

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 808

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO MEDICAL MANDATES; REPEALING SECTION 39-1118, IDAHO CODE, RELAT-
2 ING TO IMMUNIZATION; REPEALING SECTION 39-4801, IDAHO CODE, RELATING
3 TO IMMUNIZATION AND EXEMPTIONS; AMENDING CHAPTER 48, TITLE 39, IDAHO
4 CODE, BY THE ADDITION OF A NEW SECTION 39-4801, IDAHO CODE, TO DEFINE
5 TERMS; AMENDING CHAPTER 48, TITLE 39, IDAHO CODE, BY THE ADDITION OF
6 A NEW SECTION 39-4802, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING
7 PREEMPTION OF MEDICAL INTERVENTION MANDATES; AMENDING SECTION 39-4803,
8 IDAHO CODE, TO REVISE PROVISIONS REGARDING THE IMMUNIZATION REGISTRY;
9 AMENDING SECTION 39-4804, IDAHO CODE, TO REVISE PROVISIONS REGARDING
10 NOTIFICATION TO PARENT OR GUARDIAN AND TO PROVIDE FOR AWARD OF ATTOR-
11 NEY'S FEES AND COSTS INCURRED; AMENDING SECTION 73-503, IDAHO CODE, TO
12 REVISE PROVISIONS REGARDING MEDICAL MANDATE PROHIBITIONS; AND DECLAR-
13 ING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
14

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

16 SECTION 1. That Section [39-1118](#), Idaho Code, be, and the same is hereby
17 repealed.

18 SECTION 2. That Section [39-4801](#), Idaho Code, be, and the same is hereby
19 repealed.

20 SECTION 3. That Chapter 48, Title 39, Idaho Code, be, and the same is
21 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
22 ignated as Section 39-4801, Idaho Code, and to read as follows:

23 39-4801. DEFINITIONS. As used in this chapter:

24 (1) "Daycare" means a daycare center or daycare facility subject to the
25 provisions of chapter 11, title 39, Idaho Code, or any other daycare center
26 or daycare facility that is subject to regulation by any political subdivi-
27 sion of this state.

28 (2) "Medical intervention" means a medical procedure, treatment, de-
29 vice, drug, injection, vaccine, immunization, medication, or medical action
30 taken to diagnose, prevent, or cure a disease or alter the health or biologi-
31 cal function of a person.

32 (3) "Political subdivision" means any county, city, district, depart-
33 ment, agency, board, or any other political subdivision of this state.

34 (4) "School" means any public, private, or parochial preschool; any
35 kindergarten, elementary, or secondary school; any postsecondary institute
36 of education, including trade schools, colleges, and universities; or any
37 other institute of primary, secondary, or higher learning operating in this
38 state. The term "school" includes any governing body or administrator pro-
39 viding oversight or acting on behalf of a school.

1 SECTION 4. That Chapter 48, Title 39, Idaho Code, be, and the same is
 2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 3 ignated as Section 39-4802, Idaho Code, and to read as follows:

4 39-4802. PREEMPTION OF MEDICAL INTERVENTION MANDATES. (1) The legis-
 5 lature finds that uniform laws prohibiting medical intervention mandates
 6 are necessary to preserve medical freedom for individuals and for parents
 7 and guardians of minor children, consistent with section 1, article I of the
 8 constitution of the state of Idaho. It is the intent of the legislature to
 9 wholly occupy the field of medical intervention laws within this state.

10 (2) Except as expressly authorized by state statute, no political sub-
 11 division of this state or school may adopt or enforce any law, rule, regula-
 12 tion, ordinance, or policy that requires, mandates, advises, recommends, or
 13 encourages any medical intervention or that limits or restricts any person's
 14 access to or use of any facility or service, including a school or daycare, on
 15 the basis of the person having declined or not received a medical interven-
 16 tion.

17 (3) Any law, rule, regulation, ordinance, or policy that is in viola-
 18 tion of this chapter is hereby declared to be null, void, and of no force and
 19 effect.

20 (4) The provisions of this chapter may be enforced by and injunctive re-
 21 lief may be pursued by either the attorney general or the prosecuting attor-
 22 ney for the county where a violation occurs.

23 (5) If a political subdivision of this state is found to have violated
 24 the provisions of this chapter, the attorney general or prosecuting attor-
 25 ney, as applicable, shall be awarded attorney's fees and costs incurred in
 26 pursuing the enforcement action.

