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LEGISLATURE OF THE STATE OF IDAHO
Sixty-fifth Legislature First Extraordinary Session - 2020

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1 AN ACT
2 RELATING TO HIGHER EDUCATION; AMENDING CHAPTER 37, TITLE 33, IDAHO CODE, BY
3 THE ADDITION OF A NEW SECTION 33-3730, IDAHO CODE, TO ESTABLISH PROVI-
4 SIONS REGARDING A POLICY TO PREVENT THE SPREAD OF CONTAGIOUS OR INFEC-
5 TIOUS DISEASE; AMENDING CHAPTER 21, TITLE 33, IDAHO CODE, BY THE ADDI-
6 TION OF A NEW SECTION 33-2145, IDAHO CODE, TO ESTABLISH PROVISIONS RE-
7 GARDING A POLICY TO PREVENT THE SPREAD OF CONTAGIOUS OR INFECTIOUS DIS-
8 EASE; AND DECLARING AN EMERGENCY.

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

10 SECTION 1. That Chapter 37, Title 33, 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 33-3730, Idaho Code, and to read as follows:

13 33-3730. PROCEDURES TO PREVENT THE SPREAD OF INFECTIOUS DISEASE. (1)
14 Each state institution of higher education shall adopt a policy for measures
15 and procedures to prevent the spread of contagious or infectious disease,
16 including temporary closure of the institution or any of its buildings or
17 campuses. Such policy shall be adopted in consultation with the state board
18 of education and the district health department of any public health dis-
19 trict in which the institution offers in-person classes. Notwithstanding
20 any law or rule to the contrary, once such policy is adopted, only the state
21 board of education, acting in accordance with the policy, shall have the au-
22 thority to close an institution or any of its buildings or campuses, limit
23 its programs or activities, or require other measures at the institution for
24 the purpose of preventing the spread of contagious or infectious disease.

25 (2) The state board of education or a state institution of higher edu-
26 cation acting in accordance with a policy adopted pursuant to this section
27 shall not be held to violate any order issued by the department of health
28 and welfare pursuant to section 56-1003(7), Idaho Code; a district board of
29 health pursuant to section 39-414(2), Idaho Code; or a city pursuant to sec-
30 tion 50-304, Idaho Code.

31 SECTION 2. That Chapter 21, Title 33, Idaho Code, be, and the same is
32 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
33 ignated as Section 33-2145, Idaho Code, and to read as follows:

34 33-2145. PROCEDURES TO PREVENT THE SPREAD OF INFECTIOUS DISEASE. (1)
35 The board of trustees of each community college shall adopt a policy for
36 measures and procedures to prevent the spread of contagious or infectious
37 disease, including temporary closure of the college or any of its buildings
38 or campuses. Such policy shall be adopted in consultation with the district
39 health department of any public health district in which the college offers
40 in-person classes. Notwithstanding any law or rule to the contrary, once

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1 such policy is adopted, only the board of trustees, acting in accordance
2 with the policy, shall have the authority to close a community college or any
3 of its buildings or campuses, limit its programs or activities, or require
4 other measures at the college for the purpose of preventing the spread of
5 contagious or infectious disease.

6 (2) A community college board of trustees or a community college act-
7 ing in accordance with a policy adopted pursuant to this section shall not be
8 held to violate any order issued by the department of health and welfare pur-
9 suant to section 56-1003(7), Idaho Code; a district board of health pursuant
10 to section 39-414(2), Idaho Code; or a city pursuant to section 50-304, Idaho
11 Code.

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