

## STATEMENT OF PURPOSE

**RS29098 / #billnum**

The purpose of this legislation is to prohibit the state of Idaho, an employer, a political subdivision, or an officer of the state from mandating the usage of a face mask, face shield, or other face covering for the purpose of preventing or slowing the spread of a contagious or an infectious disease; and definitions.

## FISCAL NOTE

There is no fiscal impact.

### Contact:

Representative Karey Hanks  
(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 MASK MANDATES; AMENDING CHAPTER 23, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2359, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING THE PROHIBITION OF MASK MANDATES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 23, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-2359, Idaho Code, and to read as follows:

67-2359. MASK MANDATES PROHIBITED. (1) Notwithstanding any provision of law to the contrary:

(a) It shall be prohibited for the state, any political subdivision, or any private employer to mandate that an individual in this state must use a face mask, face shield, or other face covering for the purpose of preventing or slowing the spread of a contagious or infectious disease;

(b) No official or private employer may mandate that an individual in this state must use a face mask, face shield, or other face covering for the purpose of preventing or slowing the spread of a contagious or infectious disease;

(c) A face mask, face shield, or face covering to prevent or slow the spread of a contagious or infectious disease shall not be required by the state, a political subdivision, an official, or any private employer as a condition for entry, education, employment, or other services; and

(d) If the state, a political subdivision, an official, or a private employer recommends using a face mask, face shield, or face covering to prevent or slow the spread of a contagious or infectious disease, such recommendation shall be accompanied by a notice that the recommendation is not mandatory.

(2) A violation of subsection (1) of this section shall result in the termination of any disaster emergency or public health order, or both, in place when the state or a political subdivision engages in a prohibited action. This subsection shall not apply with respect to a violation by a private employer.

(3) For purposes of this section:

(a) "Official" means an officer or an employee of the state or a political subdivision.

(b) "Political subdivision" means a county, city, public health district, school district, special purpose district, or other district or municipality organized under any general or special law of this state, except the term "political subdivision" does not include any hospital or health care facility.

1 (c) "Private employer" means any person, partnership, limited liabil-  
2 ity company, association, corporation, nonprofit entity, labor organi-  
3 zation, or other private, nonpublic entity employing one (1) or more em-  
4 ployees within Idaho. "Private employer" does not include any hospital  
5 or health care facility.

6 (d) "State" means the state of Idaho or any of its agencies, boards,  
7 commissions, departments, divisions, or institutions, including any  
8 state institution of higher education, except the term "state" does not  
9 include any hospital or health care facility.

10 (4) The provisions of this section shall apply to any contractor or  
11 agent of the state, a political subdivision, or a private employer.

12 SECTION 2. An emergency existing therefor, which emergency is hereby  
13 declared to exist, this act shall be in full force and effect on and after its  
14 passage and approval.