

IN THE SENATE

SENATE BILL NO. 1022

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO HEALTH; AMENDING CHAPTER 90, TITLE 39, IDAHO CODE, BY THE AD-
2 DITION OF A NEW SECTION 39-9004, IDAHO CODE, TO ESTABLISH PROVISIONS
3 REGARDING MEDICAL RIGHTS OF PATIENTS AND OTHER PERSONS; AMENDING SEC-
4 TION 39-9004, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE
5 PROVISIONS REGARDING ENFORCEMENT; AND DECLARING AN EMERGENCY AND PRO-
6 VIDING AN EFFECTIVE DATE.
7

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

9 SECTION 1. That Chapter 90, Title 39, Idaho Code, be, and the same is
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
11 ignated as Section 39-9004, Idaho Code, and to read as follows:

12 39-9004. MEDICAL RIGHTS. (1) This section shall be known and may be
13 cited as the "Idaho Bill of Patient Medical Rights."

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

16 (a) Order Idaho residents in general to remain at home, close busi-
17 nesses, social distance, or wear masks or other facial coverings be-
18 cause of an emergency, extreme emergency, or medical emergency, whether
19 declared or undeclared; or

20 (b) Advertise via any medium, electronic or otherwise, for the recom-
21 mended public use of any vaccine, drug, or medication classified as ex-
22 perimental by a competent medical authority or approved under a United
23 States food and drug administration emergency use authorization.

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

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

27 (5) A patient cannot be refused treatment based on sex, age, race, na-
28 tional origin, ethnicity, religion, or veteran or military status.

29 (6) A patient has the right to informed consent and must be provided
30 with sufficient information with respect to vaccines, medications, and med-
31 ical treatment in plain and understandable language prior to being asked for
32 consent to take or receive such vaccines, medications, or treatment.

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

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

38 (9) A patient has the right to choose the patient's health care
39 providers.

40 (10) A patient has the right to privacy and to decide what personal med-
41 ical information will be released and when and to whom such information will
42 be released.

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

3 (12) A patient may not be prohibited from bringing a legal cause of ac-
4 tion against a health care provider by the state or a political subdivision
5 of the state.

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

9 (14) A patient shall, when possible, be given the opportunity to desig-
10 nate a person or persons who will be kept informed of the patient's condi-
11 tion, prescribed or recommended medications, and options with respect to ap-
12 plicable and available medical procedures.

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

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

20 ~~39-9004~~ 39-9005. ENFORCEMENT. (1) No public official, employee, or
21 agent of the state of Idaho or any of its political subdivisions, shall act
22 to impose, collect, enforce, or effectuate any penalty in the state of Idaho
23 that violates the public policy set forth in section 39-9003(2), Idaho Code.

24 (2) The attorney general shall take such action as is provided in sec-
25 tion 67-1401(15), Idaho Code, in the defense or prosecution of rights pro-
26 tected under this ~~act~~ chapter.

27 SECTION 3. An emergency existing therefor, which emergency is hereby
28 declared to exist, this act shall be in full force and effect on and after
29 July 1, 2025.