

IN THE SENATE

SENATE BILL NO. 1023, As Amended, As Amended

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO THE IDAHO MEDICAL FREEDOM ACT; AMENDING THE HEADING FOR CHAPTER 5, TITLE 73, IDAHO CODE; AMENDING SECTION 73-501, IDAHO CODE, TO REVISE A SHORT TITLE; AMENDING SECTION 73-502, IDAHO CODE, TO DEFINE TERMS AND TO REMOVE DEFINITIONS; AMENDING SECTION 73-503, IDAHO CODE, TO REVISE PROVISIONS REGARDING PROHIBITED MEDICAL MANDATES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That the Heading for Chapter 5, Title 73, Idaho Code, be, and the same is hereby amended to read as follows:

CHAPTER 5

~~CORONAVIRUS STOP~~ IDAHO MEDICAL FREEDOM ACT

SECTION 2. That Section 73-501, Idaho Code, be, and the same is hereby amended to read as follows:

73-501. SHORT TITLE. This chapter shall be known and may be cited as the "~~Coronavirus Stop~~ Idaho Medical Freedom Act."

SECTION 3. That Section 73-502, Idaho Code, be, and the same is hereby amended to read as follows:

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, foreign 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~~

1 ~~(c) Any subsequently identified mutation, modification, or strain of~~
 2 ~~severe acute respiratory syndrome coronavirus 2 if the transmission of~~
 3 ~~said virus among humans rises to the level of an epidemic or pandemic and~~
 4 ~~qualifies for an emergency declaration under applicable Idaho law.~~

5 ~~(3) "Coronavirus vaccination" means the introduction of a coronavirus~~
 6 ~~vaccine into the human body.~~

7 ~~(4) (2) "Foreign jurisdiction" means any state, commonwealth, country,~~
 8 ~~or nation outside the state of Idaho.~~

9 ~~(3) "Medical intervention" means a procedure, treatment, device, drug~~
 10 ~~injection, medication, or action taken to diagnose, prevent, or cure a dis-~~
 11 ~~ease or alter the health or biological function of a person.~~

12 ~~(4) "School" means any public, private, or parochial preschool; any~~
 13 ~~kindergarten, elementary, or secondary school; any postsecondary institute~~
 14 ~~of education, including trade schools, colleges, and universities; or any~~
 15 ~~other institute of primary, secondary, or higher learning operating in this~~
 16 ~~state.~~

17 (5) "Ticket issuer" means an individual or entity providing tickets to
 18 an entertainment event, including any of the following:

- 19 (a) The operator of the venue where an entertainment event occurs;
- 20 (b) The sponsor or promoter of an entertainment event;
- 21 (c) A sports team participating in an entertainment event or a league
 22 whose teams are participating in an entertainment event;
- 23 (d) A theater company, musical group, or similar participant in an en-
 24 tertainment event; or
- 25 (e) An agent of any individual or entity described in this subsection.

26 SECTION 4. That Section 73-503, Idaho Code, be, and the same is hereby
 27 amended to read as follows:

28 73-503. ~~CORONAVIRUS VACCINATION REQUIREMENTS MEDICAL MANDATES PRO-~~
 29 ~~HIBITED.~~ (1) A business entity doing business in the state of Idaho shall not
 30 refuse to provide any service, product, admission to a venue, or transporta-
 31 tion to a person because that person has or has not received ~~a coronavirus~~
 32 ~~vaccination or used a medical intervention.~~

