

IN THE SENATE

SENATE BILL NO. 1044

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO CODIFIER'S CORRECTIONS; AMENDING SECTION 9-203, IDAHO CODE,  
2 TO MAKE CODIFIER'S CORRECTIONS AND TO MAKE TECHNICAL CORRECTIONS;  
3 AMENDING SECTION 14-510, IDAHO CODE, TO REMOVE SURPLUS VERBIAGE AND  
4 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 15-2-801, IDAHO CODE,  
5 TO REMOVE SURPLUS VERBIAGE AND TO MAKE TECHNICAL CORRECTIONS; AMEND-  
6 ING SECTION 18-8807, IDAHO CODE, TO REMOVE SURPLUS VERBIAGE; AMENDING  
7 SECTION 22-2726, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING  
8 SECTION 33-4302, IDAHO CODE, TO REMOVE SURPLUS VERBIAGE AND TO MAKE  
9 TECHNICAL CORRECTIONS; AMENDING SECTION 34-106, IDAHO CODE, TO PROVIDE  
10 A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING  
11 SECTION 34-219, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 73, LAWS OF  
12 2022, TO REDESIGNATE THE SECTION; AMENDING SECTION 34-701, IDAHO CODE,  
13 TO MAKE CODIFIER'S CORRECTIONS; AMENDING SECTION 39-414, IDAHO CODE,  
14 TO REMOVE SURPLUS VERBIAGE AND TO MAKE TECHNICAL CORRECTIONS; AMEND-  
15 ING SECTION 39-414A, IDAHO CODE, TO REMOVE SURPLUS VERBIAGE; AMENDING  
16 CHAPTER 97, TITLE 39, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 134,  
17 LAWS OF 2022, TO REDESIGNATE THE CHAPTER; AMENDING CHAPTER 97, TITLE 39,  
18 IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 80, LAWS OF 2022, TO RE-  
19 DESIGNATE THE CHAPTER AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING  
20 SECTION 49-2444, IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION AND TO MAKE  
21 TECHNICAL CORRECTIONS; AMENDING SECTION 54-1705, IDAHO CODE, TO MAKE  
22 CODIFIER'S CORRECTIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING  
23 SECTION 54-2918A, IDAHO CODE, TO MAKE A CODIFIER'S CORRECTION; AMENDING  
24 SECTION 54-5207, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING  
25 SECTION 54-5802, IDAHO CODE, TO MAKE CODIFIER'S CORRECTIONS AND TO RE-  
26 MOVE SURPLUS VERBIAGE; AMENDING SECTION 54-5805, IDAHO CODE, TO PROVIDE  
27 A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING  
28 SECTION 55-616, IDAHO CODE, AS ENACTED BY SECTION 1, CHAPTER 267, LAWS  
29 OF 2022, TO REDESIGNATE THE SECTION; AMENDING CHAPTER 17, TITLE 56,  
30 IDAHO CODE, AS ENACTED BY SECTION 2, CHAPTER 200, LAWS OF 2022, TO REDES-  
31 IGNATE THE CHAPTER AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION  
32 57-811, IDAHO CODE, TO MAKE CODIFIER'S CORRECTIONS; AMENDING SECTION  
33 59-1303, IDAHO CODE, TO REMOVE SURPLUS VERBIAGE AND TO MAKE A CODIFIER'S  
34 CORRECTION; AMENDING SECTION 67-2922, IDAHO CODE, TO MAKE TECHNICAL  
35 CORRECTIONS; AMENDING SECTION 67-4304, IDAHO CODE, TO MAKE TECHNICAL  
36 CORRECTIONS; AMENDING SECTION 67-4305, IDAHO CODE, TO MAKE TECHNICAL  
37 CORRECTIONS; AMENDING SECTION 67-4306, IDAHO CODE, TO MAKE A TECHNICAL  
38 CORRECTION; AMENDING SECTION 67-5303, IDAHO CODE, TO REMOVE SURPLUS  
39 VERBIAGE; AMENDING SECTION 67-5308, IDAHO CODE, TO MAKE A CODIFIER'S  
40 CORRECTION; AMENDING SECTION 74-105, IDAHO CODE, TO MAKE A CODIFIER'S  
41 CORRECTION AND TO MAKE TECHNICAL CORRECTIONS; PROVIDING A SUNSET DATE;  
42 AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.  
43

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

1 SECTION 1. That Section 9-203, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 9-203. CONFIDENTIAL RELATIONS AND COMMUNICATIONS. There are particu-  
4 lar relations in which it is the policy of the law to encourage confidence and  
5 to preserve it inviolate; therefore, a person cannot be examined as a witness  
6 in the following cases:

7 (1) A husband cannot be examined for or against his wife, without her  
8 consent, nor a wife for or against her husband, without his consent; nor can  
9 either, during the marriage or afterwards, be, without the consent of the  
10 other, examined as to any communication made by one to the other during the  
11 marriage; but this exception does not apply to a civil action or proceeding  
12 by one against the other nor to a criminal action or proceeding for a crime  
13 committed by violence of one against the person of the other, nor does this  
14 exception apply to any case of physical injury to a child where the injury has  
15 been caused as a result of physical abuse or neglect by one or both of the par-  
16 ents, nor does this exception apply to any case of lewd and lascivious con-  
17 duct or attempted lewd and lascivious conduct where either party would oth-  
18 erwise be protected by this privilege.

19 (2) An attorney cannot, without the consent of his client, be exam-  
20 ined as to any communication made by the client to him, or his advice given  
21 thereon, in the course of professional employment. The word client used  
22 herein shall be deemed to include a person, a corporation or an association.

23 (3) A clergyman or priest cannot, without the consent of the person mak-  
24 ing the confession, be examined as to any confession made to him in his pro-  
25 fessional character in the course of discipline enjoined by the church to  
26 which he belongs.

27 (4) A physician or surgeon cannot, without the consent of his patient,  
28 be examined in a civil action as to any information acquired in attending  
29 the patient which was necessary to enable him to prescribe or act for the pa-  
30 tient, provided, however, that:

31 (a) Nothing herein contained shall be deemed to preclude physicians  
32 from reporting of and testifying at all cases of physical injury to  
33 children, where it appears the injury has been caused as a result of  
34 physical abuse or neglect by a parent, guardian or legal custodian of  
35 the child.

36 (b) Nothing herein contained shall be deemed to preclude physicians  
37 from testifying at all cases of physical injury to a person where it ap-  
38 pears the injury has been caused as a result of domestic violence.

39 (c) After the death of a patient, in any action involving the valid-  
40 ity of any will or other instrument executed, or claimed to have been  
41 executed, by him, conveying or transferring any real or personal prop-  
42 erty or incurring any financial obligation, such physician or surgeon  
43 may testify to the mental or physical condition of such patient and in so  
44 testifying may disclose information acquired by him concerning such pa-  
45 tient which was necessary to enable him to prescribe or act for such de-  
46 ceased.

47 (d) Where any person or his heirs or representatives brings an action  
48 to recover damages for personal injuries or death, such action shall be  
49 deemed to constitute a consent by the person bringing such action that

1 any physician who has prescribed for or treated said injured or deceased  
2 person and whose testimony is material in the action may testify.

3 (e) If the patient be dead and during his lifetime had not given such  
4 consent, the bringing of an action by a beneficiary, assignee or payee  
5 or by the legal representative of the insured, to recover on any life,  
6 health or accident insurance policy, shall constitute a consent by such  
7 beneficiary, assignee, payee or legal representative to the testimony  
8 of any physician who attended the deceased.

9 (5) A public officer cannot be examined as to communications made to him  
10 in official confidence when the public interests would suffer by disclosure.

11 (6) Any certificated counselor, psychologist, or psychological exam-  
12 iner, duly appointed, regularly employed, and designated in such capacity by  
13 any public or private school in this state for the purpose of counseling stu-  
14 dents shall be immune from disclosing, without the consent of the student,  
15 any communication made by any student so counseled or examined in any civil  
16 or criminal action to which such student is a party. Such matters so communi-  
17 cated shall be privileged and protected against disclosure.

18 (7) Any parent, guardian or legal custodian shall not be forced to  
19 disclose any communication made by their minor child or ward to them con-  
20 cerning matters in any civil or criminal action to which such child or ward  
21 is a party. Such matters so communicated shall be privileged and protected  
22 against disclosure; excepting, this section does not apply to a civil action  
23 or proceeding by one against the other nor to a criminal action or proceeding  
24 for a crime committed by violence of one against the person of the other, nor  
25 does this section apply to any case of physical injury to a minor child where  
26 the injury has been caused as a result of physical abuse or neglect by one or  
27 both of the parents, guardians or legal custodians.

28 (8) (a) As used in this subsection:

29 (i) "First responder" means:

30 1. A peace officer as defined in section 19-5101(d), Idaho  
31 Code, when employed by a city, county, or the Idaho state po-  
32 lice;

33 2. A firefighter as defined in section 59-1302(16), Idaho  
34 Code;

35 3. A volunteer emergency responder as defined in section  
36 72-102(31), Idaho Code;

37 4. An emergency medical service (EMS) provider certifi-  
38 fied by the department of health and welfare pursuant to  
39 sections 56-1011 through 56-1018B, Idaho Code, and an am-  
40 bulance-based clinician as defined in the rules governing  
41 emergency medical services as adopted by the department of  
42 health and welfare; and

43 5. An emergency communications officer as defined in sec-  
44 tion 19-5101(f), Idaho Code.

45 (ii) "Peer support counseling session" means a meeting conducted  
46 by a peer support specialist, which meeting is held in response to  
47 a critical incident, traumatic event, or other personal or profes-  
48 sional wellness issue.

1 (iii) "Peer support specialist" means a person designated by a  
 2 public agency employing first responders to lead, moderate, or  
 3 assist in a peer support counseling session.

