Legislature of the State of Idaho
Sixty-seventh Legislature Second Regular Session - 2024

In the Senate

Senate Bill No. 1227

By Foreman

An Act

Relating to Health; Amending Chapter 90, Title 39, Idaho Code, by the Addition of a New Section 39-9004, Idaho Code, to Establish Provisions Regarding Health Rights of Patients and Other Persons; Amending Section 39-9004, Idaho Code, to redesignate the section and to Revise Provisions Regarding Enforcement; and Declaring an Emergency and Providing an Effective Date.

Be it enacted by the Legislature of the State of Idaho:

Section 1. That Chapter 90, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a New Section, to be known and designated as Section 39-9004, Idaho Code, and to read as follows:

39-9004. Health Rights. (1) This section shall be known and may be cited as the "Idaho Bill of Patient Medical Rights."

(2) The state, a political subdivision of the state, or a public health district cannot:

(a) Order Idaho residents in general to remain in their homes, close their businesses, social distance, or wear masks or other facial coverings because of an emergency, extreme emergency, or medical emergency, whether declared or undeclared; or

(b) Advertise via any medium, electronic or otherwise, for the recommended public use of any vaccine, drug, or medication classified as experimental by a competent medical authority. The same prohibition shall apply to any vaccine, drug, or medication that has not been fully clinically tested and approved according to recognized, traditional, and accepted standards of clinical testing.

(3) A patient cannot be denied treatment for refusing a vaccine or other medication.

(4) A patient has the right to emergency treatment.

(5) A patient cannot be refused treatment based on sex, age, race, national origin, ethnicity, religion, veteran or military status, or any other basis prohibited by federal law.

(6) A patient has the right to informed consent and must be provided with sufficient information with respect to medications and medical treatment in plain and understandable language prior to being asked for consent to take or receive such medications or treatment.

(7) No patient shall be administered any experimental drug or medication by any health care practitioner unless the patient or the patient's legally designated representative provides signed informed written consent to the use of such experimental drug or medication.

(8) A patient has the right to refuse treatment.

(9) A patient has the right to choose the patient's health care providers.
(10) A patient has the right to privacy and to decide what personal medical information will be released and when and to whom such information will be released.

(11) A patient has the right to a fair review or appeal of any complaint against a physician, hospital, or other health care provider.

(12) A patient may not be prohibited from bringing a legal cause of action against a health care provider by the state or a political subdivision of the state.

(13) A health care provider licensed or certified by the state of Idaho shall not receive or accept funding, privileges, or benefits from a government entity in return for violating a provision of this section.

(14) A patient shall, when possible, be given the opportunity to designate a person or persons who will be kept informed of the patient's condition, prescribed or recommended medications, and options with respect to applicable and available medical procedures.

(15) Visitation by a patient's family members or legal guardians shall be allowed unless the patient refuses visitation or visitation is expressly denied by the attending physician for sound medical reasons in the best interest of the patient. General denial of visitation by family members or legal guardians shall not be instituted as a matter of administrative policy.

SECTION 2. That Section 39-9004, Idaho Code, be, and the same is hereby amended to read as follows:

**39-9004 39-9005.** ENFORCEMENT. (1) No public official, employee, or agent of the state of Idaho or any of its political subdivisions shall act to impose, collect, enforce, or effectuate any penalty in the state of Idaho that violates the public policy set forth in section 39-9003(2), Idaho Code.

(2) The attorney general shall take such action as is provided in section 67-1401(15), Idaho Code, in the defense or prosecution of rights protected under this act chapter.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2024.