

TITLE 39
HEALTH AND SAFETY

CHAPTER 90
IDAHO HEALTH FREEDOM ACT

39-9001. SHORT TITLE. This chapter shall be known and may be cited as the "Idaho Health Freedom Act."

[39-9001, added 2010, ch. 46, sec. 1, p. 84.]

39-9002. DEFINITIONS. (1) "Health care services" shall mean any service, treatment, or provision of product for the care of physical or mental disease, illness, injury, defect or condition, or to otherwise maintain or improve physical or mental health, subject to all laws and rules regulating health service providers and products within the state of Idaho.

(2) "Mode of securing" shall mean to purchase directly or on credit or by trade, or to contract for third-party payment by insurance or other legal means authorized by the state of Idaho, or to apply for or accept employer or government sponsored health care benefits under such conditions as may legally be required as a condition of such benefits, or any combination of the same.

(3) "Penalty" shall mean any civil or criminal fine, tax, salary or wage withholding, surcharge, fee or any other imposed consequence, established by law or rule of the federal government of the United States of America or its subdivision or agency, that is used to punish or discourage the exercise of rights protected under this chapter.

[39-9002, added 2010, ch. 46, sec. 1, p. 84.]

39-9003. STATEMENT OF PUBLIC POLICY. (1) The power to require or regulate a person's choice in the mode of securing health care services, or to impose a penalty related thereto, is not found in the Constitution of the United States of America, and is therefore a power reserved to the people pursuant to the Ninth Amendment, and to the several states pursuant to the Tenth Amendment. The state of Idaho hereby exercises its sovereign power to declare the public policy of the state of Idaho regarding the right of all persons residing in the state of Idaho in choosing the mode of securing health care services free from the imposition of penalties, or the threat thereof, by the federal government of the United States of America relating thereto.

(2) It is hereby declared that the public policy of the state of Idaho, consistent with our constitutionally recognized and inalienable rights of liberty, is that every person within the state of Idaho is and shall be free to choose or decline to choose any mode of securing health care services without penalty or threat of penalty by the federal government of the United States of America.

(3) The policy stated herein shall not be applied to impair any right of contract related to the provision of health care services to any person or group.

[39-9003, added 2010, ch. 46, sec. 1, p. 84.]

39-9004. ENFORCEMENT. (1) No public official, employee, or agent of the state of Idaho or any of its political subdivisions, shall act to impose,

collect, enforce, or effectuate any penalty in the state of Idaho that violates the public policy set forth in section 39-9003(2), Idaho Code.

(2) The attorney general shall take such action as is provided in section 67-1401(15), Idaho Code, in the defense or prosecution of rights protected under this act.

[39-9004, added 2010, ch. 46, sec. 1, p. 85.]