4 (b) Any peer support specialist or participant in a peer support coun-  
 5 seling session cannot disclose and shall not be forced to disclose a  
 6 communication made during or arising out of a peer support counseling  
 7 session without the consent of the person who made the communication or  
 8 about whom the communication was made, unless the communication:

9 (i) Involves a threat of suicide or a threat to commit a criminal  
 10 act;

11 (ii) Involves information required by law to be reported; or

12 (iii) Is an admission of criminal conduct.

13 (c) Any disclosure permitted by paragraph (b) of this subsection that  
 14 is made during or as part of court proceedings is subject to the rules of  
 15 the Idaho supreme court.

16 ~~8-~~ (9) A person employed by or volunteering at a nongovernmental do-  
 17 mestic or sexual violence program shall not, without the written and signed  
 18 consent of the recipient of services, be required to or compelled to disclose  
 19 any communication made between the person in the course of employment or vol-  
 20 unteer services for the domestic or sexual violence program and a recipient  
 21 of the program's services or to disclose information or records about a re-  
 22 cipient of the services of a domestic or sexual violence program, provided  
 23 that disclosure of communications during or as part of court proceedings is  
 24 subject to the rules of the Idaho supreme court. The provisions of this sub-  
 25 section shall not apply to communications made to a provider or employee dur-  
 26 ing medical services, medical procedures, medical exams, medical evalua-  
 27 tions, or forensic interviews.

28 ~~9-~~ (10) For purposes of this section:

29 ~~(A)~~ (a) "Recipient" means any individual who has received or inquired  
 30 about receiving services or assistance from a domestic or sexual vio-  
 31 lence program, including shelter, advocacy, counseling, or other ser-  
 32 vices offered by a domestic or sexual violence program.

33 ~~(B)~~ (b) "Domestic or sexual violence program" means any nonprofit or-  
 34 ganization, nongovernmental organization, private entity, or tribe  
 35 or tribal organization that has as its primary purpose the operation  
 36 of shelters or supportive services for victims of domestic or sexual  
 37 violence and their dependents or counseling, advocacy, or self-help  
 38 services to victims of domestic or sexual violence.

39 SECTION 2. That Section 14-510, Idaho Code, be, and the same is hereby  
 40 amended to read as follows:

41 14-510. STOCK AND OTHER INTANGIBLE INTERESTS IN BUSINESS ASSOCIA-  
 42 TIONS. (1) Except as provided in subsection (4) of this section, any stock,  
 43 shareholding or other intangible ownership interest in a business asso-  
 44 ciation, the existence of which is evidenced by records available to the  
 45 association, is considered abandoned if:

46 (a) The interest in the association is owned by a person who within five  
 47 (5) years has failed to:

48 (i) Claim a dividend, distribution or other sum payable as a re-  
 49 sult of the interest; or

- 1 (ii) Communicate with the association regarding the interest or  
 2 a dividend, distribution or other sum payable as the result of the  
 3 interest, as evidenced by memorandum or other record on file with  
 4 the association prepared by an employee of the association; and  
 5 (b) The association does not know the location of the owner at the end of  
 6 the five (5) year period. The return of official shareholder notifica-  
 7 tions or communications by the postal service as undeliverable is evi-  
 8 dence that the association does not know the location of the owner.  
 9 (2) This chapter applies to:  
 10 (a) The underlying stock, shareholdings or other intangible ownership  
 11 interests of an owner;  
 12 (b) Any stock, shareholdings or other intangible ownership interests  
 13 of an owner when the business association is in possession of the cer-  
 14 tificate or other evidence of ownership; and  
 15 (c) The stock, shareholdings or other intangible ownership interests  
 16 of dividend- and nondividend-paying business associations, whether or  
 17 not the interest is represented by a certificate.  
 18 (3) At the time an interest is considered abandoned under this section,  
 19 any dividend, distribution or other sum then held for or owing to the owner as  
 20 a result of the interest, and not previously presumed abandoned, is consid-  
 21 ered abandoned.  
 22 (4) (a) This chapter does not apply to any stock or other intangible own-  
 23 ership interest enrolled in a plan that provides for the automatic rein-  
 24 vestment of dividends, distributions or other sums payable as a result  
 25 of the interest unless:  
 26 (i) The records available to the administrator of the plan show  
 27 that the owner has not within five (5) years communicated in any  
 28 manner described in subsection (1) of this section; or -  
 29 (ii) Five (5) years have elapsed since the location of the owner  
 30 became unknown to the association, as evidenced by the return  
 31 of official shareholder notifications or communications by the  
 32 postal service as undeliverable, and the owner has not within  
 33 those five (5) years communicated in any manner described in this  
 34 chapter.  
 35 (b) The five (5) year period from the return of official notifications  
 36 or communications begins at the earlier of the return of the second of  
 37 those notifications or communications or the time the holder discontin-  
 38 ues mailings to the shareholder.

39 SECTION 3. That Section 15-2-801, Idaho Code, be, and the same is hereby  
 40 amended to read as follows:

41 15-2-801. RENUNCIATION.

- 42 (1) (a) A person or the representative of an incapacitated or unascertained  
 43 person who is an heir, devisee, person succeeding to a renounced  
 44 interest, donee, beneficiary under a testamentary or nontestamentary  
 45 instrument, donee of a power of appointment, grantee, surviving joint  
 46 owner or surviving joint tenant, beneficiary of an insurance contract,  
 47 person designated to take pursuant to a power of appointment exercised  
 48 by a testamentary or nontestamentary instrument, or otherwise the re-

1           cipient of any benefit under a testamentary or nontestamentary instru-  
2           ment, may renounce, in whole or in part, powers, future interests, spe-  
3           cific parts, fractional shares or assets thereof by filing a written in-  
4           strument within the time and at the place hereinafter provided.

5           (b) The instrument shall:

6                 (i) Describe the property or interest renounced;

7                 (ii) Be signed by the person renouncing; and

8                 (iii) Declare the renunciation and the extent thereof.

9           (c) The appropriate court may direct or permit a trustee under a tes-  
10           tamentary or nontestamentary instrument to renounce or to deviate from  
11           any power of administration, management or allocation of benefit upon  
12           finding that exercise of such power may defeat or impair the accomplish-  
13           ment of the purposes of the trust whether by the imposition of tax or  
14           the allocation of beneficial interest inconsistent with such purposes.  
15           Such authority shall be exercised after hearing and upon notice to all  
16           known persons beneficially interested in such trust or estate, in the  
17           manner pursuant to part 4, chapter 1, title 15, Idaho Code.

18           (2) Except as provided in subsection (9) of this section, the writing  
19           specified in subsection (1) of this section must be filed within nine (9)  
20           months after the transfer or the death of the decedent, or donee of the power,  
21           whichever is the later, or, if the taker of the property is not then finally  
22           ascertained, not later than nine (9) months after the event that determines  
23           that the taker of the property or interest is finally ascertained or his in-  
24           terest indefeasibly vested. The writing must be filed in the court of the  
25           county where proceedings concerning the decedent's estate are pending, or  
26           where they would be pending if commenced. If an interest in real estate is  
27           renounced, a copy of the writing may also be recorded in the office of the  
28           recorder in the county in which said real estate lies. A copy of the writ-  
29           ing also shall be delivered in person or mailed by registered or certified  
30           mail to the personal representative of the decedent, the trustee of any trust  
31           in which the interest renounced exists, and no such personal representative,  
32           trustee or person shall be liable for any otherwise proper distribution or  
33           other disposition made without actual notice of the renunciation. ~~the~~

34           (3) Unless the decedent or donee of the power has otherwise indicated,  
35           the property or interest renounced passes as if the person renouncing had  
36           predeceased the decedent, or if the person renouncing is designated to take  
37           under a power of appointment as if the person renouncing had predeceased the  
38           donee of the power. A future interest that takes effect in possession or en-  
39           joyment after the termination of the estate or interest renounced takes ef-  
40           fect as if the person renouncing had predeceased the decedent or the donee of  
41           the power. In every case, the renunciation relates back for all purposes to  
42           the date of death of the decedent or the donee, as the case may be.

43           (4) The right to renounce property or an interest therein is barred by:

44                 (a) Assignment, conveyance, encumbrance, pledge or transfer of prop-  
45                 erty therein or any contract therefor;

46                 (b) Written waiver of the right to renounce; or

47                 (c) Sale or other disposition of property pursuant to judicial process,  
48                 made before the renunciation is effective.

1 (5) The right to renounce granted by this section exists irrespective  
2 of any limitation on the interest of the person renouncing in the nature of a  
3 spendthrift provision or similar restriction.

4 (6) The renunciation or the written waiver of the right to renounce is  
5 binding upon the person renouncing or person waiving and all persons claim-  
6 ing through or under him.

7 (7) This section does not abridge the right of any person to assign,  
8 convey, release or renounce any property or an interest therein arising un-  
9 der any other statute.

10 (8) In clarification and amplification of subsection (1)(a) of this  
11 section, and to make clear the existing terms thereof, a renunciation may  
12 be made by an agent appointed under a power of attorney, by a conservator or  
13 guardian on behalf of an incapacitated person, or by the personal represen-  
14 tative or administrator of a deceased person. The ability to renounce on  
15 behalf of the person does not need to be specifically set forth in a power of  
16 attorney if the power is general in nature.

17 (9) The due date for filing a timely disclaimer under subsection (2) of  
18 this section, where the decedent died after December 31, 2009, but before De-  
19 cember 17, 2010, shall be not earlier than September 19, 2011.

20 SECTION 4. That Section 18-8807, Idaho Code, be, and the same is hereby  
21 amended to read as follows:

22 18-8807. CIVIL CAUSES OF ACTION. (1) Any female upon whom an abortion  
23 has been attempted or performed, the father of the preborn child, a grandpar-  
24 ent of the preborn child, a sibling of the preborn child, or an aunt or uncle  
25 of the preborn child may maintain an action for:

26 (a) All damages from the medical professionals who knowingly or reck-  
27 lessly attempted, performed, or induced the abortion in violation of  
28 this chapter;

29 (b) Notwithstanding any other provision of law, statutory damages in an  
30 amount not less than twenty thousand dollars (\$20,000) from the medical  
31 professionals who knowingly or recklessly attempted, performed, or in-  
32 duced an abortion in violation of this chapter; and

33 (c) Costs and attorney's fees. ~~8803-8804~~

34 (2) Notwithstanding any other provision of law, a person may bring an  
35 action under this section not later than four (4) years following the date  
36 the cause of action accrues.