27 SECTION 5. That Section 39-4803, Idaho Code, be, and the same is hereby
 28 amended to read as follows:

29 39-4803. IMMUNIZATION REGISTRY. (1) The department of health and wel-
 30 fare shall provide for the establishment of a voluntary registry of the immu-
 31 nization status of Idaho children against childhood diseases. The registry
 32 shall be maintained and its data disclosed as set out herein to further the
 33 following purposes:

34 ~~(a) To make immunizations readily available to every Idaho citizen that~~
 35 ~~desires to have their child immunized;~~

36 ~~(b) To increase the voluntary immunization rate in Idaho to the maximum~~
 37 ~~extent possible without mandating such immunizations;~~

38 ~~(c) (a) To recognize and respect the rights of parents and guardians to~~
 39 ~~make health care decisions for their children; and~~

40 ~~(d) (b) To provide for timely reminders records to parents of children~~
 41 ~~in the registry.~~

42 (2) The name of a child and information relating to the immunization
 43 status of that child shall be collected and included in the registry ~~unless~~
 44 if a parent, guardian or other person legally responsible for the care of the
 45 child chooses ~~not~~ to have the child included in the registry upon a specified
 46 written statement. Such statement may not be part of a general authorization
 47 or release. The registry shall contain the following information for each
 48 child:

- 1 (a) The child's name, address and birth date;
 2 (b) The name and address of each parent of the child;
 3 (c) The month, day, year and type of each immunization that has been ad-
 4 ministered to the child;
 5 (d) The name, address and phone number of each provider that has admin-
 6 istered an immunization to the child;
 7 (e) If requested by a parent or guardian, any statement made pursuant to
 8 subsection (4) of this section; and
 9 (f) Other information as authorized or requested by a parent or
 10 guardian.

11 (3) The department of health and welfare shall only disclose informa-
 12 tion relating to an individual child in the registry to the following upon a
 13 specific request:

- 14 (a) Employees of the health district in which the child ~~resides or~~ seeks
 15 medical services;
 16 ~~(b) Health records staff of the school or school district in which the~~
 17 ~~child is enrolled;~~
 18 ~~(c) The operator of a licensed daycare facility in which the child is~~
 19 ~~enrolled;~~
 20 ~~(d)~~ (b) Persons who are legally responsible for the long-term care of
 21 the child, including operators of licensed ICF/ID's and residential or
 22 assisted living facilities, adoptive and foster parents and a guardian
 23 appointed pursuant to chapter 5, title 15, Idaho Code;
 24 ~~(e)~~ (c) Any health care provider rendering treatment to the child, and
 25 the provider's agents;
 26 ~~(f)~~ (d) Any person possessing a lawful release, properly executed by
 27 the child's parent or guardian;
 28 ~~(g)~~ (e) A parent of the child;
 29 ~~(h)~~ (f) Any hospital where the child is receiving care; or
 30 ~~(i)~~ (g) The Idaho health data exchange.

31 (4) A parent or guardian of the child shall have free and open access to
 32 all information in the registry that relates to their child or themselves.
 33 Upon the written request of a parent or guardian, the department of health
 34 and welfare shall:

- 35 (a) Cause all information relating to the child to be removed from the
 36 registry;
 37 (b) Include in the registry the a written statement of a physician
 38 or parent pursuant to section 39-4801(5) or 39-1118(2), Idaho Code.
 39 parent or guardian declining or refusing immunizations for religious or
 40 any other reasons.

41 (5) All information contained in the registry or disclosed from it is
 42 confidential and may not be sold and may only be disclosed as specifically
 43 authorized in this section. A person or entity to whom information is dis-
 44 closed from the registry may not thereafter disclose it to others except in
 45 accordance with state and federal laws applicable to the use of protected
 46 health information. Any person who discloses or authorizes disclosure of
 47 any information contained in the registry, except as authorized in this sec-
 48 tion, is guilty of a misdemeanor and is liable for civil damages in the amount
 49 of one hundred dollars (\$100) for each violation.

1 SECTION 6. That Section 39-4804, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 39-4804. NOTIFICATION TO PARENT OR GUARDIAN -- ATTORNEY'S FEES AND
4 COSTS. (1) Before an immunization is administered to any child in this state,
5 the parent or guardian of the child shall be notified by the person adminis-
6 tering the immunization that:

7 (a) Immunizations are ~~not mandatory~~ voluntary and may be declined or
8 refused on religious or other grounds. Disclosure or explanation of re-
9 ligious or other grounds shall not be required of any person, parent, or
10 guardian declining or refusing;

11 (b) Participation in the immunization registry is voluntary and may be
12 declined or refused for any reason;

13 (c) The parent or guardian is entitled to an accurate explanation of the
14 complications known to follow such immunization.

15 (2) At the time information is initially collected regarding any child
16 for entry into the registry created pursuant to this chapter, the parent or
17 guardian shall be notified that:

18 ~~(a) They have the right under Idaho law to submit a statement pursuant~~
19 ~~to the provisions of sections 39-1118 and 39-4801(5) or (6), Idaho Code,~~
20 ~~which exempts them from any requirement to have information regarding~~
21 ~~the child entered into the registry;~~

22 ~~(b) (a) At any time they have the right to remove any information from~~
23 ~~the registry regarding the child; and~~

24 ~~(c) (b) Immunizations are not mandatory~~ voluntary and may be declined
25 or refused on religious or other grounds. Disclosure or explanation of
26 religious or other grounds shall not be required of any person, parent,
27 or guardian declining or refusing.

28 (3) The decision of a parent or guardian to:

29 ~~(a) Submit a statement pursuant to the provisions of either section~~
30 ~~39-1118(2) or 39-4801(5) or (6), Idaho Code;~~

31 ~~(b) (a) Remove any information regarding the child from the registry~~
32 ~~pursuant to the provisions of section 39-4803(4), Idaho Code; or~~

33 ~~(c) (b) Refuse or decline the immunization on religious or other~~
34 ~~grounds or for any other reason;~~

35 shall not be used in any manner against the interests of the parent or
36 guardian in any administrative, civil or criminal action.

