LEGISLATURE OF THE STATE OF IDAHO
Sixty-sixth Legislature Second Regular Session - 2022

IN THE SENATE

SENATE BILL NO. 1381

BY JUDICIARY AND RULES COMMITTEE

AN ACT
RELATING TO CORONAVIRUS; PROVIDING LEGISLATIVE INTENT; AMENDING TITLE 73, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 5, TITLE 73, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROHIBIT CORONAVIRUS VACCINATION REQUIREMENTS, AND TO PROVIDE FOR SEVERABILITY; PROVIDING A SUNSET; AND DECLARING AN EMERGENCY.

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

SECTION 1. LEGISLATIVE INTENT. The coronavirus, as defined in this act, and its vaccinations are relatively new medical developments. It is the public policy of the State of Idaho that the decision to receive such a coronavirus vaccination is a very personal and individual decision. Individuals should not be treated differently or discriminated against because they have or have not received a coronavirus vaccination.

The Legislature recognizes that Section 10, Article I of the United States Constitution and Section 16, Article I of the Constitution of the State of Idaho provide that the state cannot pass laws impairing the obligation of contracts. Due to these constitutional provisions, the Legislature acknowledges that the provisions of this act do not apply to contracts existing prior to the effective date of this act. The Legislature intends that the provisions of this act apply to contracts and any applicable coronavirus provisions entered into after the effective date of this act. The Legislature further acknowledges that Idaho is an "at-will" employment state and, as such, the terms of "at-will" employment come into play anew each time an employee works. The Legislature intends this act to apply to "at-will" employment going forward from the effective date of this act.

SECTION 2. That Title 73, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 5, Title 73, Idaho Code, and to read as follows:

CHAPTER 5
CORONAVIRUS PAUSE ACT

73-501. SHORT TITLE. This chapter shall be known and may be cited as the "Coronavirus Pause Act."

73-502. DEFINITIONS. As used in this chapter:
(1) "Business entity" means any person or group of persons performing or engaging in any activity, enterprise, profession, or occupation for gain, benefit, advantage, or livelihood, whether for profit or not-for-profit.
"Business entity" shall include but not be limited to:
(a) Self-employed individuals, business entities filing articles of incorporation, partnerships, limited partnerships, limited liability companies, foreign corporations, foreign limited partnerships, for-
eign limited liability companies authorized to transact business in Idaho, business trusts, and any business entity that registers with the secretary of state; and
(b) Any business entity that possesses a business license, permit, certificate, approval, registration, charter, or similar form of authorization issued by the state; any business entity exempt by law from obtaining such a business license; and any business entity operating unlawfully without such a business license.
(2) "Coronavirus" means:
(a) Severe acute respiratory syndrome coronavirus 2;
(b) The disease caused by severe acute respiratory syndrome coronavirus 2; or
(c) Any subsequently identified mutation, modification, or strain of severe acute respiratory syndrome coronavirus 2 if the transmission of said virus among humans rises to the level of an epidemic or pandemic and qualifies for an emergency declaration under applicable Idaho law.
(3) "Coronavirus vaccination" means the introduction of a coronavirus vaccine into the human body.
(4) "Foreign jurisdiction" means any state, commonwealth, country, or nation outside the state of Idaho.
(5) "Ticket issuer" means an individual or entity providing tickets to an entertainment event, including any of the following:
(a) The operator of the venue where an entertainment event occurs;
(b) The sponsor or promoter of an entertainment event;
(c) A sports team participating in an entertainment event or a league whose teams are participating in an entertainment event;
(d) A theater company, musical group, or similar participant in an entertainment event; or
(e) An agent of any individual or entity described in this subsection.

73-503. CORONAVIRUS VACCINATION REQUIREMENTS PROHIBITED. (1) A business entity doing business in the state of Idaho shall not refuse to provide any service, product, admission to a venue, or transportation to a person because that person has or has not received a coronavirus vaccination.
(2) A business entity doing business in the state of Idaho shall not require a coronavirus vaccination as a term of employment unless required by federal law or in such cases where the terms of employment include travel to foreign jurisdictions requiring coronavirus vaccinations as the only coronavirus-related means of entry or where the terms of employment require entry into a place of business or facility in a foreign jurisdiction and such place of business or facility requires a coronavirus vaccination as the only coronavirus-related means of entry. In any such instance where an employee is required to obtain a coronavirus vaccination due to travel to a foreign jurisdiction or entry into a place of business or facility in a foreign jurisdiction, said requirement shall either be included in a valid written employment contract between the employer and the employee or, when a written employment contract does not exist, advance written notice shall be provided to an impacted employee no less than fourteen (14) days prior to such employee being required to receive a coronavirus vaccination. Business enti-
ties that receive medicare or medicaid funding shall be exempt from the re-
quirements of this subsection.

(3) A ticket issuer shall not penalize, discriminate against, or deny
access to an entertainment event to a ticket holder because the ticket holder
has or has not received a coronavirus vaccination.

(4) Unless required by federal law, no state, county, or local govern-
ment entity or official in Idaho shall require any person to receive a coro-
avirus vaccination.

(5) Unless required by federal law, no state, county, or local govern-
ment entity or official in Idaho shall require any person to receive a coron-
avirus vaccination as a condition for:

(a) Receipt of any government benefit;
(b) Receipt of any government services;
(c) Receipt of any government-issued license or permit;
(d) Entrance into any public building;
(e) Use of public transportation; or
(f) A term of employment, provided that such entities that receive
medicare or medicaid funding shall be exempt from the requirements of
this paragraph.

(6) No state, county, local government, or business entity in Idaho
shall provide or offer any different salary, hourly wage, or other ongoing
compensation or benefits to an employee based on whether the employee has
or has not received a coronavirus vaccination. However, it shall not be
unlawful for such entities to offer onetime incentives related to coron-
avirus vaccinations that do not result in any different salary, hourly wage,
or ongoing compensation or benefits being provided to an employee based on
whether they have or have not received a coronavirus vaccination. A business
entity may permit its employees to be released from work for the purpose of
receiving a coronavirus vaccination.

(7) The ability to require a coronavirus vaccination under this chap-
ter is subject to other statutory or constitutional provisions regarding re-
quests for coronavirus vaccination exemptions and requirements to provide
reasonable accommodation.

(8) A violation of any provision of this section by a business entity,
state, county, or local government entity, or official in Idaho shall be a
misdemeanor. A violation of subsection (2) or (5)(f) of this section shall
be punishable by a fine of not more than one thousand dollars ($1,000) per em-
ployee unlawfully subjected to a requirement to receive a vaccination. In
addition to the criminal penalties provided in this subsection, a prosecut-
ing attorney may also seek injunctive relief to prohibit further violations
and shall be awarded attorney's fees and costs related to obtaining any such
injunctive relief.

73-504. SEVERABILITY. The provisions of this chapter are hereby de-
clared to be severable, and if any provision of this chapter or the appli-
cation of such provision to any person or circumstance is declared invalid for
any reason, such declaration shall not affect the validity of the remaining
portions of this chapter.

SECTION 3. The provisions of this act shall be null, void, and of no
force and effect one (1) year after termination or expiration of all state of
emergencies related to coronavirus in Idaho, as certified by the Secretary of State, provided that no subsequent state of emergency related to coronavirus is declared during that time period.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.