37 (3) Notwithstanding any other provision of law, a civil cause of action  
38 under this section may not be brought by a person who impregnated the mother  
39 through an act of rape or incest.

40 (4) Notwithstanding any other provision of law, including chapter 1,  
41 title 12, Idaho Code, a court may not award costs or attorney's fees to a  
42 defendant in an action brought under this section unless the defendant has  
43 complied with the applicable requirements of sections 18-8803 and 18-8804,  
44 Idaho Code.

45 (5) The civil causes of action provided for in this section exist inde-  
46 pendently of any criminal action commenced pursuant to this chapter. A civil  
47 cause of action may be pursued under the provisions of this chapter even if a  
48 criminal prosecution is not pursued.

1 (6) Notwithstanding any other provision of law, including chapters 14,  
 2 17, and 18, title 54, Idaho Code, the requirements of this section shall be  
 3 enforced exclusively through the private civil causes of action described.  
 4 No enforcement of this section may be taken or threatened against any person  
 5 by this state, a political subdivision of this state, a prosecuting attor-  
 6 ney, or an executive or administrative officer or employee of this state or a  
 7 political subdivision of this state.

8 (7) Notwithstanding any other provision of law, this state, a state of-  
 9 ficial, or a prosecuting attorney may not intervene in an action brought un-  
 10 der this section. Nothing in this subsection shall prohibit a person de-  
 11 scribed in this subsection from filing an amicus curiae brief in the action.

12 (8) Nothing in this section shall be deemed to affect any familial  
 13 rights or responsibilities or any proceedings conducted under Idaho law.

14 SECTION 5. That Section 22-2726, Idaho Code, be, and the same is hereby  
 15 amended to read as follows:

16 22-2726. FUNDS OR ASSISTANCE PROVIDED BY COUNTY FROM COUNTY GENERAL  
 17 FUND. In those counties of Idaho wherein all or a substantial part of the  
 18 county has been created and is operating as a soil conservation district or  
 19 districts under the provisions of chapter 27, title 22, Idaho Code, or any  
 20 amendment thereto, the board of county commissioners may, from time to time,  
 21 at their discretion and upon request of the supervisors of such soil conser-  
 22 vation districts provide in their budget a sufficient amount of money from  
 23 the county general fund for allocation to the districts to be used by the dis-  
 24 tricts for any purposes authorized by law, or in lieu of such allocation the  
 25 county commissioners at their discretion may assign or hire an employee or  
 26 employees of the county to assist the supervisors in the performance of the  
 27 work of their office. The duties of such employee or employees shall be un-  
 28 der the direct supervision of the supervisors of each soil conservation dis-  
 29 trict.

30 SECTION 6. That Section 33-4302, Idaho Code, be, and the same is hereby  
 31 amended to read as follows:

32 33-4302. ARMED FORCES AND PUBLIC SAFETY OFFICER SCHOLARSHIPS.

33 (1) (a) The following individuals shall be eligible for the scholarship  
 34 program provided for in this section:

35 (i) Any spouse or child of any Idaho citizen who, while such per-  
 36 son is or was a resident of the state of Idaho:

37 1. Has been determined by the federal government to be a  
 38 prisoner of war or missing in action; or

39 2. Died of, or has become totally and permanently disabled  
 40 by, injuries or wounds sustained during active duty or inac-  
 41 tive duty training. ~~has;~~

42 (ii) Any spouse or child of any member of the United States armed  
 43 forces who is stationed in the state of Idaho on military orders  
 44 and who:

45 1. Is deployed from the state of Idaho to any area of armed  
 46 conflict in which the United States is a party and who has  
 47 been determined by the federal government to be a prisoner of



1 war or missing in action or has died of or become totally and  
 2 permanently disabled by injuries or wounds sustained in ac-  
 3 tion as a result of such deployment; or

4 2. Dies of, or becomes totally and permanently disabled by,  
 5 injuries or wounds sustained during active duty or inactive  
 6 duty training; and

7 (iii) Any spouse or child of a full-time or part-time public safety  
 8 officer, as defined in paragraph (b) of this subsection, employed  
 9 by or volunteering for the state of Idaho or for a political sub-  
 10 division of the state of Idaho, which public safety officer is or  
 11 was a resident of the state of Idaho at the time such officer was  
 12 killed or totally and permanently disabled in the line of duty.  
 13 The scholarship provided for in this section shall not be avail-  
 14 able unless it is determined that:

15 1. The death or disablement of the public safety officer oc-  
 16 curred in the performance of the officer's duties;

17 2. The death or disablement was not caused by the inten-  
 18 tional misconduct of the public safety officer or by such  
 19 officer's intentional infliction of injury; and

20 3. The public safety officer was not voluntarily intoxi-  
 21 cated at the time of death.

22 (b) As used in this section:

23 (i) "Active duty" means state active duty as defined in section  
 24 46-409, Idaho Code, or full-time duty with any of the United States  
 25 armed forces.

26 (ii) "Inactive duty training" means training or maintenance ac-  
 27 tivities prescribed, required, or authorized for military members  
 28 that do not constitute active duty.

29 (iii) "Military member" means a member of the United States armed  
 30 forces.

31 (iv) "Public safety officer" means a peace officer, a fire-  
 32 fighter, a paramedic as defined in section 56-1012, Idaho Code,  
 33 or an emergency medical technician as defined in section 56-1012,  
 34 Idaho Code.

35 (v) "United States armed forces" means the air force, army, coast  
 36 guard, marine corps, navy, or space force, or the reserve compo-  
 37 nent of any such service.

38 (vi) "Volunteering" means contributing services as a bona fide  
 39 member of a legally organized law enforcement agency, fire depart-  
 40 ment, or licensed emergency medical service provider organiza-  
 41 tion.

42 (2) (a) To be eligible for the scholarship provided for in this section,  
 43 a child of a military member or a public safety officer must be a res-  
 44 ident of the state of Idaho and must have completed secondary school  
 45 or its equivalent in the state of Idaho. A child already born, or born  
 46 after a military member or public safety officer is determined to be  
 47 imprisoned or missing in action, or dies or becomes totally and perma-  
 48 nently disabled, shall be eligible for this scholarship.

49 (b) To be eligible for the scholarship provided for in this section,  
 50 the spouse of a military member or public safety officer must be a res-

1           ident of the state of Idaho and must have been married to such person at  
2           the time the military member or public safety officer was determined to  
3           be imprisoned or missing in action or died or became totally and perma-  
4           nently disabled. However, in the situation of disability, the spouse  
5           must be currently married to such person.

6           (3) An eligible individual who applies for the scholarship provided  
7           for in this section shall, after verification of eligibility, receive the  
8           scholarship and be admitted to attend undergraduate studies at any public  
9           institution of higher education or public career technical college within  
10          the state of Idaho without the necessity of paying tuition and fees therefor;  
11          such student shall be provided with books, equipment, and supplies necessary  
12          for pursuit of such program of enrollment not to exceed five hundred dollars  
13          (\$500) per quarter, semester, intensified semester, or like educational pe-  
14          riod; and such student shall be furnished on-campus institution housing and  
15          subsistence for each month he or she is enrolled full-time under this program  
16          and actually resides in such on-campus facility. However, such undergradu-  
17          ate educational benefits shall not exceed a total of thirty-six (36) months  
18          or four (4) nine (9) month periods, and the initiation of such educational  
19          benefits shall extend for a period of ten (10) years after achieving a high  
20          school diploma or its equivalency or for a period of ten (10) years after  
21          the event giving rise to the eligibility for the scholarship, whichever is  
22          longer.

23          (4) The eligible individual shall meet such other educational qualifi-  
24          cations as such institution of higher education or career technical college  
25          has established for other prospective students of this state, as well as any  
26          additional educational qualifications established by the state board of ed-  
27          ucation and board of regents of the university of Idaho.

28          (5) Application for eligibility under this section shall be made to the  
29          state board of education and the board of regents of the university of Idaho  
30          or the state board for career technical education. The board shall verify  
31          the eligibility of the applicant and communicate such eligibility to such  
32          person and the affected institution or college.

33          (6) Affected institutions shall in their preparation of future budgets  
34          include costs resultant from such tuition, fee, book, equipment, supply,  
35          housing and subsistence loss for reimbursement from appropriations of state  
36          funds.

37          (7) For the purposes of this section, a member of the United States  
38          armed forces is considered totally and permanently disabled if at the time  
39          of application a current disability determination made or recognized by the  
40          United States social security administration or the Idaho division of veter-  
41          ans services is in effect with respect to such individual.

42          (8) For the purposes of this section, a public safety officer is consid-  
43          ered totally and permanently disabled if at the time of application a current  
44          disability determination made by the public employee retirement system of  
45          Idaho is in effect with respect to such individual.

46          (9) The state board of education and board of regents of the university  
47          of Idaho may adopt rules to implement and administer the scholarship program  
48          provided for in this section.

49          SECTION 7. That Section 34-106, Idaho Code, be, and the same is hereby  
50          amended to read as follows:

1           34-106. LIMITATION UPON ELECTIONS. On and after January 1, 2011,  
2 notwithstanding any other provisions of the law to the contrary, there shall  
3 be no more than two (2) elections conducted in any county in any calendar  
4 year, except as provided in this section or section ~~34-219~~ 34-220, Idaho  
5 Code, and except that elections to fill vacancies in the United States house  
6 of representatives shall be held as provided in the governor's proclamation.

7           (1) The dates on which elections may be conducted are:

8           (a) The third Tuesday in May of each year; and

9           (b) The Tuesday following the first Monday in November of each year.

