

IN THE SENATE

SENATE BILL NO. 1210

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO MEDICAL FREEDOM; AMENDING THE HEADING FOR CHAPTER 5, TITLE 73,
2 IDAHO CODE; AMENDING SECTION 73-501, IDAHO CODE, TO REVISE A SHORT TI-
3 TLE; AMENDING SECTION 73-502, IDAHO CODE, TO DEFINE TERMS, TO REVISE A
4 DEFINITION, AND TO REMOVE DEFINITIONS; AMENDING SECTION 73-503, IDAHO
5 CODE, TO REVISE PROVISIONS REGARDING PROHIBITED MEDICAL MANDATES; AND
6 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
7

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

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

11 CHAPTER 5

12 ~~CORONAVIRUS STOP~~ IDAHO MEDICAL FREEDOM ACT

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

15 73-501. SHORT TITLE. This chapter shall be known and may be cited as
16 the "~~Coronavirus Stop~~ Idaho Medical Freedom Act."

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

19 73-502. DEFINITIONS. As used in this chapter:

20 (1) "Business entity" means any person or group of persons performing
21 or engaging in any activity, enterprise, profession, or occupation for gain,
22 benefit, advantage, or livelihood, whether for profit or not-for-profit,
23 except for any daycare, daycare center, daycare facility, family daycare
24 home, or group daycare facility as defined in section 39-1102, Idaho Code.

25 "Business entity" shall include but not be limited to:

26 (a) Self-employed individuals, business entities filing articles of
27 incorporation, partnerships, limited partnerships, limited liability
28 companies, foreign corporations, foreign limited partnerships, for-
29 eign limited liability companies authorized to transact business in
30 Idaho, business trusts, and any business entity that registers with the
31 secretary of state; and

32 (b) Any business entity that possesses a business license, permit, cer-
33 tificate, approval, registration, charter, or similar form of autho-
34 rization issued by the state; any business entity exempt by law from ob-
35 taining such a business license; and any business entity operating un-
36 lawfully without such a business license.

37 ~~(2) "Coronavirus" means:~~

38 ~~(a) Severe acute respiratory syndrome coronavirus 2;~~

1 ~~(b) The disease caused by severe acute respiratory syndrome coron-~~
 2 ~~avirus 2; or~~

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

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

9 ~~(4) (2) "Foreign jurisdiction" means any state, commonwealth, country,~~
 10 ~~or nation outside the state of Idaho.~~

11 (3) "Medical intervention" means a medical procedure, treatment, de-
 12 vice, drug injection, medication, or medical action taken to diagnose, pre-
 13 vent, or cure a disease or alter the health or biological function of a per-
 14 son.

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

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

22 (a) The operator of the venue where an entertainment event occurs;

23 (b) The sponsor or promoter of an entertainment event;

24 (c) A sports team participating in an entertainment event or a league
 25 whose teams are participating in an entertainment event;

26 (d) A theater company, musical group, or similar participant in an en-
 27 tertainment event; or

28 (e) An agent of any individual or entity described in this subsection.

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

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

36 (2) A business entity doing business in the state of Idaho shall not
 37 require a ~~coronavirus vaccination~~ medical intervention as a term of em-
 38 ployment unless required by federal law or in such cases where the terms of
 39 employment include travel to foreign jurisdictions requiring ~~coronavirus~~
 40 ~~vaccinations~~ a medical intervention as the only ~~coronavirus-related~~ means
 41 of entry or where the terms of employment require entry into a place of
 42 business or facility in a foreign jurisdiction and such place of business
 43 or facility requires a ~~coronavirus vaccination~~ medical intervention as the
 44 only ~~coronavirus-related~~ means of entry. In any such instance where an
 45 employee is required to obtain or use a coronavirus vaccination medical in-
 46 tervention due to travel to a foreign jurisdiction or entry into a place of
 47 business or facility in a foreign jurisdiction, said requirement shall ei-
 48 ther be included in a valid written employment contract between the employer
 49 and the employee or, when a written employment contract does not exist, ad-

1 vance written notice shall be provided to an impacted employee no less than
 2 fourteen (14) days prior to such employee being required to receive or use a
 3 eoronavirus vaccination medical intervention. Business entities that re-
 4 ceive medicare or medicaid funding shall be exempt from the requirements of
 5 this subsection.

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

10 (4) A school operating in the state shall not mandate a medical inter-
 11 vention for any person to attend school, enter campus or school buildings, or
 12 be employed by the school, subject to the requirements of the Idaho parental
 13 rights act, sections 32-1010 through 32-1015, Idaho Code; sections 39-4801
 14 through 39-4804, Idaho Code; and sections 33-205 and 33-512 (7), Idaho Code.

15 ~~(4)~~ (5) Unless required by federal law, no state, county, or local gov-
 16 ernment entity or official in Idaho shall require any person to receive or
 17 use a eoronavirus vaccination medical intervention.

18 ~~(5)~~ (6) Unless required by federal law, no state, county, or local gov-
 19 ernment entity or official in Idaho shall require any person to receive or
 20 use a eoronavirus vaccination medical intervention as a condition for:

21 (a) Receipt of any government benefit;

22 (b) Receipt of any government services;

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

24 (d) Entrance into any public building;

25 (e) Use of public transportation; or

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

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

39 ~~(7)~~ (8) The ability to require a eoronavirus vaccination medical inter-
 40 vention under this chapter is subject to other statutory or constitutional
 41 provisions regarding requests for eoronavirus vaccination exemptions
 42 medical interventions and requirements to provide reasonable accommoda-
 43 tion.

44 (9) The prohibition on medical interventions shall not apply to any
 45 situation where personal protective equipment, items, or clothing are
 46 required by a business entity in the public or private sectors based on ex-
 47 isting traditional and accepted industry standards or federal law. These
 48 exemptions to the prohibition on medical interventions shall not apply to
 49 or include any vaccines, mask requirements, or other medical interventions
 50 introduced during the COVID-19 pandemic.

1 ~~(8)~~ (10) The provisions of this chapter may be enforced and injunctive
2 relief may be pursued by either the attorney general or the prosecuting at-
3 torney for the county where a violation occurs. If a business entity, or
4 state, county, city, or local government entity in Idaho is found to have vi-
5 olated the provisions of this chapter, the attorney general or prosecuting
6 attorney, as applicable, shall be awarded attorney's fees and costs incurred
7 in pursuing the enforcement action.

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