

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 557

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

1 RELATING TO THE COMMISSION ON HUMAN RIGHTS; AMENDING CHAPTER 59, TITLE 67,
2 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5913, IDAHO CODE, TO PRO-
3 VIDE FOR UNIFORMITY IN LOCAL GOVERNMENT ANTIDISCRIMINATION ORDINANCES;
4 PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EF-
5 FECTIVE DATE.
6

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

8 SECTION 1. That Chapter 59, Title 67, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 67-5913, Idaho Code, and to read as follows:

11 67-5913. UNIFORMITY IN LOCAL GOVERNMENT ANTIDISCRIMINATION ORDI-
12 NANCES. (1) The legislature finds and determines that:

13 (a) Local governments and political subdivisions of the state maintain
14 their authority at the pleasure of the state, and the state may restrict
15 the scope of power wielded by local governments and preempt the ordi-
16 nances and policies promulgated by local governments;

17 (b) Through their local ordinances and policies, many municipal cor-
18 porations and subdivisions in the state of Idaho have expanded antidis-
19 crimination regulations beyond those adopted by the Idaho legislature;

20 (c) Market entry and economic growth are hindered by an incongruous
21 patchwork of antidiscrimination ordinances. Consistent and uniform
22 requirements offer stability to businesses, organizations, and employ-
23 ers that results in increased economic activity and market expansion;

24 (d) Local government antidiscrimination ordinances are frequently
25 weaponized to coerce persons engaged in business to choose either to vi-
26 olate their sincerely held moral, philosophical, and religious beliefs
27 or to leave the market altogether; and

28 (e) The Idaho legislature has a legitimate governmental interest in
29 providing consistent and uniform antidiscrimination regulations in
30 every community across the state by preempting local government an-
31 tidiscrimination policies that modify, supplement, or expand on state
32 antidiscrimination law.

33 (2) A local governmental entity shall not promulgate or enforce any or-
34 dinance, resolution, policy, regulation, or decree that implements any an-
35 tidiscrimination practice, standard, definition, or provision pertaining
36 to employment, housing, educational institutions, or public accommodations
37 that modifies, supplements, or expands on:

38 (a) The provisions of this chapter; or

39 (b) Other discriminatory practices recognized by state law, provided
40 that the local governmental entity may prohibit such discrimination
41 only to the extent recognized by the state.

1 (3) Nothing in this section shall be construed to require any local gov-
2 ernmental entity to violate any applicable provisions of state or federal
3 law.

4 (4) The provisions of this section preempt any ordinance, resolution,
5 policy, regulation, or decree enacted or adopted by any local governmental
6 entity within the state in violation of subsection (2) of this section, in-
7 cluding any such ordinance, resolution, policy, regulation, or decree en-
8 acted or adopted prior to the effective date of this section.

9 (5) The attorney general shall have a cause of action to seek injunc-
10 tive relief against any local governmental entity that has violated the re-
11 quirements of this section. A cause of action pursuant to this subsection
12 shall seek injunctive relief that is sufficient to prevent the defendant lo-
13 cal governmental entity from violating the requirements of this section.

14 (6) (a) Any person who is engaged in business or who owns real property
15 within the limits of a local governmental entity may bring a civil ac-
16 tion against such local governmental entity if such local governmental
17 entity fails to comply with this section.

18 (b) A plaintiff who prevails in an action brought under this subsection
19 shall be entitled to:

20 (i) Obtain declaratory and equitable relief sufficient to bring
21 the local governmental entity into compliance with the require-
22 ments of this section;

23 (ii) Recover damages from the local governmental entity; and

24 (iii) Recover reasonable attorney's fees and costs from the local
25 governmental entity.

26 (7) For the purposes of this section, "local governmental entity" means
27 any city, county, municipality, or other political subdivision or adminis-
28 trative unit of the state or of a city, county, or municipality.

29 SECTION 2. SEVERABILITY. The provisions of this act are hereby declared
30 to be severable and if any provision of this act or the application of such
31 provision to any person or circumstance is declared invalid for any reason,
32 such declaration shall not affect the validity of the remaining portions of
33 this act.

34 SECTION 3. An emergency existing therefor, which emergency is hereby
35 declared to exist, this act shall be in full force and effect on and after
36 July 1, 2026.