

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 578

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO THE REQUIRED IMMUNIZATION LIABILITY ACT; AMENDING TITLE 44,
2 IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 28, TITLE 44, IDAHO CODE, TO
3 PROVIDE A SHORT TITLE, TO DEFINE A TERM, TO PROVIDE THAT EMPLOYERS SHALL
4 BE LIABLE FOR REQUIRED IMMUNIZATIONS, AND TO PROVIDE THAT NOTHING SHALL
5 PRECLUDE AN EMPLOYER FROM OBTAINING CERTAIN INSURANCE; AND DECLARING AN
6 EMERGENCY.
7

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

9 SECTION 1. That Title 44, Idaho Code, be, and the same is hereby amended
10 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
11 ter 28, Title 44, Idaho Code, and to read as follows:

12 CHAPTER 28
13 REQUIRED IMMUNIZATION LIABILITY ACT

14 44-2801. SHORT TITLE. This chapter shall be known and may be cited as
15 the "Required Immunization Liability Act."

16 44-2802. "EMPLOYER" DEFINED. As used in this chapter, "employer"
17 means any person employing an employee or acting directly or indirectly in
18 the interest of an employer in relation to an employee, but the term does not
19 include the federal government or an employer as defined in this section that
20 is required by the federal government to require its employees to receive an
21 immunization as a condition of employment.

22 44-2803. EMPLOYER LIABLE FOR REQUIRED IMMUNIZATION. (1) Any employer
23 that requires an employee to receive an immunization as a condition of em-
24 ployment and that denies an employee a requested exemption from an immuniza-
25 tion shall be liable to such employee for damages or injury arising from the
26 required immunization.

27 (2) Nothing in this section shall preclude an employer from obtaining
28 insurance to cover and protect the employer and its employees from any lia-
29 bility arising from a required immunization.

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