

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 339, As Amended

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO MASK MANDATES; AMENDING CHAPTER 23, TITLE 67, IDAHO CODE, BY THE
ADDITION OF A NEW SECTION 67-2359, IDAHO CODE, TO ESTABLISH PROVISIONS
REGARDING THE PROHIBITION OF MASK MANDATES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 23, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-2359, Idaho Code, and to read as follows:

67-2359. MASK MANDATES PROHIBITED. (1) Notwithstanding any provision of law to the contrary:

(a) Neither the state nor a political subdivision may mandate that an individual in this state must use a face mask, face shield, or other face covering for the purpose of preventing or slowing the spread of a contagious or infectious disease;

(b) An official may not mandate that an individual in this state must use a face mask, face shield, or other face covering for the purpose of preventing or slowing the spread of a contagious or infectious disease;

(c) A face mask, face shield, or face covering shall not be required by the state, a political subdivision, or an official as a condition for entry, education, employment, or other services; and

(d) If the state, a political subdivision, or an official recommends using a face mask, face shield, or face covering to prevent or slow the spread of a contagious or infectious disease, such recommendation shall be accompanied by a notice that the recommendation is not mandatory.

(2) A violation of subsection (1) of this section shall result in the termination of any disaster emergency or public health order, or both, in place when the state or a political subdivision engages in a prohibited action.

(3) For purposes of this section:

(a) "Official" means an officer or an employee of the state or a political subdivision.

(b) "Political subdivision" means a county, city, public health district, school district, special purpose district, or other district or municipality organized under any general or special law of this state, except the term "political subdivision" does not include any hospital or health care facility.

(c) "State" means the state of Idaho or any of its agencies, boards, commissions, departments, divisions, or institutions, including any state institution of higher education, except the term "state" does not include any hospital or health care facility.

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