

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 69
FOOD SERVICE FACILITIES

67-6901. STATEMENT OF PUBLIC POLICY. It is the policy of this state to encourage and enable people with disabilities to participate fully in the social and economic life of the state and to engage in remunerative employment.

[67-6901, added 1982, ch. 350, sec. 1, p. 866; am. 2010, ch. 235, sec. 64, p. 601.]

67-6902. DEFINITIONS. As used in this chapter:

(1) "Disabled" or "person with disability" means:

(a) A person who has a physical or mental impairment which substantially limits one (1) or more major life activities (e.g., communication, ambulation, self-care, socialization, education, vocational training, transportation or employment);

(b) A person who has a record of such an impairment and the impairment is expected to continue indefinitely;

(c) A person who is regarded or treated by others as having such an impairment;

(d) Persons including, but not limited to, persons who are blind, deaf or who have epilepsy, autism, intellectual disabilities or mental illness or who have orthopedic disorders or cerebral palsy.

(2) "Food service facilities" includes restaurants, cafeterias, snack bars, and goods and services customarily offered in connection with any of the foregoing, and also includes vending machines dispensing foods when operated independently or in conjunction with such facilities.

(3) "Nonprofit organization representing persons with disabilities" means tax exempt organizations as defined under section 501(c)(3) of the Internal Revenue Code and includes the Idaho commission for the blind and visually impaired.

(4) "Public buildings" means all county courthouses, and all city halls and buildings used primarily as governmental offices of the state or any county or city. It does not include public schools or buildings or institutions of higher education or professional-technical training, buildings of the department of health and welfare, facilities of the state board of correction or the state capitol building.

[67-6902, added 1982, ch. 350, sec. 1, p. 866; am. 1994, ch. 159, sec. 8, p. 366; am. 1999, ch. 329, sec. 40, p. 885; am. 2009, ch. 283, sec. 1, p. 851; am. 2010, ch. 235, sec. 65, p. 601.]

67-6903. FOOD SERVICE FACILITIES IN PUBLIC BUILDINGS. Any governmental agency which proposes to allow, to operate or to continue a food service facility in a public building shall first attempt, in good faith, to notify nonprofit organizations representing persons with disabilities of the opportunity to operate a food service. If more than one (1) organization responds, the governmental agency shall establish reasonable criteria and shall select on the basis of that criteria from the proposals submitted. Criteria adopted by a governmental agency pursuant to this section, and

used as a basis for selection among proposals submitted, shall include the requirement that proposals submitted by the Idaho commission for the blind and visually impaired shall have priority over all other proposals submitted. Proposals submitted by nonprofit organizations representing persons with disabilities, other than the Idaho commission for the blind and visually impaired, shall receive priority over all other proposals except proposals submitted by the Idaho commission for the blind and visually impaired. A food service facility shall be operated without payment of rent. The governmental agency shall not offer or grant any other party a contract or concession to operate such food service facility unless the governmental agency determines in good faith that no nonprofit organization representing persons with disabilities is willing or able to provide satisfactory food service.

[67-6903, added 1982, ch. 350, sec. 1, p. 867; am. 1994, ch. 159, sec. 9, p. 366; am. 2010, ch. 235, sec. 66, p. 602.]

67-6904. OTHER FOOD SERVICE. Buildings or institutions of the department of health and welfare, not defined as public buildings for purposes of this chapter, shall nevertheless be subject to the provisions of section [67-6903](#), Idaho Code, for the purposes of providing services of vending machines dispensing food.

[67-6904, added 1982, ch. 350, sec. 1, p. 867.]

67-6905. TRANSITION. The provisions of this chapter shall not impair any valid contract to provide food service facilities existing as of March 1, 1982, and shall not preclude renewal, at the option of the commission, of such a contract for the same services.

[67-6905, added 1982, ch. 350, sec. 1, p. 867.]