

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 32

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO MASK MANDATES; AMENDING CHAPTER 23, TITLE 67, IDAHO CODE, BY THE
2 ADDITION OF A NEW SECTION 67-2362, IDAHO CODE, TO ESTABLISH PROVISIONS
3 REGARDING THE PROHIBITION OF MASK MANDATES, TO DEFINE TERMS, AND TO PRO-
4 VIDE EXEMPTIONS; AND DECLARING AN EMERGENCY.
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6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Chapter 23, Title 67, Idaho Code, be, and the same is
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
9 ignated as Section 67-2362, Idaho Code, and to read as follows:

10 67-2362. MASK MANDATES PROHIBITED. (1) Notwithstanding any provision
11 of law to the contrary:

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

16 (b) An official may not mandate that an individual in this state must
17 use a medical face mask, face shield, or other face covering for the pur-
18 pose of preventing or slowing the spread of a contagious or infectious
19 disease;

20 (c) A medical face mask, face shield, or face covering shall not be re-
21 quired by the state, a political subdivision, or an official as a condi-
22 tion for entry, education, employment, or other services; and

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

28 (2) For purposes of this section:

29 (a) "Official" means an officer or an employee of the state or a politi-
30 cal subdivision thereof.

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

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

40 (3) Nothing in this section shall be interpreted to restrict the re-
41 quirement of face masks in any vocational setting where the wearing of a pro-
42 tective face mask is a mandatory requirement and necessary to perform re-

1 quired job duties. The exemption in this subsection is strictly limited to
2 those working in roles where face masks are an integral and compulsory safety
3 component of required job duties, which includes but is not limited to health
4 care professionals, individuals working with hazardous materials or biohaz-
5 ards, and workers in industrial environments where respiratory protection
6 is vocationally required.

7 (4) Nothing in this section shall be interpreted to restrict the use of
8 face masks to address any behavioral risk in any facility to which an indi-
9 vidual is confined, including hospitalization of the mentally ill pursuant
10 to chapter 3, title 66, Idaho Code, and correctional facilities as defined in
11 chapter 1, title 18, Idaho Code.

12 SECTION 2. 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.