

TITLE 73
GENERAL CODE PROVISIONS

CHAPTER 5
CORONAVIRUS STOP ACT

73-501. SHORT TITLE. This chapter shall be known and may be cited as the "Coronavirus Stop Act."

[73-501, added 2023, ch. 313, sec. 2, p. 953.]

73-502. DEFINITIONS. As used in this chapter:

(1) "Business entity" means any person or group of persons performing or engaging in any activity, enterprise, profession, or occupation for gain, benefit, advantage, or livelihood, whether for profit or not-for-profit. "Business entity" shall include but not be limited to:

(a) Self-employed individuals, business entities filing articles of incorporation, partnerships, limited partnerships, limited liability companies, foreign corporations, foreign limited partnerships, foreign limited liability companies authorized to transact business in Idaho, business trusts, and any business entity that registers with the secretary of state; and

(b) Any business entity that possesses a business license, permit, certificate, approval, registration, charter, or similar form of authorization issued by the state; any business entity exempt by law from obtaining such a business license; and any business entity operating unlawfully without such a business license.

(2) "Coronavirus" means:

(a) Severe acute respiratory syndrome coronavirus 2;

(b) The disease caused by severe acute respiratory syndrome coronavirus 2; or

(c) Any subsequently identified mutation, modification, or strain of severe acute respiratory syndrome coronavirus 2 if the transmission of said virus among humans rises to the level of an epidemic or pandemic and qualifies for an emergency declaration under applicable Idaho law.

(3) "Coronavirus vaccination" means the introduction of a coronavirus vaccine into the human body.

(4) "Foreign jurisdiction" means any state, commonwealth, country, or nation outside the state of Idaho.

(5) "Ticket issuer" means an individual or entity providing tickets to an entertainment event, including any of the following:

(a) The operator of the venue where an entertainment event occurs;

(b) The sponsor or promoter of an entertainment event;

(c) A sports team participating in an entertainment event or a league whose teams are participating in an entertainment event;

(d) A theater company, musical group, or similar participant in an entertainment event; or

(e) An agent of any individual or entity described in this subsection.

[73-502, added 2023, ch. 313, sec. 2, p. 953.]

73-503. CORONAVIRUS VACCINATION REQUIREMENTS PROHIBITED. (1) A business entity doing business in the state of Idaho shall not refuse to provide

any service, product, admission to a venue, or transportation to a person because that person has or has not received a coronavirus vaccination.

(2) A business entity doing business in the state of Idaho shall not require a coronavirus vaccination as a term of employment unless required by federal law or in such cases where the terms of employment include travel to foreign jurisdictions requiring coronavirus vaccinations as the only coronavirus-related means of entry or where the terms of employment require entry into a place of business or facility in a foreign jurisdiction and such place of business or facility requires a coronavirus vaccination as the only coronavirus-related means of entry. In any such instance where an employee is required to obtain a coronavirus vaccination due to travel to a foreign jurisdiction or entry into a place of business or facility in a foreign jurisdiction, said requirement shall either be included in a valid written employment contract between the employer and the employee or, when a written employment contract does not exist, advance written notice shall be provided to an impacted employee no less than fourteen (14) days prior to such employee being required to receive a coronavirus vaccination. Business entities that receive medicare or medicaid funding shall be exempt from the requirements of this subsection.

(3) A ticket issuer shall not penalize, discriminate against, or deny access to an entertainment event to a ticket holder because the ticket holder has or has not received a coronavirus vaccination.

(4) Unless required by federal law, no state, county, or local government entity or official in Idaho shall require any person to receive a coronavirus vaccination.

(5) Unless required by federal law, no state, county, or local government entity or official in Idaho shall require any person to receive a coronavirus vaccination as a condition for:

- (a) Receipt of any government benefit;
- (b) Receipt of any government services;
- (c) Receipt of any government-issued license or permit;
- (d) Entrance into any public building;
- (e) Use of public transportation; or
- (f) A term of employment, provided that such entities that receive medicare or medicaid funding shall be exempt from the requirements of this paragraph.

(6) No state, county, local government, or business entity in Idaho shall provide or offer any different salary, hourly wage, or other ongoing compensation or benefits to an employee based on whether the employee has or has not received a coronavirus vaccination. However, it shall not be unlawful for such entities to offer onetime incentives related to coronavirus vaccinations that do not result in any different salary, hourly wage, or ongoing compensation or benefits being provided to an employee based on whether they have or have not received a coronavirus vaccination. A business entity may permit its employees to be released from work for the purpose of receiving a coronavirus vaccination.

(7) The ability to require a coronavirus vaccination under this chapter is subject to other statutory or constitutional provisions regarding requests for coronavirus vaccination exemptions and requirements to provide reasonable accommodation.

(8) The provisions of this chapter may be enforced and injunctive relief may be pursued by either the attorney general or the prosecuting attorney for the county where a violation occurs. If a business entity, state,

county, city, or local government entity in Idaho is found to have violated the provisions of this chapter, the attorney general or prosecuting attorney, as applicable, shall be awarded attorney's fees and costs incurred in pursuing the enforcement action.

[73-503, added 2023, ch. 313, sec. 2, p. 954.]

73-504. SEVERABILITY. The provisions of this chapter are hereby declared to be severable, and if any provision of this chapter or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this chapter.

[73-504, added 2023, ch. 313, sec. 2, p. 955.]