

STATEMENT OF PURPOSE

RS29097 / #billnum

To protect the rights of children to attend public schools, to provide exemption from mandates for mask wearing, Plexiglas enclosures, or other medical interventions for medical, religious, or personal reasons, which cannot be denied. No person will create limitations on participation or activity in any school programs on the basis of such exemption.

FISCAL NOTE

This will have no impact on the general fund as it merely expands the already-established exemption process provided for school children from medical intervention requirements.

Contact:

Representative Ron Nate
(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 SCHOOLS; AMENDING SECTION 33-212, IDAHO CODE, TO REVISE PROVISIONS REGARDING SCHOOL-REQUIRED ACTIONS TO PREVENT THE SPREAD OF INFECTIOUS DISEASE; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-212, Idaho Code, be, and the same is hereby amended to read as follows:

33-212. AUTHORITY TO CLOSE SCHOOLS TO PREVENT THE SPREAD OF INFECTIOUS DISEASE. (1) Notwithstanding any provision of law or rule to the contrary, only the following person or entities shall have the authority to close schools or otherwise limit any aspect of school programs or activities to prevent the spread of contagious or infectious disease:

(a) The governor or state board of education, whose authority may apply statewide or to any area of the state; or

(b) A board of school district trustees as provided in section 33-512, Idaho Code, or the board of directors of a public charter school.

(2) Only a person or an entity listed in subsection (1) of this section shall have the authority to require, in schools or during school programs or activities, measures intended to prevent the spread of contagious or infectious disease.

(3) A decision by a person or an entity listed in subsection (1) of this section for schools or related activities to remain open or to reopen, or to require or not require measures in schools or during school programs or activities to prevent the spread of contagious or infectious disease, shall not constitute a violation of any order issued by the department of health and welfare pursuant to section 56-1003(7), Idaho Code; a district board of health pursuant to section 39-414(2), Idaho Code; or a city pursuant to section 50-304, Idaho Code.

(4) Any individual age eighteen (18) years or older acting on his own behalf, and any parent or guardian of a minor child acting on behalf of the child, may exempt himself or the minor child from any requirement for the adult or child to wear a mask, use a plexiglass barrier, or observe other similar medical measures by submitting a signed statement to school officials stating his objection to the requirement for medical, religious, or personal belief reasons.

(5) No person shall limit the participation of an individual exempted under subsection (4) of this section in school activities or programs by reason of such exemption.

SECTION 2. SEVERABILITY. The provisions of this act are hereby declared to be severable, and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason,

1 such declaration shall not affect the validity of the remaining portions of
2 this act.

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