

IN THE SENATE

SENATE BILL NO. 1292

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO EXECUTION; AMENDING CHAPTER 27, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-2716A, IDAHO CODE, TO PROVIDE THAT THE INFLECTION OF THE PUNISHMENT OF DEATH SHALL NOT BE CONSTRUED AS THE PRACTICE OF MEDICINE, TO PROVIDE CERTAIN EXEMPTIONS AND TO PROVIDE THAT CERTAIN PERSONS AND ENTITIES SHALL NOT BE SUBJECT TO CRIMINAL OR CIVIL LIABILITY FOR THE DEATH OF THE CONDEMNED PERSON; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Chapter 27, Title 19, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 19-2716A, Idaho Code, and to read as follows:

19-2716A. PRACTICE OF MEDICINE AND POSSESSION OF CONTROLLED SUBSTANCES -- EXEMPTION -- EXCEPTIONS TO GOVERNMENTAL LIABILITY. (1) Notwithstanding any other provision of law, infliction of the punishment of death in the manner required by section 19-2716, Idaho Code, shall not be construed as the practice of medicine. The director of the department of correction and all persons authorized by him to participate in an execution, as provided in section 19-2716, Idaho Code, shall be exempt from all laws, rules and regulations governing the practice of medicine.

(2) For the purposes of carrying out the provisions of section 19-2716, Idaho Code, any pharmacy, prescriber, manufacturer, wholesale distributor or other entity authorized by law to possess controlled substances may distribute controlled substances to the director or his designees and shall not be subject to criminal or civil liability for the death of the condemned person.

(3) For the purposes of carrying out the provisions of section 19-2716, Idaho Code, the director and his designees may obtain, possess, store and administer controlled substances and are exempt from all laws, rules and regulations governing pharmacies and controlled substances, notwithstanding any other provision of law. Any employee of the state of Idaho participating in an execution pursuant to section 19-2716, Idaho Code, shall be presumed to be acting within the course and scope of his employment and without malice or criminal intent for purposes of section 6-903, Idaho Code. Any employee, agent or contractor of the state of Idaho participating in an execution pursuant to section 19-2716, Idaho Code, shall not be subject to criminal or civil liability for the death of the condemned person.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 2012.