

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 573

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

1 RELATING TO HOMELAND SECURITY; AMENDING TITLE 46, IDAHO CODE, BY THE  
2 ADDITION OF A NEW CHAPTER 9, TITLE 46, IDAHO CODE, TO PROVIDE FOR  
3 LIMITATIONS ON WHOLE-BODY IMAGING, TO PROVIDE REQUIREMENTS RELATING  
4 TO WHOLE-BODY IMAGING, TO PROVIDE FOR AN ALTERNATIVE TO WHOLE-BODY  
5 IMAGING, TO PROVIDE RESTRICTIONS RELATING TO IMAGES, TO PROVIDE THAT  
6 THE CHIEF OF THE BUREAU OF HOMELAND SECURITY FOR THE STATE OF IDAHO SHALL  
7 MAKE CERTAIN FINDINGS PRIOR TO USE OF ANY WHOLE-BODY SCANNERS IN THE  
8 STATE, TO PROVIDE FOR REPORTING BY THE CHIEF AND TO DEFINE TERMS.  
9

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

11 SECTION 1. That Title 46, Idaho Code, be, and the same is hereby amended  
12 by the addition thereto of a NEW CHAPTER, to be known and designated as  
13 Chapter 9, Title 46, Idaho Code, and to read as follows:

14 CHAPTER 9

15 LIMITATIONS ON THE USE OF WHOLE-BODY IMAGING TECHNOLOGY FOR SCREENING  
16 PURPOSES

17 46-901. WHOLE-BODY IMAGING -- LIMITATIONS. (1) It shall be unlawful  
18 for any person or governmental entity within the state of Idaho to use a  
19 whole-body imaging device at any public facility or government building for  
20 the purpose of screening persons except in accordance with the provisions of  
21 this section.

22 (2) Whole-body imaging technology may not be used as the sole or primary  
23 method of screening persons, nor may it be used to screen any person unless  
24 another method of screening, such as metal detection, demonstrates cause  
25 for preventing such person from boarding an aircraft or entering a public  
26 facility or government building.

27 (3) A person for whom screening by whole-body imaging technology is  
28 permissible pursuant to the provisions of subsection (2) of this section,  
29 shall be provided information on the operation of such technology, on the  
30 image generated by such technology, on privacy policies relating to such  
31 technology, and on the right to request a pat-down search pursuant to the  
32 provisions of subsection (4) of this section, prior to utilization of such  
33 technology with respect to such person.

34 (4) A person for whom screening by whole-body imaging technology is  
35 permissible pursuant to the provisions of subsection (2) of this section  
36 shall be offered a pat-down search in lieu of such screening.

37 (5) An image of a person generated by whole-body imaging technology  
38 may not be stored, transferred, shared or copied in any form after the  
39 determination has been made to allow or disallow the person whose body  
40 was scanned to proceed to board an aircraft or enter a public facility or  
41 government building.

1 (6) Prior to the use of any whole-body scanner in the state of Idaho,  
2 the chief of the bureau of homeland security for the state of Idaho shall  
3 make a finding that repeated exposure to a whole-body scanner by persons  
4 who frequently fly, or who frequently visit a public facility or government  
5 building where a whole-body scanner is in use, will not be harmed or in any  
6 way have their physical well-being affected by repeated exposure to the  
7 whole-body scanner. Such findings shall also address persons who operate or  
8 work in close proximity to a whole-body scanner.

9 (7) No later than one (1) year after the date of enactment of this  
10 section, and annually thereafter, the chief of the bureau of homeland  
11 security for the state of Idaho shall submit to the legislature a report  
12 containing information on the implementation of the provisions of this  
13 section which shall include the number of persons for whom screening by  
14 whole-body imaging technology was permissible under the provisions of  
15 subsection (2) of this section as a percentage of all screened, the number of  
16 persons who chose a pat-down search when presented the offer pursuant to the  
17 provisions of subsection (4) of this section as a percentage of all persons  
18 presented such offer, on privacy protection measures taken with respect to  
19 whole-body imaging technology, on privacy violations that occurred with  
20 respect to such technology and on the effectiveness of such technology. The  
21 report shall also include any new findings related to the health effects of  
22 exposure to the radiation from a whole-body scanner to the operator and to  
23 persons who are frequently x-rayed by such whole-body scanners.

24 (8) As used in this section, the following terms mean:

25 (a) "Pat-down search" means a physical search of a person where the  
26 outer clothing of the person is patted by the palm or the back of the hand  
27 when there is reasonable suspicion the person may possess a prohibited  
28 weapon, destructive device or other prohibited material;

29 (b) "Whole-body imaging technology" means a device, including a  
30 device using backscatter x-rays or millimeter waves, used to detect  
31 objects carried on individuals and that creates a visual image of the  
32 individual's full body, showing the surface of the skin and revealing  
33 objects that are on the body.