

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 417

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO WORKER'S COMPENSATION; AMENDING CHAPTER 4, TITLE 72, IDAHO CODE,
2 BY THE ADDITION OF A NEW SECTION 72-452, IDAHO CODE, TO PROVIDE THAT VAC-
3 CINE-RELATED ACCIDENTS OR INJURIES SHALL BE COMPENSABLE AND TO PROVIDE
4 FOR A PRESUMPTION IN FAVOR OF COMPENSATION; AND DECLARING AN EMERGENCY.
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6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Chapter 4, Title 72, Idaho Code, be, and the same is
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
9 ignated as Section 72-452, Idaho Code, and to read as follows:

10 72-452. VACCINE-RELATED ACCIDENTS OR INJURIES. (1) When an employer
11 requires an employee to receive a vaccination in the course of employment
12 or as a condition of hiring or continued employment, any accident or injury
13 caused by such vaccination shall be compensable.

14 (2) In any claim for compensation where there is unrebutted prima fa-
15 cie evidence that the employee received a vaccine in the course of employment
16 or as a condition of hiring or continued employment, and where such employee
17 suffers an accident or injury that is or may be related to the employee's re-
18 ceipt of such vaccine, it shall be presumed, in the absence of substantial
19 evidence to the contrary, that such accident or injury arose in the course of
20 employment.

21 (3) The provisions of this title shall be construed in the light most
22 favorable to an employee with respect to a claim for compensation for any ac-
23 cident or injury caused by a vaccination received in the course of employment
24 or as a condition of hiring or continued employment.

25 (4) The commission should, when feasible, adjust the experience rating
26 of an employer that requires employee vaccinations if claims arise from said
27 vaccinations.

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