33 (2) A business entity doing business in the state of Idaho shall not
 34 require a ~~coronavirus vaccination~~ medical intervention as a term of em-
 35 ployment unless required by federal law or in such cases where the terms of
 36 employment include travel to foreign jurisdictions requiring ~~coronavirus~~
 37 ~~vaccinations~~ a medical intervention as the only ~~coronavirus-related~~ means
 38 of entry or where the terms of employment require entry into a place of
 39 business or facility in a foreign jurisdiction and such place of business
 40 or facility requires a ~~coronavirus vaccination~~ medical intervention as the
 41 only ~~coronavirus-related~~ means of entry. In any such instance where an
 42 employee is required to obtain or use a coronavirus vaccination medical in-
 43 tervention due to travel to a foreign jurisdiction or entry into a place of
 44 business or facility in a foreign jurisdiction, said requirement shall ei-
 45 ther be included in a valid written employment contract between the employer
 46 and the employee or, when a written employment contract does not exist, ad-
 47 vance written notice shall be provided to an impacted employee no less than
 48 fourteen (14) days prior to such employee being required to receive or use a
 49 ~~coronavirus vaccination~~ medical intervention. Business entities that re-

1 ceive medicare or medicaid funding shall be exempt from the requirements of
2 this subsection.

3 (3) A ticket issuer shall not penalize, discriminate against, or deny
4 access to an entertainment event to a ticket holder because the ticket holder
5 has or has not received or used a coronavirus vaccination medical interven-
6 tion.

7 (4) A school operating in the state shall not mandate a medical inter-
8 vention for any person to attend school, enter campus or school buildings, or
9 be employed by the school.

10 ~~(4)~~ (5) Unless required by federal law, no state, county, or local gov-
11 ernment entity or official in Idaho shall require any person to receive or
12 use a coronavirus vaccination medical intervention.

13 ~~(5)~~ (6) Unless required by federal law, no state, county, or local gov-
14 ernment entity or official in Idaho shall require any person to receive or
15 use a coronavirus vaccination medical intervention as a condition for:

16 (a) Receipt of any government benefit;

17 (b) Receipt of any government services;

18 (c) Receipt of any government-issued license or permit;

19 (d) Entrance into any public building;

20 (e) Use of public transportation; or

21 (f) A term of employment, provided that such entities that receive
22 medicare or medicaid funding shall be exempt from the requirements of
23 this paragraph.

24 ~~(6)~~ (7) No state, county, or local government, or business entity in
25 Idaho shall provide or offer any different salary, hourly wage, or other on-
26 going compensation or benefits to an employee based on whether the employee
27 has or has not received or used a coronavirus vaccination medical interven-
28 tion. However, it shall not be unlawful for such entities to offer onetime
29 incentives related to coronavirus vaccinations that do not result in any
30 different salary, hourly wage, or ongoing compensation or benefits being
31 provided to an employee based on whether they have or have not received a
32 coronavirus vaccination. A business entity may permit its employees to be
33 released from work for the purpose of receiving a coronavirus vaccination.

34 ~~(7)~~ (8) The ability to require a coronavirus vaccination medical inter-
35 vention under this chapter is subject to other statutory or constitutional
36 provisions regarding requests for coronavirus vaccination exemptions
37 medical interventions and requirements to provide reasonable accommoda-
38 tion.

39 (9) The prohibition on medical interventions shall not apply to any
40 situation where personal protective equipment, items, or clothing are
41 required by employers in the public or private sectors based on existing tra-
42 ditional and accepted industry standards or federal law. These exemptions
43 to the prohibition on medical interventions shall not apply to or include
44 any vaccines, mask requirements, or other medical interventions introduced
45 during the COVID-19 pandemic.

46 ~~(8)~~ (10) The provisions of this chapter may be enforced and injunctive
47 relief may be pursued by either the attorney general or the prosecuting at-
48 torney for the county where a violation occurs. If a business entity, or
49 state, county, city, or local government entity in Idaho is found to have vi-
50 olated the provisions of this chapter, the attorney general or prosecuting

1 attorney, as applicable, shall be awarded attorney's fees and costs incurred
2 in pursuing the enforcement action.

3 SECTION 5. An emergency existing therefor, which emergency is hereby
4 declared to exist, this act shall be in full force and effect on and after
5 July 1, 2025.