF A NEW SECTION 73-405, IDAHO CODE, TO DEFINE  
3 A TERM, TO PROVIDE REQUIREMENTS REGARDING A CORONAVIRUS VACCINE RE-  
4 QUIREMENT AND RELIGIOUS EXEMPTIONS, TO PROVIDE FOR A CLAIM AGAINST AN  
5 EMPLOYER IN CERTAIN INSTANCES, TO PROVIDE FOR ATTORNEY'S FEES, AND TO  
6 PROVIDE THAT CERTAIN EMPLOYMENT PRACTICES SHALL REMAIN ILLEGAL; AND  
7 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.  
8

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

10 SECTION 1. That Chapter 4, Title 73, Idaho Code, be, and the same is  
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
12 ignated as Section 73-405, Idaho Code, and to read as follows:

13 73-405. EMPLOYER CORONAVIRUS VACCINE MANDATES -- RELIGIOUS EXEMP-  
14 TIONS. (1) As used in this section, "coronavirus" means:

15 (a) Severe acute respiratory syndrome coronavirus 2;

16 (b) The disease caused by severe acute respiratory syndrome coron-  
17 avirus 2; or

18 (c) Any subsequently identified mutation, modification, or strain of  
19 coronavirus if the transmission of said virus among humans rises to the  
20 level of an epidemic or pandemic and qualifies for an emergency declara-  
21 tion under applicable Idaho law.

22 (2) Consistent with the standard set forth in section 73-402, Idaho  
23 Code, if an employee of an employer requests a religious exemption from a  
24 coronavirus vaccine requirement, such employer shall bear the burden of  
25 proof that the denial of such request is both essential to furthering a  
26 compelling interest and is the least restrictive means of furthering that  
27 interest.

28 (3) An employee whose religious exercise is burdened in violation of  
29 the provisions of subsection (2) of this section may assert such violation  
30 in a claim against the employer and may obtain appropriate relief against the  
31 employer. An employee who prevails in an action to enforce the provisions of  
32 this section shall be awarded attorney's fees and costs. An employee shall  
33 not be required to have exhausted other legal remedies in order to bring a  
34 claim under this subsection.

35 (4) Nothing in this section shall make legal any employment practice  
36 that is otherwise illegal under Idaho law.

37 SECTION 2. An emergency existing therefor, which emergency is hereby  
38 declared to exist, this act shall be in full force and effect on and after  
39 July 1, 2022.