10           (c) In addition to the elections specified in paragraphs (a) and (b) of  
11 this subsection and subsection (7) of this section, an emergency elec-  
12 tion may be called upon motion of the governing board of a political sub-  
13 division. An emergency exists when there is a great public calamity,  
14 such as an extraordinary fire, flood, storm, epidemic, or other disas-  
15 ter, or if it is necessary to do emergency work to prepare for a national  
16 or local defense, or it is necessary to do emergency work to safeguard  
17 life, health or property.

18           (d) In addition to the elections specified elsewhere in this section,  
19 a presidential primary shall be held on the second Tuesday in March in  
20 each presidential election year. Presidential primaries shall be held  
21 separately from other primary elections, which shall be held on the  
22 third Tuesday in May even in presidential election years.

23           (2) Candidates for office elected in May shall take office on the date  
24 specified in the certificate of election but not more than sixty (60) days  
25 following the election.

26           (3) Candidates for office elected in November shall take office as pro-  
27 vided in the constitution, or on January 1 next succeeding the November elec-  
28 tion.

29           (4) The governing board of each political subdivision subject to the  
30 provisions of this section, ~~which that~~, prior to January 1, 2011, conducted  
31 an election for members of that governing board on a date other than a date  
32 permitted in subsection (1) of this section, shall establish as the election  
33 date for that political subdivision the date authorized in subsection (1) of  
34 this section ~~which that~~ falls nearest the date on which elections were previ-  
35 ously conducted, unless another date is established by law.

36           (5) The secretary of state is authorized to provide such assistance as  
37 necessary, and to prescribe any needed rules or interpretations for the con-  
38 duct of election authorized under the provisions of this section.

39           (6) Water districts governed by chapter 6, title 42, Idaho Code, are ex-  
40 empt from the provisions of this section.

41           (7) Community colleges governed by chapter 21, title 33, Idaho Code,  
42 and school districts are subject to the limitations specified in subsection  
43 (1) of this section, except that school districts may also hold an election  
44 on the second Tuesday in March of each year and on the last Tuesday in August  
45 of each year on bonded indebtedness and property tax levy questions.

46           (8) A city initiative or referendum election shall be held on the Tues-  
47 day following the first Monday in November of odd-numbered years. A county  
48 initiative or referendum election or a bond, levy and any other ballot ques-  
49 tion elections conducted by any political subdivision shall be held on the  
50 nearest date authorized in subsection (1) of this section ~~which that~~ falls

1 more than sixty (60) days after the clerk of the political subdivision orders  
2 that such election shall be held in May or November of even-numbered years  
3 or more than fifty (50) days after the order for all other elections, unless  
4 otherwise provided by law. Ballot language for any question to be placed on  
5 the ballot shall be submitted to the county clerk at least sixty (60) days be-  
6 fore an election held in May or November of even-numbered years and at least  
7 fifty (50) days before all other elections.

8 (9) Recall elections may be held on any of the four (4) dates authorized  
9 in subsections (1) and (7) of this section that fall more than forty-five  
10 (45) days after the clerk of the political subdivision orders that such elec-  
11 tion shall be held.

12 (10) Irrigation districts governed by title 43, Idaho Code, are subject  
13 to the limitations specified in subsection (1) of this section, except that  
14 irrigation districts may also hold an election on the first Tuesday in Febru-  
15 ary of each year and on the first Tuesday in August of each year on questions  
16 required to be voted upon by title 43, Idaho Code.

17 SECTION 8. That Section 34-219, Idaho Code, as enacted by Section 1,  
18 Chapter 73, Laws of 2022, be, and the same is hereby amended to read as fol-  
19 lows:

20 ~~34-219~~ 34-220. JUDICIAL REVIEW -- ELECTION RESULTS. (1) If the vote  
21 count in an election has been completed and it appears to the secretary of  
22 state or a county clerk that an error has occurred in the administration of  
23 such election that may be sufficient to change the result of the election,  
24 then the secretary of state or clerk of the county in which such error appears  
25 to have occurred may petition the district court of the county in which the  
26 error appears to have occurred for judicial review of the election. The pe-  
27 tition shall be filed within twenty-eight (28) days of the date of the elec-  
28 tion.

29 (2) The secretary of state or the county clerk initiating a petition un-  
30 der this section shall serve notice of the petition on:

31 (a) Any candidate appearing on the ballot in such election; and

32 (b) Any taxing district or other party responsible for placing an ini-  
33 tiative, a referendum, or another question on the ballot in such elec-  
34 tion.

35 (3) The district court may:

36 (a) Give such precedence on its docket to a petition under this section  
37 as the circumstances may require; and

38 (b) Consider any evidence related to the error alleged in the petition.

39 (4) The scope of the district court's review shall be limited to whether  
40 the error alleged in the petition occurred and, if so, whether the error was  
41 sufficient to change the result of the election. If the court determines  
42 that the error was sufficient to change the result of the election, then the  
43 court shall declare the election void and order a new election to be held at  
44 the expense of the agency where the error occurred. The new election shall be  
45 held as soon as practicable and need not occur on a date provided in section  
46 34-106, Idaho Code.

47 (5) Court proceedings held pursuant to this section shall be conducted  
48 according to the Idaho rules of civil procedure, as applicable, and any other  
49 rules deemed pertinent by the district court.

1 SECTION 9. That Section 34-701, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 34-701. DECLARATIONS OF CANDIDACY AND PETITIONS -- FORM PRESCRIBED BY  
4 SECRETARY OF STATE -- FILING FEES. (1) The secretary of state shall prescribe  
5 the form for all declarations of candidacy and petitions required to be filed  
6 for any office. This form shall be uniform throughout the state; provided,  
7 however, that a candidate for judicial office must designate the particular  
8 office that he seeks, both in his petitions and declaration of candidacy.

9 (2) Declarations of candidacy shall include campaign contact informa-  
10 tion, including phone numbers.

11 (3) The form described in subsection (1) of this section shall include  
12 a sworn verification that the person satisfies the legal qualifications  
13 for the office being sought. Any person filing a form described in subsec-  
14 tion (1) of this section shall disclose on such form whether the person has  
15 claimed an exemption under section 63-602G, Idaho Code, and the address of  
16 any homestead for which such exemption is claimed by the person and, if mar-  
17 ried, the person's spouse.

18 ~~(3)~~ (4) All filing fees shall be paid in cash, cashier's check, postal  
19 money orders, credit card, debit card, or personal check. Any transaction  
20 cost associated with processing a credit card or debit card payment that is  
21 charged to the office receiving a candidate filing fee may be added to said  
22 filing fee.

23 SECTION 10. That Section 39-414, Idaho Code, be, and the same is hereby  
24 amended to read as follows:

25 39-414. POWERS AND DUTIES OF DISTRICT BOARD. The district board of  
26 health shall have and may exercise the following powers and duties:

27 (1) To administer and enforce all state and district health laws, regu-  
28 lations, and standards.

29 (2) To do all things required for the preservation and protection of  
30 the public health and preventive health and to enter into agreements with  
31 the director of the state department of health and welfare or the director of  
32 the department of environmental quality to provide services or do such other  
33 things as specified in the agreement. An agreement entered pursuant to this  
34 subsection may be between either such director and one (1) district or mul-  
35 tiple districts. An order of a district board of health will take effect im-  
36 mediately. However, notwithstanding the provisions of this subsection, if  
37 an order applies to all persons in a county or a public health district, the  
38 board of county commissioners within each affected county, after consult-  
39 ing with the district board of health, will determine by resolution whether  
40 or not to approve the order within county limits within seven (7) days of the  
41 date of the order. If the board of county commissioners approves the order,  
42 then the order will take effect immediately for a period of thirty (30) days.  
43 Thereafter, the order may be extended, amended, or modified and reimposed  
44 for thirty (30) day periods, subject to approval by the board of county com-  
45 missioners. 7

46 (3) To determine the location of its main office and to determine the  
47 location, if any, of branch offices.

1 (4) To enter into contracts with any other governmental or public  
2 agency whereby the district board agrees to render services to or for such  
3 agency in exchange for a charge reasonably calculated to cover the cost of  
4 rendering such service. This authority is to be limited to services vol-  
5 untarily rendered and voluntarily received and shall not apply to services  
6 required by statute, rule, and regulations, or by standards promulgated  
7 pursuant to this chapter or chapter 1, title 39, Idaho Code.

8 (5) To deposit all moneys or payment received or collected by gift,  
9 grant, devise, or any other way to the respective division or subaccount of  
10 the public health district in the public health district fund authorized by  
11 section 39-422, Idaho Code.

12 (6) To establish a fiscal control policy.

13 (7) To cooperate with the state board of health and welfare, the depart-  
14 ment of health and welfare, the board of environmental quality, and the de-  
15 partment of environmental quality.

16 (8) To enter into contracts with other governmental agencies, and this  
17 chapter hereby authorizes such other agencies to enter into contracts with  
18 the health district, as may be deemed necessary to fulfill the duties imposed  
19 upon the district in providing for the health of the citizens within the dis-  
20 trict.

21 (9) To purchase, exchange, or sell real property and construct, rent,  
22 or lease such buildings as may be required for the accomplishment of the  
23 duties imposed upon the district and to further obtain such other personal  
24 property as may be necessary to its functions.

25 (10) To accept, receive, and utilize any gifts, grants, or funds and  
26 personal and real property that may be donated to it for the fulfillment of  
27 the purposes outlined in this chapter.

28 (11) To establish a charge whereby the board agrees to render services  
29 to or for entities other than governmental or public agencies for an amount  
30 reasonably calculated to cover the cost of rendering such services.

31 (12) To enter into a lease of real or personal property as lessor or  
32 lessee, or other transaction, with the Idaho health facilities authority for  
33 a term not to exceed ninety-nine (99) years upon a determination by the dis-  
34 trict board that the real or personal property to be leased is necessary for  
35 the purposes of the district, and to pledge nontax revenues of the district  
36 to secure the district's obligations under such leases. For the purposes  
37 of this chapter, a public health district is not a subdivision of the state  
38 and shall be considered an independent body corporate and politic pursuant  
39 to section 1, article VIII, of the constitution of the state of Idaho, and  
40 is not authorized hereby to levy taxes ~~nor~~ or to obligate the state of Idaho  
41 concerning such financing.

