

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 426

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE FREE EXERCISE OF RELIGION; AMENDING CHAPTER 4, TITLE 73,
2 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 73-405, IDAHO CODE, TO PRO-
3 HIBIT ANY OCCUPATIONAL LICENSING BOARD OR GOVERNMENTAL SUBDIVISION OR
4 ENTITY FROM DENYING, REVOKING OR SUSPENDING A PERSON'S PROFESSIONAL
5 OR OCCUPATIONAL LICENSE, CERTIFICATE OR REGISTRATION DUE TO CERTAIN
6 CONDUCT, TO CLARIFY THAT SPECIFIED PROVISIONS ARE NOT A DEFENSE TO AND
7 DO NOT AUTHORIZE THE INTENTIONAL INFLICTION OF EMOTIONAL OR PHYSICAL
8 INJURY UPON ANY PERSON AND TO PROVIDE THAT SPECIFIED PROVISIONS DO NOT
9 AUTHORIZE VIOLATION OF CERTAIN DESIGNATED LAWS.
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11 Be It Enacted by the Legislature of the State of Idaho:

12 SECTION 1. That Chapter 4, Title 73, Idaho Code, be, and the same is
13 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
14 ignated as Section 73-405, Idaho Code, and to read as follows:

15 73-405. FREE EXERCISE OF RELIGION -- PROFESSIONAL OR OCCUPATIONAL LI-
16 CENSE -- CERTIFICATE OR REGISTRATION. (1) No occupational licensing board or
17 governmental subdivision or entity shall deny, revoke or suspend a person's
18 professional or occupational license, certificate or registration for any
19 of the following and the following are not unprofessional conduct:

20 (a) Declining to provide or participate in providing any service that
21 violates the person's sincerely held religious beliefs or exercise of
22 religion except where performing emergency response duties for public
23 safety.

24 (b) Refusing to affirm a statement or oath that is contrary to the per-
25 son's sincerely held religious beliefs or exercise of religion.

26 (c) Expressing sincerely held religious beliefs.

27 (d) Providing faith-based services.

28 (e) Making business-related decisions in accordance with sincerely
29 held religious beliefs or exercise of religion including, but not lim-
30 ited to:

31 (i) Employment decisions;

32 (ii) Client selection decisions;

33 (iii) Financial decisions.

34 (2) This section is not a defense to and does not authorize in any way
35 the intentional infliction of emotional or physical injury upon any person.

36 (3) This section does not authorize any person to engage in conduct that
37 violates the emergency medical treatment and active labor act, 42 U.S.C.,
38 section 1395dd, or the religious land use and institutionalized persons act,
39 42 U.S.C., section 2000cc-1, as of the effective date of this section.