

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 670, As Amended in the Senate

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO HEALTH; PROVIDING LEGISLATIVE INTENT; AMENDING CHAPTER 3, TITLE
2 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-350, IDAHO CODE, TO
3 ESTABLISH THE END ORGAN HARVESTING ACT; AMENDING SECTION 39-8302, IDAHO
4 CODE, TO DEFINE TERMS; AMENDING CHAPTER 83, TITLE 39, IDAHO CODE, BY THE
5 ADDITION OF A NEW SECTION 39-8305, IDAHO CODE, TO ESTABLISH PROVISIONS
6 PROHIBITING CERTAIN GENETIC SEQUENCERS AND GENETIC ANALYSIS TECHNOLO-
7 GIES AND PROVIDING EXCEPTIONS; PROVIDING SEVERABILITY; AND DECLARING
8 AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
9

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

11 SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature to
12 combat the practice of forcibly harvesting organs from living persons for
13 transplant without free, voluntary consent, to bring awareness to China's
14 state-sanctioned practice of forced organ harvesting of prisoners of con-
15 science and other vulnerable persons, to prevent Idaho residents from un-
16 knowingly involving themselves in forced organ harvesting, and to protect
17 the genomic data of Idaho residents from companies from adversary countries.

18 SECTION 2. That Chapter 3, Title 41, Idaho Code, be, and the same is
19 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
20 ignated as Section 41-350, Idaho Code, and to read as follows:

21 41-350 END ORGAN HARVESTING ACT. (1) This section shall apply only to a
22 health benefit plan that provides benefits for medical or surgical expenses
23 incurred as a result of a health condition, accident, or sickness, including
24 an individual, group, blanket, or franchise insurance policy or insurance
25 agreement, a group hospital service contract, or an individual group evi-
26 dence of coverage or similar coverage document that is offered by:

- 27 (a) An insurance company;
28 (b) A group hospital service corporation operating pursuant to chapter
29 34, title 41, Idaho Code;
30 (c) A managed care organization operating pursuant to chapter 39, title
31 41, Idaho Code;
32 (d) A multiple employer welfare arrangement that holds a certificate of
33 registration pursuant to section 41-4002 (8), Idaho Code;
34 (e) A fraternal benefit society operating pursuant to chapter 32, title
35 41, Idaho Code; or
36 (f) An exchange operating pursuant to chapter 61, title 41, Idaho Code.

37 (2) Notwithstanding any other law to the contrary, this chapter applies
38 to:

- 39 (a) A small employer health benefit plan subject to chapter 47, title
40 41, Idaho Code;

1 (b) A standard health benefit plan issued pursuant to chapter 52, title
2 41, Idaho Code;

3 (c) The state medicaid program pursuant to section 56-263, Idaho Code;

4 (d) The children's health insurance program pursuant to sections
5 56-238 and 56-239, Idaho Code; and

6 (e) Health and accident coverage provided by a risk retention group
7 pursuant to chapter 48, title 41, Idaho Code.

8 (3) A health benefit plan issuer shall not cover a human organ trans-
9 plant or post-transplant care if:

10 (a) The transplant operation is performed in the People's Republic of
11 China or another country known to have participated in forced organ har-
12 vesting, as designated by the administrator of the division of public
13 health in the department of health and welfare; or

14 (b) The human organ to be transplanted was procured by sale or dona-
15 tion originating in the People's Republic of China or another country
16 known to have participated in forced organ harvesting, as designated by
17 the administrator of the division of public health in the department of
18 health and welfare.

19 (4) The administrator of the division of public health in the depart-
20 ment of health and welfare may designate additional countries with govern-
21 ments that fund, sponsor, or otherwise facilitate forced organ harvesting
22 and shall provide written notice to the director of the department of health
23 and welfare when the administrator of the division of public health desig-
24 nates an additional country.

25 (5) For the purposes of this section, "forced organ harvesting" means
26 the removal of one (1) or more organs from a living person, or from a person
27 killed for the purpose of removal of one (1) or more organs, by means of coer-
28 cion, abduction, deception, fraud, or abuse of power over a position of vul-
29 nerability.

30 SECTION 3. That Section 39-8302, Idaho Code, be, and the same is hereby
31 amended to read as follows:

32 39-8302. DEFINITIONS. As used in this chapter:

33 (1) "Blood relative" means a person's biologically related parent,
34 grandparent, child, grandchild, sibling, uncle, aunt, nephew, niece or
35 first cousin.

36 (2) "DNA" means deoxyribonucleic acid, ribonucleic acid and chromo-
37 somes which may be analyzed to detect heritable diseases or conditions,
38 including the identification of carriers, predicting risk of disease, or
39 establishing a clinical diagnosis.

40 (3) "DNA sample" means any human biological specimen from which DNA can
41 be extracted, or DNA extracted from such specimen.

42 (4) "Employer" means any person, partnership, limited liability com-
43 pany, association, corporation, labor organization, employment agency or
44 nonprofit entity that employs five (5) or more persons including relatives,
45 and including the legislative, executive and judicial branches of state gov-
46 ernment; any county, city, or any other political subdivision of the state;
47 or any other separate unit of state or local government.

