

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 68

BY EDUCATION COMMITTEE

AN ACT

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

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 must 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 must 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, has the authority  
22 to close an institution or any of its buildings or campuses, to limit its pro-  
23 grams or activities, or to require other measures at the institution for the  
24 purpose of preventing the spread of contagious or infectious disease.

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

1 such policy is adopted, only the board of trustees, acting in accordance  
2 with the policy, has the authority to close a community college or any of its  
3 buildings or campuses, to limit its programs or activities, or to 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 may 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.