

STATEMENT OF PURPOSE

RS29091 / #billnum

This legislation amends Idaho code by adding a definition of personal medical information that includes details of a person's medical or dental condition, including information regarding medication and vaccinations.

A new section is added that states that every person has a right to confidentiality regarding their personal medical information. Further, no private or public entity shall be entitled to condition access on the revelation of personal medical information.

Health care providers who require personal medical information, such as needed to provide medical treatment, may not use that information to deny access to care.

FISCAL NOTE

This legislation is expected to have no fiscal impact on state or local governments.

Contact:

Representative Tammy Nichols
Senator Christy Zito
(208) 332-1000

DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).



LEGISLATURE OF THE STATE OF IDAHO



Sixty-sixth Legislature

First Regular Session - 2021

IN THE _____

BILL NO. _____

BY _____

AN ACT

RELATING TO MEDICAL PRIVACY; AMENDING SECTION 39-9002, IDAHO CODE, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 90, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-9004, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING PRIVACY OF PERSONAL MEDICAL INFORMATION; AMENDING SECTION 39-9004, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE THAT CERTAIN VIOLATIONS SHALL CONSTITUTE MISDEMEANORS, AND TO MAKE A TECHNICAL CORRECTION; PROVIDING SERVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 39-9002, Idaho Code, be, and the same is hereby amended to read as follows:

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-sponsored 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.

(4) "Personal medical information" means any information related to or revealing specifics or details of a person's medical or dental condition, diagnosis, treatment, operation, procedure, medication, vaccination, immunization, genetic modulation, or inoculation or any other similar or related information.

SECTION 2. That Chapter 90, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-9004, Idaho Code, and to read as follows:

39-9004. MEDICAL PRIVACY. (1) Every person within the state of Idaho has a right to confidentiality and privacy concerning his personal medical information.

1 (2) With the exception of a person's health care provider, caretaker,
2 or guardian, no person, business, corporation, facility, enterprise, organ-
3 ization, school, college, university, agency, or department, whether public
4 or private, shall condition access on or require the release or revelation of
5 a person's personal medical information.

6 (3) An employer shall not, in connection with a hiring, promotion, de-
7 motion, retention, disciplinary action, or other related decision, request
8 or require the release or revelation of a person's personal medical informa-
9 tion.

10 (4) No health care provider, hospital, or medical care facility shall
11 use a person's medical information to deny access to health care services.

12 (5) The provisions of subsections (2) and (3) of this section shall not
13 prevent an employer from requiring or performing a drug screening in compli-
14 ance with company policy.

15 SECTION 3. That Section 39-9004, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 39-90045. ENFORCEMENT. (1) No public official, employee, or agent of
18 the state of Idaho or any of its political subdivisions, shall act to impose,
19 collect, enforce, or effectuate any penalty in the state of Idaho that vio-
20 lates the public policy set forth in section 39-9003(2), Idaho Code.

21 (2) Any violation of section 39-9004(2) or (3), Idaho Code, shall con-
22 stitute a misdemeanor.

23 (3) The attorney general shall take such action as is provided in sec-
24 tion 67-1401(15), Idaho Code, in the defense or prosecution of rights pro-
25 tected under this act.

26 SECTION 4. SEVERABILITY. The provisions of this act are hereby declared
27 to be severable, and if any provision of this act or the application of such
28 provision to any person or circumstance is declared invalid for any reason,
29 such declaration shall not affect the validity of the remaining portions of
30 this act.

31 SECTION 5. An emergency existing therefor, which emergency is hereby
32 declared to exist, this act shall be in full force and effect on and after its
33 passage and approval.