

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 443

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO THE MEDICAL CONSUMER PROTECTION ACT; AMENDING TITLE 44, IDAHO
2 CODE, BY THE ADDITION OF A NEW CHAPTER 28, TITLE 44, IDAHO CODE, TO PRO-
3 VIDE A SHORT TITLE, TO DEFINE TERMS, AND TO SPECIFY THAT EMPLOYERS OR
4 COMPANIES CONTRACTING WITH THE STATE OF IDAHO SHALL NOT ENGAGE IN DIS-
5 CRIMINATION AGAINST UNVACCINATED PERSONS.
6

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

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

11 CHAPTER 28

12 MEDICAL CONSUMER PROTECTION ACT

13 44-2801. SHORT TITLE. This chapter shall be known and may be cited as
14 the "Medical Consumer Protection Act."

15 44-2802. DEFINITIONS. As used in this chapter:

16 (1) "Company" means any domestic or foreign sole proprietorship, or-
17 ganization, association, corporation, partnership, joint venture, limited
18 partnership, limited liability partnership, limited liability company, or
19 other domestic or foreign entity or business association, including without
20 limitation any wholly owned subsidiary, majority-owned subsidiary, parent
21 company, or affiliate of such an entity or business association that exists
22 for the purpose of making a profit.

23 (2) "Discrimination against unvaccinated persons" means a company or
24 employer maintaining a policy of subjecting, or actually subjecting, any em-
25 ployee to an adverse employment action for refusing to be vaccinated against
26 any illness or disease because of a medical contraindication or for reasons
27 of conscience, including religious or philosophical beliefs.

28 (3) "Employer" means any person employing an employee or acting
29 directly or indirectly in the interest of an employer in relation to an em-
30 ployee but shall not include the federal government or any federal agency.

31 44-2803. CONTRACTING WITH CERTAIN COMPANIES PROHIBITED. (1) The state
32 of Idaho and any political subdivision in the state shall not enter into a
33 contract with an employer or company that discriminates against persons on
34 the basis of their vaccination records or vaccination status.

35 (2) No employer or company, having entered into a contract with the
36 state or any political subdivision in the state, shall discharge without
37 just cause, refuse to hire, or otherwise discriminate against any person
38 with respect to hire, tenure, terms, conditions, or privileges of employ-
39 ment, or any matter directly or indirectly related to employment, on the

1 basis that the person has not been or will not be vaccinated against any
2 illness or disease because of a medical contraindication or for reasons of
3 conscience, including religious or philosophical beliefs.

4 (3) An employer or company that violates this section is in breach
5 of its contract with the state or respective political subdivision in the
6 state.