42 (13) To administer and certify solid waste disposal site operations,  
43 closure, and post-closure procedures established by statute or regulation  
44 in accordance with the provisions of chapter 74, title 39, Idaho Code, in  
45 a manner equivalent to the site certification process set forth in section  
46 39-7408, Idaho Code.

47 (14) To select a board member to serve as trustee on the board of  
48 trustees of the Idaho district boards of health.

49 SECTION 11. That Section 39-414A, Idaho Code, be, and the same is hereby  
50 amended to read as follows:

1 39-414A. AUDIT OF HEALTH DISTRICT FINANCES. It shall be the duty of  
 2 each district board of health to cause to be made a full and complete audit  
 3 of all the financial transactions of the health district no less frequently  
 4 than every two (2) years. Such audit shall be in accordance with generally  
 5 accepted auditing standards and procedures. The district board of health  
 6 shall include all necessary expenses for such audit in its budget. ~~services~~  
 7 ~~office, pursuant to section 67-702, Idaho Code~~

8 SECTION 12. That Chapter 97, Title 39, Idaho Code, as enacted by Section  
 9 1, Chapter 134, Laws of 2022, be, and the same is hereby amended to read as  
 10 follows:

11 CHAPTER ~~97~~ 98  
 12 ESSENTIAL CAREGIVERS

13 ~~39-9701~~ 39-9801. DEFINITIONS. As used in this chapter:

- 14 (1) "Assistance" means aid in meeting daily living needs.  
 15 (2) "Essential caregiver" means a person designated by a patient or  
 16 resident to visit the patient or resident at a facility.  
 17 (3) "Facility" means an institution providing health care services, a  
 18 health care setting, or a setting in which to receive assistance, includ-  
 19 ing but not limited to hospitals and other licensed inpatient centers, am-  
 20 bulatory surgical or treatment centers, nursing facilities, skilled nursing  
 21 centers, residential treatment centers, rehabilitation and other therapeu-  
 22 tic health settings, certified family homes, group homes, or assisted living  
 23 facilities.  
 24 (4) "Health care services" means services for the diagnosis, preven-  
 25 tion, treatment, cure, or relief of a health condition, illness, injury, or  
 26 disease.  
 27 (5) "Patient" means a person receiving health care services at a facil-  
 28 ity.  
 29 (6) "Resident" means a person receiving assistance at a facility.

30 ~~39-9702~~ 39-9802. LEGISLATIVE INTENT. In enacting this chapter, it is  
 31 the intent of the legislature to guarantee and protect the right of Idahoans  
 32 to be visited by essential caregivers of their choosing when staying in a  
 33 health care or assistance facility.

34 ~~39-9703~~ 39-9803. RIGHT TO ESSENTIAL CAREGIVERS. (1) A patient or resi-  
 35 dent has the right to visitation from an essential caregiver while receiving  
 36 assistance or health care services at a facility, even if other visitors are  
 37 being excluded by the facility. However, the essential caregiver must fol-  
 38 low safety and other protocols imposed by the facility, and a facility may  
 39 place reasonable restrictions as to where and when the essential caregiver  
 40 may visit. For purposes of this subsection, a restriction is reasonable if  
 41 the restriction:

- 42 (a) Is necessary to prevent the disruption of assistance or health care  
 43 services to the patient or resident; and  
 44 (b) Does not interfere with the patient's or resident's general right  
 45 to visitation by essential caregivers.

1 (2) A facility that provides or intends to provide health care services  
2 or assistance must:

3 (a) When practicable, notify a potential patient or resident of the  
4 right to designate essential caregivers prior to admission to the fa-  
5 cility;

6 (b) Provide each patient or resident an opportunity to designate essen-  
7 tial caregivers; and

8 (c) Accommodate a patient's or resident's request to have essential  
9 caregivers visit within the limits prescribed by this section.

10 SECTION 13. That Chapter 97, Title 39, Idaho Code, as enacted by Section  
11 1, Chapter 80, Laws of 2022, be, and the same is hereby amended to read as  
12 follows:

13 CHAPTER ~~97~~ 99  
14 DOWN SYNDROME DIAGNOSIS INFORMATION ACT

15 ~~39-9701~~ 39-9901. SHORT TITLE. This chapter shall be known and may be  
16 cited as the "Down Syndrome Diagnosis Information Act."

17 ~~39-9702~~ 39-9902. DEFINITIONS. For purposes of this chapter:

18 (1) "Department" means the department of health and welfare.

19 (2) "Down syndrome" means a chromosomal condition associated with ei-  
20 ther an extra chromosome 21, in whole or in part, or an effective trisomy for  
21 chromosome 21. Trisomy 21 is the medical term for Down syndrome.

22 (3) "Down syndrome organization" means any state or local nonprofit or-  
23 ganization primarily involved in providing advocacy, support, and education  
24 to individuals with Down syndrome and their support community.

25 (4) "Health care practitioner" means a physician or other health care  
26 practitioner licensed, accredited, or certified to perform specified health  
27 care services consistent with state law. "Health care practitioner" in-  
28 cludes a genetic counselor.

29 (5) "Parent" means any person expecting a child who has received a test  
30 result from a prenatal screening or diagnostic test that indicates a high  
31 likelihood or the definite presence of Down syndrome, or the parent or legal  
32 guardian of a child diagnosed with Down syndrome.

33 ~~39-9703~~ 39-9903. APPLICABILITY. A health care practitioner who pro-  
34 vides prenatal or postnatal care and who administers or requests adminis-  
35 tration of a prenatal or postnatal screening or diagnostic test that detects  
36 Down syndrome or receives a result from such test that indicates a high like-  
37 lihood or the definite presence of Down syndrome shall deliver to the par-  
38 ents the information support sheet provided by the department under section  
39 ~~39-9704~~ 39-9904, Idaho Code.

40 ~~39-9704~~ 39-9904. SUPPORT SHEET. (1) The department shall create an  
41 up-to-date, evidence-based support sheet about Down syndrome that has been  
42 reviewed by medical experts and the Idaho Down syndrome council. The support  
43 sheet shall be provided at the time of diagnosis or when an ultrasound or  
44 test detects a high likelihood of Down syndrome. The support sheet shall be  
45 readily accessible and include the following:



1 (a) A clinical course description of Down syndrome, including possible  
2 physical, developmental, educational, and psychosocial outcomes;

3 (b) Options available for treatment and therapy for conditions related  
4 to Down syndrome;

5 (c) Life expectancy for individuals with Down syndrome; and

6 (d) Contact information for nonprofit Idaho Down syndrome organiza-  
7 tions that provide information and support services for caregivers,  
8 including first-call programs and information hotlines specific to  
9 Down syndrome, resource centers, and other education and support pro-  
10 grams for Down syndrome.

11 (2) The department shall post the information required in this section  
12 on its website and shall include an information support sheet, in a print-  
13 friendly format, to be delivered by health care practitioners to parents as  
14 prescribed in section ~~39-9703~~ 39-9903, Idaho Code.

15 (3) The department shall ensure that the information on the support  
16 sheet required in this section is culturally and linguistically appropriate  
17 for caregivers.

18 (4) A Down syndrome organization may request that the department in-  
19 clude the organization's informational material and contact information on  
20 the department's website. The department may add the information to the web-  
21 site upon request.

22 (5) The department shall meet annually with representatives of the  
23 Idaho Down syndrome council to ensure the information in the support sheet  
24 that is made available by the department is current.

25 SECTION 14. That Section 49-2444, Idaho Code, be, and the same is hereby  
26 amended to read as follows:

27 49-2444. IDENTIFICATION CARD ISSUED -- FOUR-YEAR OR EIGHT-YEAR. (1)  
28 The department shall issue a distinguishing identification card that shall  
29 set forth the information contained in the application, in a form as pre-  
30 scribed by the department. All identification cards issued on or after Jan-  
31 uary 1, 1993, shall not contain the applicant's social security number. An  
32 applicant's social security number shall be exempt from disclosure except  
33 for inquiries from agencies or institutions authorized to obtain such infor-  
34 mation by federal law or regulation, from peace officers, or from jury com-  
35 missioners. Each card shall have printed on it the applicant's full name,  
36 date of birth, Idaho residence address, sex, weight, height, eye color, and  
37 hair color and shall be issued a distinguishing number assigned to the ap-  
38 plicant. If an applicant has submitted an application pursuant to the provi-  
39 sions of chapter 58, title 19, Idaho Code, then the applicant's identifica-  
40 tion card shall contain his or her alternative Idaho mailing address in place  
41 of his or her Idaho residence address. Each card shall also have printed on  
42 it the name of this state, the date of issuance, and the date of expiration.  
43 An identification card shall not be valid until it has been signed on the sig-  
44 nature line by the applicant. Each card shall bear upon it a color photograph  
45 of the applicant, which shall be taken by the examiner at the time of appli-  
46 cation. The photograph shall be taken without headgear or other clothing or  
47 device that disguises or otherwise conceals the face or head of the appli-  
48 cant. A waiver may be granted by the department allowing the applicant to  
49 wear headgear or other head covering for medical, religious or safety pur-

1 poses as long as the face is not disguised or otherwise concealed. At the re-  
2 quest of the applicant, an identification card may contain a statement or in-  
3 dication of the medical condition of the applicant.

4 (2) No person shall receive an identification card unless and until he  
5 surrenders to the department all identification cards in his possession is-  
6 sued to him by Idaho or any other jurisdiction, or any driver's license is-  
7 sued by any other jurisdiction within the United States, or until he executes  
8 an affidavit that he does not possess an identification card or any driver's  
9 license.