48 (5) "Foreign adversary" means the People's Republic of China, the
49 Russian Federation, the Islamic Republic of Iran, the Democratic People's

1 Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolás
2 Maduro, or the Syrian Arab Republic, including any agent of or any other
3 entity under significant control of such foreign adversary, or any other
4 entity deemed by the governor in consultation with the adjutant general.

5 ~~(5)~~ (6) "Genetic analysis" or "genetic test" means the testing or anal-
6 ysis of an identifiable individual's DNA that results in information that is
7 derived from the presence, absence, alteration or mutation of an inherited
8 gene or genes, or the presence or absence of a specific DNA marker or markers.
9 "Genetic analysis" or "genetic test" does not mean:

10 (a) A routine physical examination;

11 (b) A routine chemical, blood or urine analysis;

12 (c) A test to identify the presence of drugs or HIV infection; or

13 (d) A test performed due to the presence of signs, symptoms or other
14 manifestations of a disease, illness, impairment or other disorder.

15 (7) "Genetic sequencer" means any device or platform used to conduct
16 genetic analysis, resequencing, isolation, or other genetic research.

17 (8) "Human genome" means DNA or ribonucleic acid (RNA) found in human
18 cells.

19 ~~(6)~~ (9) "Individual" means the person from whose body the DNA sample
20 originated.

21 (10) "Medical facility" means a facility for the delivery of health
22 services that:

23 (a) Receives state moneys, including interagency pass-through appro-
24 priations from the federal government; and

25 (b) Conducts research or testing on, with, or relating to genetic anal-
26 ysis or the human genome.

27 (11) "Operational or research software" means computer programs used
28 for the operation, control, analysis, or other necessary functions of ge-
29 netic analysis or genetic sequencers.

30 ~~(7)~~ (12) "Person" means any person, organization or entity other than
31 the individual.

32 ~~(8)~~ (13) "Private genetic information" means any information about an
33 identifiable individual that is derived from the presence, absence, alter-
34 ation or mutation of an inherited gene or genes, or the presence or absence of
35 a specific DNA marker or markers, and which has been obtained from a genetic
36 test or analysis of the individual's DNA or from a genetic test or analysis of
37 a person's DNA of whom the individual is a blood relative. "Private genetic
38 information" does not include information that is derived from:

39 (a) A routine physical examination;

40 (b) A routine chemical, blood or urine analysis;

41 (c) A test to identify the presence of drugs or HIV infection; or

42 (d) A test performed due to the presence of signs, symptoms or other
43 manifestations of a disease, illness, impairment or other disorder.

44 (14) "Research facility" means a facility that:

45 (a) Receives state moneys, including interagency pass-through appro-
46 priations from the federal government; and

47 (b) Conducts research on, with, or relating to genetic analysis or the
48 human genome.

1 SECTION 4. That Chapter 83, Title 39, Idaho Code, be, and the same is
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
3 ignated as Section 39-8305, Idaho Code, and to read as follows:

4 39-8305. PROHIBITION ON CERTAIN GENETIC SEQUENCERS AND GENETIC ANALY-
5 SIS TECHNOLOGIES. (1) No medical facility or research facility in the state
6 of Idaho shall utilize genetic sequencers or operational or research soft-
7 ware used for genetic analysis if the final product is produced in or by a
8 foreign adversary, a state-owned enterprise of a foreign adversary, a com-
9 pany domiciled within a foreign adversary, or a company-owned or company-
10 controlled subsidiary or affiliate of a company domiciled within a foreign
11 adversary for the purpose of conducting genetic analysis. Nothing in this
12 section shall apply to final products that have been merely assembled within
13 a foreign adversary or which subcomponent parts or inputs have been sourced
14 from foreign adversaries but that are not produced by foreign adversary com-
15 panies. Nothing in this section shall apply to companies domiciled within a
16 foreign adversary but who are owned by or whom a controlling financial inter-
17 est is held by a United States business or a business owned by a United States
18 alliance country.

19 (2) All genetic sequencers and operational and research software used
20 for genetic sequencers or genetic analysis devices prohibited under subsec-
21 tion (1) of this section that is not permanently disabled shall be removed
22 and replaced with genetic sequencers and operational and research software
23 used for genetic sequencers or genetic analysis that is not prohibited under
24 subsection (1) of this section.

25 (3) Subject to appropriation, a medical facility or research facility
26 in the state of Idaho may request a reimbursement up to the cost of replace-
27 ment of the equipment and software prohibited under subsection (1) of this
28 section from the state controller, provided the request includes purchase
29 orders and is submitted by October 1, 2024.

30 SECTION 5. SEVERABILITY. The provisions of this act are hereby declared
31 to be severable and if any provision of this act or the application of such
32 provision to any person or circumstance is declared invalid for any reason,
33 such declaration shall not affect the validity of the remaining portions of
34 this act.

35 SECTION 6. An emergency existing therefor, which emergency is hereby
36 declared to exist, this act shall be in full force and effect on and after
37 July 1, 2024.