

STATEMENT OF PURPOSE

RS29095 / #billnum

This legislation protects an employee's medical privacy. An employee does not have to disclose medical information to an employer unless the requested information is identified at or around the time of hire and said information is necessary to determine if the prospective employee can perform the essential functions of the job for which they are being considered.

FISCAL NOTE

There will be no fiscal impact to state or local governments if this legislation passes because it does not create or expand any programs and does not require the expenditure of any funds.

Contact:

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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

1
 2 RELATING TO EMPLOYEE PERSONAL MEDICAL INFORMATION; AMENDING CHAPTER 2, TI-
 3 TLE 44, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 44-204, IDAHO CODE,
 4 TO PROVIDE FOR THE LIMITED DISCLOSURE OF AN EMPLOYEE'S PERSONAL MEDICAL
 5 INFORMATION; AMENDING THE HEADING FOR CHAPTER 2, TITLE 44, IDAHO CODE;
 6 AND DECLARING AN EMERGENCY.

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

8 SECTION 1. That Chapter 2, Title 44, 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 44-204, Idaho Code, and to read as follows:

11 44-204. PERSONAL MEDICAL INFORMATION OF EMPLOYEES. (1) An employee
 12 has a right to confidentiality and privacy concerning his personal medical
 13 information. No employee shall be required to disclose personal medical in-
 14 formation to his employer unless:

15 (a) The information is necessary for the employer to determine whether
 16 the employee can perform the essential requirements of his position;
 17 and

18 (b) At the time of or immediately before the hiring of the employee,
 19 the employer identifies the specific personal medical information to be
 20 disclosed and the employee agrees to the release of such personal medi-
 21 cal information.

22 (2) For purposes of this section, "personal medical information" means
 23 any information related to or revealing specifics or details of an individ-
 24 ual's medical or dental condition, diagnosis, treatment, operation, pro-
 25 cedure, medication, immunization, genetic modulation, inoculation, or any
 26 other similar or related information. "Personal medical information" does
 27 not include employer drug or alcohol testing results.

28 SECTION 2. That the Heading for Chapter 2, Title 44, Idaho Code, be, and
 29 the same is hereby amended to read as follows:

30 CHAPTER 2
 31 EMPLOYER AND EMPLOYEE RIGHTS AND DUTIES ~~EMPLOYEE ASSISTANCE PROGRAMS~~

32 SECTION 3. An emergency existing therefor, which emergency is hereby
 33 declared to exist, this act shall be in full force and effect on and after its
 34 passage and approval.