10 (3) Identification cards issued to persons under eighteen (18) years of  
11 age shall include a notation "under 18 until (month, day, year)," and iden-  
12 tification cards issued to persons eighteen (18) years of age to twenty-one  
13 (21) years of age shall include a notation "under 21 until (month, day,  
14 year)." The nonrefundable fee for a four (4) year identification card issued  
15 to persons twenty-one (21) years of age or older shall be fifteen dollars  
16 (\$15.00), of which ten dollars (\$10.00) shall be retained by the county  
17 and credited to the current expense fund, and five dollars (\$5.00) shall be  
18 deposited in the state treasury to the credit of the highway distribution  
19 account. The nonrefundable fee for identification cards issued to persons  
20 under twenty-one (21) years of age shall be ten dollars (\$10.00), of which  
21 five dollars (\$5.00) shall be retained by the authorized issuing agent or,  
22 if issued by the county, shall be credited to the current expense fund, and  
23 five dollars (\$5.00) shall be deposited in the state treasury to the credit  
24 of the highway distribution account. The nonrefundable fee for an eight (8)  
25 year identification card shall be twenty-five dollars (\$25.00), of which  
26 fifteen dollars (\$15.00) shall be retained by the authorized issuing agent  
27 or, if issued by the county, shall be credited to the current expense fund,  
28 and ten dollars (\$10.00) shall be deposited in the state treasury to the  
29 credit of the highway distribution account. At the option of the applicant,  
30 the identification card issued to a person twenty-one (21) years of age or  
31 older shall expire either on the card holder's birthday in the fourth year or  
32 the eighth year following issuance of the card, except as otherwise provided  
33 in subsection (7) of this section. Every identification card issued to a  
34 person under eighteen (18) years of age shall expire five (5) days after the  
35 person's eighteenth birthday, except as otherwise provided in subsection  
36 (7) of this section. Every identification card issued to a person eighteen  
37 (18) years of age but under twenty-one (21) years of age shall expire five (5)  
38 days after the person's twenty-first birthday, except as otherwise provided  
39 in subsection (7) of this section.

40 (4) Individuals required to register in compliance with section 3 of  
41 the federal military selective service act, 50 U.S.C. App. 451 et seq., as  
42 amended, shall be provided an opportunity to fulfill such registration re-  
43 quirements in conjunction with an application for an identification card.  
44 Any registration information so supplied shall be transmitted by the depart-  
45 ment to the selective service system.

46 (5) Every identification card, except those issued to persons under  
47 twenty-one (21) years of age, shall be renewable on or before its expiration,  
48 but not more than twenty-five (25) months before, and upon application and  
49 payment of the required fee.

1 (6) The applicant for an identification card must submit proof of iden-  
2 tity and citizenship status acceptable to the examiner or the department and  
3 date of birth as set forth in a certified copy of his birth certificate. When  
4 a certified copy of his birth certificate or a delayed birth certificate is  
5 impossible to obtain from a vital statistics agency, another government-is-  
6 sued document may be submitted that provides satisfactory evidence of a per-  
7 son's full legal name and date of birth acceptable to the examiner or the de-  
8 partment.

9 (7) Every identification card issued to a person who is a citizen of  
10 the United States may include the notation "USA." Every identification card  
11 issued to a person who is not a citizen or permanent legal resident of the  
12 United States shall have an expiration date that is the same date as the end  
13 of lawful stay in the United States as indicated on documents issued and ver-  
14 ified by the department of homeland security, provided however, that the ex-  
15 piration date shall not extend beyond the expiration date for the same cate-  
16 gory of identification card issued to citizens. Persons whose department of  
17 homeland security documents do not state an expiration date shall be issued  
18 an identification card with an expiration date of one (1) year from the date  
19 of issuance.

20 (8) When an identification card has been expired for less than twenty-  
21 five (25) months, the renewal of the identification card shall start from  
22 the original date of expiration, regardless of the year in which the applica-  
23 tion for renewal is made. If the identification card is expired for more than  
24 twenty-five (25) months, the application shall expire, at the option of the  
25 applicant, on the applicant's birthday in the fourth year or the eighth year  
26 following reissuance of the identification card, except as otherwise pro-  
27 vided in subsection (7) of this section.

28 (9) (a) If an Idaho identification card has expired or will expire and  
29 the identification card holder is temporarily out of state, except  
30 on active military duty, the identification card holder may request  
31 in writing on a form prescribed by the department an extension of the  
32 identification card. The request shall be accompanied by the fee  
33 fixed in section 49-306, Idaho Code, and the extension shall be no more  
34 than a twelve (12) month period. If the department determines that an  
35 extension of the identification card is necessary, it may issue an iden-  
36 tification card showing the date to which the expired identification  
37 card is extended. Identification card extensions are limited to two (2)  
38 consecutive extensions per identification card holder.

39 (b) Upon returning to the state of Idaho, the identification card  
40 holder shall, within ten (10) days, apply for a renewal of the expired  
41 identification card and surrender the extended identification card and  
42 the expired identification card.

43 (10) An Idaho identification card issued to any person prior to serving  
44 on active duty in the armed forces of the United States, or a member of the  
45 immediate family accompanying such a person, if valid and in full force and  
46 effect upon entering active duty, shall remain in full force and effect and  
47 shall, upon application, be extended for a period of four (4) years as long  
48 as active duty continues, and the identification card shall remain in full  
49 force and effect sixty (60) days following the date the card holder is re-  
50 leased from active duty.

1 (11) A person possessing an identification card who desires to donate  
2 any or all organs or tissue in the event of death, and who has completed a  
3 document of gift pursuant to the provisions for donation of anatomical gifts  
4 as set forth in chapter 34, title 39, Idaho Code, may, at the option of the  
5 donor, indicate this desire on the identification card by the imprinting of  
6 the word "donor" on the identification card. The provisions of this subsec-  
7 tion shall apply to persons possessing an identification card who are fif-  
8 teen (15) years of age or older but less than eighteen (18) years of age if  
9 the requirements provided in chapter 34, title 39, Idaho Code, have been com-  
10 plied with.

11 (12) A person possessing an identification card or an applicant for an  
12 identification card who is a person with a permanent disability may request  
13 that the notation "permanently disabled" be imprinted on the identification  
14 card, provided the person presents written certification from a licensed  
15 physician verifying that the person's stated impairment qualifies as a per-  
16 manent disability according to the provisions of section 49-117, Idaho Code.

17 (13) A person who is a veteran may request that his or her status as such  
18 be designated on an identification card at no additional cost. Any such re-  
19 quest shall be accompanied by proof of being a current or former member of  
20 the United States armed forces. Upon request and submission of satisfactory  
21 proof, the department shall indicate such person's status as a veteran on any  
22 identification card issued pursuant to the provisions of this section. Such  
23 designation shall be made upon original issuance or renewal of an identifi-  
24 cation card. Designation shall also be made on any duplicate identification  
25 card issued, provided that the fee for such duplicate card is paid in accor-  
26 dance with this section.

27 (14) Satisfactory proof of being a current or former member of the  
28 United States armed forces must be furnished by an applicant to the de-  
29 partment before a designation of veteran status will be indicated on any  
30 identification card. Acceptable proof shall be a copy of form DD214 or an  
31 equivalent document or statement from the department of veterans affairs  
32 that identifies a character of service upon separation as "honorable" or  
33 "general under honorable conditions."

34 (15) In the case of a name change, the applicant shall provide legal doc-  
35 umentation to verify the change in accordance with department rules.

36 (16) Whenever any person, after applying for or receiving an identifi-  
37 cation card, shall move from the address shown on the application or on the  
38 identification card issued, that person shall, within thirty (30) days, no-  
39 tify the transportation department in writing of the old and new addresses.

40 (17) The department shall cancel any identification card upon determin-  
41 ing that the person was not entitled to the issuance of the identification  
42 card or that the person failed to give the required and correct information  
43 in his application or committed fraud in making the application. Upon can-  
44 cellation, the person shall surrender the canceled identification card to  
45 the department.

46 (18) If any person shall fail to return to the department the identifi-  
47 cation card as required, the department may direct any peace officer to se-  
48 cure its possession and return the identification card to the department.

49 (19) The department may issue a no-fee identification card to an indi-  
50 vidual whose driver's license has been canceled and voluntarily surrendered

1 as provided in section 49-322(5), Idaho Code. The identification card may be  
2 renewed at no cost to the applicant as long as the driver's license remains  
3 canceled.

4 (20) It is an infraction for any person to fail to notify the department  
5 of a change of address as required by the provisions of subsection (16) of  
6 this section.

7 ~~(16)~~ (21) The department may issue an initial four (4) year no-fee iden-  
8 tification card to an individual who is homeless. The department shall es-  
9 tablish a form for verification of homelessness pursuant to this section.  
10 Such form shall require the signature of an outreach worker or service worker  
11 verifying that the individual is homeless and attesting to the individual's  
12 residency at an Idaho relief agency or shelter. An applicant issued an iden-  
13 tification card under the provisions of this subsection shall be entitled  
14 to one (1) free replacement. Subsequent replacements and renewals of this  
15 identification card will be subject to the fees imposed in this section.

16 SECTION 15. That Section 54-1705, Idaho Code, be, and the same is hereby  
17 amended to read as follows:

18 54-1705. DEFINITIONS. In this chapter:

19 (1) "Accredited school or college of pharmacy" means a school or col-  
20 lege that meets the minimum standards of the accreditation council for phar-  
21 macy education and appears on its list of accredited schools or colleges of  
22 pharmacy.

23 (2) "Board of pharmacy" or "board" means the Idaho state board of phar-  
24 macy.

25 (3) "Certificate" means a license or registration issued by the board  
26 unless specifically stated.

27 ~~(3)~~ ~~(5)~~ (4) "Chain pharmacy warehouse" means a physical location for  
28 prescription drugs that acts as a central warehouse and performs intracom-  
29 pany sales or transfers of such drugs to a group of chain pharmacies that have  
30 the same common ownership and control.

31 ~~(4)~~ ~~(6)~~ (5) "Colicensed partner or product" means an instance where two  
32 (2) or more parties have the right to engage in the manufacturing or market-  
33 ing of a prescription drug, consistent with the federal food and drug admin-  
34 istration's implementation of the prescription drug marketing act.

