

LEGISLATURE OF THE STATE OF IDAHO
Sixty-sixth Legislature First Regular Session - 2021

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 339

BY STATE AFFAIRS COMMITTEE

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 des-
ignated 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) Neither the state nor a political subdivision 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 conta-
gious or infectious disease;

(b) An official may not 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 shall not be required by
the state, a political subdivision, or an official as a condition for
entry, education, employment, or other services; and

(d) If the state, a political subdivision, or an official 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) For purposes of this section:

(a) "Official" means an officer or an employee of the state or a politi-
cal subdivision.

(b) "Political subdivision" means a county, city, public health dis-
trict, 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.

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

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.