37 (4) If it is found that any person has violated the provisions of this
38 chapter, the parent or guardian of the affected child shall be awarded all
39 related attorney's fees and costs incurred.

40 SECTION 7. That Section 73-503, Idaho Code, be, and the same is hereby
41 amended to read as follows:

42 73-503. MEDICAL MANDATES PROHIBITED. (1) A business entity doing
43 business in the state of Idaho shall not refuse to provide any service,
44 product, admission to a venue, or transportation to a person or otherwise pe-
45 nalize a person because that person has or has not received or used a medical
46 intervention.

47 (2) A business entity doing business in the state of Idaho shall not re-
48 quire a medical intervention as a term of employment or otherwise penalize an

1 employee because that employee has or has not received or used a medical in-
 2 tervention unless required by federal law or in such cases where the terms of
 3 employment include travel to foreign jurisdictions requiring a medical in-
 4 tervention as the only means of entry or where the terms of employment re-
 5 quire entry into a place of business or facility in a foreign jurisdiction
 6 and such place of business or facility requires a medical intervention as the
 7 only means of entry. In any such instance where an employee is required to
 8 obtain or use a medical intervention due to travel to a foreign jurisdiction
 9 or entry into a place of business or facility in a foreign jurisdiction, said
 10 requirement shall either be included in a valid written employment contract
 11 between the employer and the employee or, when a written employment contract
 12 does not exist, advance written notice shall be provided to an impacted em-
 13 ployee no less than fourteen (14) days prior to such employee being required
 14 to receive or use a medical intervention. Business entities that receive
 15 medicare or medicaid funding shall be exempt from the requirements of this
 16 subsection.

17 (3) A ticket issuer shall not penalize, discriminate against, or deny
 18 access to an entertainment event to a ticket holder because the ticket holder
 19 has or has not received or used a medical intervention.

20 (4) (a) A school operating in the state or a business subject to chapter
 21 11, title 39, Idaho Code, operating in the state shall not mandate a med-
 22 ical intervention for any person to attend, enter campus or buildings,
 23 or be employed, subject to the requirements of the Idaho parental rights
 24 act, sections 32-1010 through 32-1015, Idaho Code; ~~sections 39-4801~~
 25 ~~through 39-4804, Idaho Code;~~ and sections 33-205 and 33-512(7), Idaho
 26 Code. For the purposes of this subsection, private and parochial
 27 schools shall be considered as having the same authority as school dis-
 28 tricts under section 33-512(7), Idaho Code.

29 (b) A school operating in the state or businesses subject to chapter 11,
 30 title 39, Idaho Code, operating in the state shall not require medical
 31 documents, medical records, proof of immunization, or proof of immunity
 32 from any disease as conditions of attendance, enrollment, entry, or em-
 33 ployment.

34 (5) ~~Unless required by federal law, no~~ No state, county, or local gov-
 35 ernmental entity or official in Idaho shall require any person to receive or
 36 use a medical intervention.

37 (6) ~~Unless required by federal law, no~~ No state, county, or local gov-
 38 ernmental entity or official in Idaho shall require any person to receive or
 39 use a medical intervention as a condition for:

- 40 (a) Receipt of any government benefit;
- 41 (b) Receipt of any government services;
- 42 (c) Receipt of any government-issued license or permit;
- 43 (d) Entrance into any public building;
- 44 (e) Use of public transportation; or
- 45 (f) A term of employment, ~~provided that such entities that receive~~
 46 ~~medicare or medicaid funding shall be exempt from the requirements of~~
 47 ~~this paragraph.~~

48 (7) No state, county, or local governmental or business entity in Idaho
 49 shall provide or offer any different salary, hourly wage, or other ongoing

1 compensation or benefits to an employee based on whether the employee has or
2 has not received or used a medical intervention.

3 (8) The ability to require a medical intervention under this chapter is
4 subject to other statutory or constitutional provisions regarding requests
5 for medical interventions and requirements to provide reasonable accommoda-
6 tion.

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

14 (10) The provisions of this chapter may be enforced and injunctive re-
15 lief may be pursued by either the attorney general or the prosecuting attor-
16 ney for the county where a violation occurs. If a business entity or state,
17 county, city, or local governmental entity in Idaho is found to have violated
18 the provisions of this chapter, the attorney general or prosecuting attor-
19 ney, as applicable, shall be awarded attorney's fees and costs incurred in
20 pursuing the enforcement action.

21 (11) A state agency shall not adopt any policy, administrative rule, or
22 regulation that conflicts with the provisions of this chapter.

23 (12) Notwithstanding any other provision of law to the contrary, under
24 no circumstance may a healthy person be excluded in a disease outbreak due to
25 such person's vaccination status.

26 SECTION 8. An emergency existing therefor, which emergency is hereby
27 declared to exist, this act shall be in full force and effect on and after
28 July 1, 2026.