35 ~~(7)~~ (6) "Collaborative pharmacy practice" means a pharmacy practice  
36 where one (1) or more pharmacists or pharmacies jointly agree to work under a  
37 protocol authorized by one (1) or more prescribers to provide patient care  
38 and drug therapy management services not otherwise permitted to be performed  
39 by a pharmacist under specified conditions.

40 ~~(5)~~ ~~(8)~~ (7) "Compounding" means the practice in which a pharmacist, a  
41 prescriber, or, in the case of an outsourcing facility, a person under the  
42 supervision of a pharmacist combines, mixes or alters ingredients of a drug  
43 to create a medication tailored to the needs of an individual patient.

44 ~~(6)~~ ~~(9)~~ (8) "Counseling" or "counsel" means the effective communication  
45 by the pharmacist of information, as set out in this chapter, to the patient  
46 or caregiver in order to improve therapeutic outcomes by maximizing proper  
47 use of prescription drugs and devices.

1       ~~(7)(10)~~ (9) "Deliver" or "delivery" means the actual, constructive or  
2 attempted transfer of a drug or device from one person to another, whether or  
3 not for a consideration.

4       ~~(8)(11)~~ (10) "Device" means an instrument, apparatus, implement, ma-  
5 chine, contrivance, implant, in vitro reagent or other similar related ar-  
6 ticle, including any component part or accessory that is:

7       (a) Recognized in the official United States Pharmacopoeia or official  
8 National Formulary, other drug compendia or any supplement to them;

9       (b) Intended for use in the diagnosis of disease or other conditions or  
10 the cure, mitigation, treatment or prevention of disease in man or other  
11 animal;

12       (c) Intended to affect the structure or any function of the body of man  
13 or other animal, does not achieve any of its principal intended purposes  
14 through chemical action within or on the body of man or other animal, and  
15 is not dependent upon being metabolized for the achievement of any of  
16 its principal intended purposes.

17       ~~(9)(12)~~ (11) "Dispense" or "dispensing" means the preparation and de-  
18 livery of a drug pursuant to a lawful prescription drug order of a practi-  
19 tioner in a suitable container appropriately labeled for subsequent admin-  
20 istration to or use by a patient or other individual entitled to receive the  
21 prescription.

22       ~~(10)(13)~~ (12) "Distribute" means the delivery of a drug other than by  
23 administering or dispensing.

24       ~~(14)~~ (13) "Distributor" means a supplier of drugs manufactured, pro-  
25 duced, or prepared by others to persons other than the ultimate consumer.

26       ~~(15)~~ (14) "Donation repository" means:

27       (a) A community health center as defined in section 39-3203, Idaho  
28 Code;

29       (b) A free medical clinic as defined in section 39-7702, Idaho Code;

30       (c) A designated regional behavioral health center as described in  
31 chapter 31, title 39, Idaho Code;

32       (d) A state charitable institution as described in chapter 1, title 66,  
33 Idaho Code; or

34       (e) A drug outlet as defined in this section.

35       ~~(11)(16)~~ (15) "Drug" means:

36       (a) Articles recognized as drugs in the official United States Phar-  
37 macopoeia, official National Formulary, official Homeopathic Pharma-  
38 copoeia, other drug compendia or any supplement to any of them;

39       (b) Articles intended for use in the diagnosis, cure, mitigation,  
40 treatment or prevention of disease in man or other animal;

41       (c) Articles, other than food, intended to affect the structure or any  
42 function of the body of man or other animal; and

43       (d) Articles intended for use as a component of any articles specified  
44 in paragraph (a), (b) or (c) of this subsection.

45       ~~(12)(17)~~ (16) "Drug outlet" means a resident or nonresident pharmacy,  
46 business entity or other facility subject to registration by the board, pur-  
47 suant to section 54-1729, Idaho Code, where employees or personnel are en-  
48 gaged in the practice of pharmacy, in the provision of pharmaceutical care,  
49 or in the dispensing, delivering, distributing or manufacturing of drugs or  
50 devices in or into Idaho.

1       ~~(18)~~ (17) "Drug therapy management" means selecting, initiating, or  
2 modifying drug treatment pursuant to a collaborative pharmacy practice  
3 agreement.

4       ~~(19)~~ (18) "Epinephrine auto-injector" means a single-use device for  
5 the automatic injection of a premeasured dose of epinephrine into the human  
6 body.

7       ~~(13)~~~~(20)~~ (19) "Institutional drug order" means a prescription drug or-  
8 der issued in the unique form and manner permitted for a patient or resident  
9 of an institutional facility or as permitted for other purposes as defined  
10 in rule. Unless specifically differentiated, state law applicable to a pre-  
11 scription drug order is also applicable to an institutional drug order.

12       ~~(14)~~~~(21)~~ (20) "Institutional facility" means a facility whose primary  
13 purpose is to provide a physical environment for patients to obtain health  
14 care services and in which patients spend a majority of their time, as may be  
15 further defined by board rule.

16       ~~(15)~~~~(22)~~ (21) "Internship" means a practical experience program under  
17 the supervision of a preceptor.

18       ~~(16)~~~~(23)~~ (22) "Investigational or new drug" means any drug limited by  
19 state or federal law to use under professional supervision of a practitioner  
20 authorized by law to prescribe or administer such drug.

21       ~~(17)~~~~(24)~~ (23) "Labeling" means the process of preparing and affixing a  
22 label to any drug container, exclusive however of the labeling by a manufac-  
23 turer, packer or distributor of a nonprescription drug or commercially pack-  
24 aged legend drug or device. Any such label shall include all information re-  
25 quired by federal and state law.

26       ~~(18)~~~~(27)~~ (24) "Manufacture" means the production, preparation, propa-  
27 gation, compounding, conversion or processing of a device or a drug, either  
28 directly or indirectly by extraction from substances of natural origin or  
29 independently by means of chemical synthesis or by a combination of extrac-  
30 tion and chemical synthesis, and includes any packaging or repackaging of  
31 the substance or labeling or relabeling of its container, except that this  
32 term does not include the preparation or compounding of a drug by an individ-  
33 ual for his own use or the preparation, compounding, packaging or labeling of  
34 a drug:

35       (a) By a pharmacist or practitioner as an incident to his administer-  
36 ing, dispensing or, as authorized by board rule, distributing of a drug  
37 in the course of his professional practice; or

38       (b) By a practitioner or by his authorization under his supervision  
39 for the purpose of or as an incident to research, teaching, or chemical  
40 analysis and not for sale.

41       ~~(19)~~~~(28)~~ (25) "Manufacturer" means a person who is licensed or approved  
42 by the federal food and drug administration to engage in the manufacture  
43 of drugs, including a colicensed partner or affiliate of that person, who  
44 compounds, cultivates, derives, harvests, mixes, or by other process pro-  
45 duces or prepares legend drugs and includes persons who prepare such drugs in  
46 dosage forms by mixing, compounding, encapsulating, entableting, or other  
47 process, or who packages or repackages such drugs, but does not include phar-  
48 macists or practitioners in the practice of their profession.

49       ~~(29)~~ (26) "Medically indigent patient" means a resident of Idaho who:

50       (a) Is not eligible for medicaid or medicare;

1 (b) Cannot afford private prescription drug insurance; or

2 (c) Does not have income and other resources available sufficient to  
3 pay for a legend drug.

4 ~~(30)~~ (27) "Multistate license" means a license, registration, or other  
5 credential for the practice of pharmacy issued by the pharmacy licensing  
6 agency of a state.

7 ~~(31)~~ (28) "Multistate licensee" means a multistate pharmacist, multi-  
8 state pharmacist intern, or multistate technician.

9 ~~(32)~~ (29) "Multistate pharmacist" means a nonresident pharmacist who is  
10 licensed by a party state and is not otherwise licensed by the board.

11 ~~(33)~~ (30) "Multistate pharmacist intern" means a nonresident pharma-  
12 cist intern who is registered by a party state and is not otherwise licensed  
13 by the board.

14 ~~(34)~~ (31) "Multistate practice of pharmacy" means the practice of phar-  
15 macy in or into Idaho, for a patient located in Idaho, by a multistate li-  
16 censee, pursuant to the requirements of this section and the terms of a mu-  
17 tual recognition agreement.

18 ~~(35)~~ (32) "Multistate technician" means a nonresident technician who is  
19 licensed by a party state and is not otherwise registered by the board.

20 ~~(36)~~ (33) "Mutual recognition agreement" means a written agreement en-  
21 tered into between the board and a party state allowing for the multistate  
22 practice of pharmacy, subject to the requirements of this section and any  
23 other reasonable and supplemental contract terms negotiated by the board and  
24 the party state.

25 ~~(20)~~ ~~(37)~~ (34) "Nonprescription drugs" means medicines or drugs that may  
26 be sold without a prescription drug order and that are prepackaged for use by  
27 the consumer and labeled in accordance with state and federal law.

28 ~~(21)~~ ~~(38)~~ (35) "Nonresident" means a person or business entity located  
29 in the District of Columbia or a state or territory other than Idaho that  
30 practices pharmacy including, but not limited to, pharmaceutical care ser-  
31 vices into Idaho.

32 ~~(22)~~ ~~(39)~~ (36) "Off-site pharmacy services" means services provided by a  
33 central drug outlet or an off-site pharmacist or technician. Services may  
34 include, but are not limited to: processing a request from another pharmacy  
35 to fill, refill or dispense a prescription drug order; performance of pro-  
36 cessing functions; or providing cognitive or pharmaceutical care services.  
37 Each function may be performed by the same or different persons and at the  
38 same or different locations.

39 ~~(40)~~ (37) "Opioid antagonist" means naloxone hydrochloride or any other  
40 similarly acting and equally safe drug approved by the federal food and drug  
41 administration for the treatment of drug overdose.

42 ~~(23)~~ ~~(41)~~ (38) "Outsourcing facility" means a pharmacy or facility that  
43 is registered by the federal food and drug administration pursuant to 21  
44 U.S.C. 353b and either registered or endorsed by the board.

45 ~~(42)~~ (39) "Party state" means any pharmacy licensing agency of a state  
46 that has entered into a mutual recognition agreement with the board.

47 ~~(24)~~ ~~(43)~~ (40) "Person" means an individual, corporation, partnership,  
48 association or any other legal entity.

49 ~~(25)~~ ~~(44)~~ (41) "Person in charge" or "PIC" means a person whose qualifi-  
50 cations, responsibilities, and reporting requirements are defined in rule.



1       ~~(26)(45)~~ (42) "Pharmaceutical care" means drug therapy and other phar-  
2       maceutical patient care services intended to achieve outcomes related to  
3       the cure or prevention of a disease, elimination or reduction of a patient's  
4       symptoms, or arresting or slowing of a disease process as defined in the  
5       rules of the board.

6       ~~(27)(46)~~ (43) "Pharmacist" means an individual licensed by this state  
7       to engage in the practice of pharmacy or a pharmacist registered by this  
8       state who is located in another state, territory or the District of Columbia  
9       and is engaged in the practice of pharmacy into Idaho, unless exempted.

10       ~~(28)(47)~~ (44) "Pharmacist intern" means a person who is enrolled in or  
11       who has completed a course of study at an accredited school or college of  
12       pharmacy and is registered with the board as a pharmacist intern prior to  
13       commencement of an internship.

14       ~~(29)(48)~~ (45) "Pharmacy" means any drug outlet, facility, department,  
15       or other place where prescription drug orders are filled or compounded and  
16       where prescriptions are sold, dispensed, offered, or displayed for sale and  
17       that has, as its principal purpose, the dispensing of drug and health sup-  
18       plies intended for the general health, welfare, and safety of the public.

19       ~~(49)~~ (46) "Practice of pharmacy" means the safe interpretation, eval-  
20       uation, compounding, administration, and dispensing of prescription drug  
21       orders, patient counseling, collaborative pharmacy practice, provision of  
22       pharmaceutical care services, proper storage of drugs and devices, and pre-  
23       scribing of drugs and devices as may be further defined in this chapter.

24       ~~(30)(50)~~ (47) "Practitioner" means a person licensed in this state and  
25       permitted by such license to dispense, conduct research with respect to or  
26       administer drugs in the course of professional practice or research in this  
27       state.

28       ~~(31)(51)~~ (48) "Preceptor" means a pharmacist or other health profes-  
29       sional licensed and in good standing who supervises the internship training  
30       of a registered pharmacist intern.

31       ~~(32)(52)~~ (49) "Precursor" means a substance, other than a legend drug,  
32       that is an immediate chemical intermediate that can be processed or synthe-  
33       sized into a legend drug and is used or produced primarily for use in the man-  
34       ufacture of a legend drug.

35       ~~(53)~~ (50) "Prepackaging" means the act of transferring a drug, manually  
36       or using an automated system, from a manufacturer's original container to  
37       another container prior to receiving a prescription drug order.

38       ~~(33)(54)~~ (51) "Prescriber" means an individual currently licensed,  
39       registered or otherwise authorized to prescribe and administer drugs in the  
40       course of professional practice.

41       ~~(34)(55)~~ (52) "Prescriber drug outlet" means a drug outlet in which  
42       prescription drugs or devices are dispensed directly to patients under the  
43       supervision of a prescriber, except where delivery is accomplished only  
44       through on-site administration or the provision of drug samples, patient  
45       assistance program drugs, or investigational drugs as permitted in chapter  
46       94, title 39, Idaho Code.

47       ~~(35)(56)~~ (53) "Prescription drug or legend drug" means a drug that under  
48       federal law is required, prior to being dispensed or delivered, to be labeled  
49       with one (1) of the following statements:

- 1 (a) "Caution: Federal law prohibits dispensing without a prescrip-  
2 tion"; or
- 3 (b) "Rx Only"; or
- 4 (c) "Caution: Federal law restricts this drug to use by or on the order  
5 of a licensed veterinarian";
- 6 or a drug that is required by any applicable federal or state law or rule to be  
7 dispensed on prescription drug order only or is restricted to use by practi-  
8 tioners only.
- 9 ~~(36)(57)~~ (54) "Prescription drug order" means a valid order of a pre-  
10 scriber for a drug or device for an ultimate user of the drug or device.
- 11 ~~(58)~~ (55) "Primary state of residence" means the multistate licensee's  
12 declared primary state of residence as evidenced by a valid state or federal  
13 identification card with a home address or another form of identification  
14 accepted by the board.
- 15 ~~(37)(59)~~ (56) "Prospective drug review" includes, but is not limited  
16 to, the following activities:
- 17 (a) Evaluation of the prescription drug order for known allergies, ra-  
18 tional therapy contraindications, reasonable dose and route of admin-  
19 istration, and reasonable directions for use;
- 20 (b) Evaluation of the prescription drug order for duplication of ther-  
21 apy;
- 22 (c) Evaluation of the prescription drug order for drug, food, or dis-  
23 ease interactions; and
- 24 (d) Evaluation of the prescription drug order for proper utilization.
- 25 ~~(60)~~ (57) "Qualified donor" means:
- 26 (a) Any entity that meets the definition of "donation repository" as  
27 provided in this section; or
- 28 (b) Any member of the public in accordance with section 54-1762, Idaho  
29 Code.
- 30 ~~(38)(61)~~ (58) "Record" means all papers, letters, memoranda, notes,  
31 prescriptions, drug orders, invoices, statements, patient medication  
32 charts or files, computerized records or other written indicia, documents  
33 or objects that are used in any way in connection with the purchase, sale or  
34 handling of any drug or device.
- 35 ~~(39)(62)~~ (59) "Repackage" means repackaging or otherwise changing the  
36 container, wrapper, or labeling to further the distribution of a prescrip-  
37 tion drug, excluding such actions when completed by the pharmacist responsi-  
38 ble for dispensing product to the patient.
- 39 ~~(40)(63)~~ (60) "Reverse distributor" means a drug outlet that receives  
40 nonsalable prescription drugs from persons or their agents, who may lawfully  
41 possess prescription drugs without being issued a valid prescription drug  
42 order, and that processes for credit or disposes of such prescription drugs.
- 43 ~~(41)(64)~~ (61) "Sale" means every sale and includes:
- 44 (a) Manufacturing, processing, transporting, handling, packaging or  
45 any other production, preparation or repackaging;
- 46 (b) Exposure, offer, or any other proffer;
- 47 (c) Holding, storing or any other possession;
- 48 (d) Dispensing, giving, delivering or any other supplying; and
- 49 (e) Applying, administering or any other usage.





1 language pathologist to respond, if required by state law, has reason to be-  
2 lieve is not groundless and, if proved true, would indicate more than a minor  
3 infraction.

4 J. "Data system" means a repository of information about licensees,  
5 including but not limited to continuing education, examination, licensure,  
6 investigative information, compact privilege, and adverse action.

7 K. "Encumbered license" means a license in which an adverse action re-  
8 stricts the practice of audiology or speech-language pathology by the li-  
9 censee and said adverse action has been reported to the national practition-  
10 ers data bank (NPDB).

11 L. "Executive committee" means a group of directors elected or ap-  
12 pointed to act on behalf of, and within the powers granted to them by, the  
13 commission.

14 M. "Home state" means the member state that is the licensee's primary  
15 state of residence.

16 N. "Impaired practitioner" means individuals whose professional prac-  
17 tice is adversely affected by substance abuse, addiction, or other health-  
18 related conditions.

19 O. "Licensee" means an individual who currently holds an authorization  
20 from the state licensing board to practice as an audiologist or speech-lan-  
21 guage pathologist.

22 P. "Member state" means a state that has enacted the compact.

23 Q. "Privilege to practice" means a legal authorization permitting the  
24 practice of audiology or speech-language pathology in a remote state.

25 R. "Remote state" means a member state other than the home state where a  
26 licensee is exercising or seeking to exercise the compact privilege.

27 S. "Rule" means a regulation, principle, or directive promulgated by  
28 the commission that has the force of law.

29 T. "Single-state license" means an audiology or speech-language  
30 pathology license issued by a member state that authorizes practice only  
31 within the issuing state and does not include a privilege to practice in any  
32 other member state.

33 U. "Speech-language pathologist" means an individual who is licensed  
34 by a state to practice speech-language pathology.

35 V. "Speech-language pathology" means the care and services provided by  
36 a licensed speech-language pathologist as set forth in the member state's  
37 statutes and rules.

38 W. "State" means any state, commonwealth, district, or territory of the  
39 United States that regulates the practice of audiology and speech-language  
40 pathology.

41 X. "State practice laws" means a member state's laws, rules, and reg-  
42 ulations that govern the practice of audiology or speech-language pathol-  
43 ogy, define the scope of audiology or speech-language pathology practice,  
44 and create the methods and grounds for imposing discipline.

45 Y. "Telehealth" means the application of telecommunication technology  
46 to deliver audiology or speech-language pathology services at a distance for  
47 assessment, intervention, and/or consultation.

48  
49

SECTION 3  
STATE PARTICIPATION IN THE COMPACT

1           A. A license issued to an audiologist or speech-language pathologist by  
2 a home state to a resident in that state shall be recognized by each member  
3 state as authorizing an audiologist or speech-language pathologist to prac-  
4 tice audiology or speech-language pathology, under a privilege to practice,  
5 in each member state.

6           B. A state must implement or utilize procedures for considering the  
7 criminal history records of applicants for initial privilege to practice.  
8 These procedures shall include the submission of fingerprints or other  
9 biometric-based information by applicants for the purpose of obtaining an  
10 applicant's criminal history record information from the federal bureau of  
11 investigation and the agency responsible for retaining that state's crimi-  
12 nal records.

13           1. A member state must fully implement a criminal background check re-  
14 quirement within a time frame established by rule by receiving the re-  
15 sults of the federal bureau of investigation record search on criminal  
16 background checks and use the results in making licensure decisions.

17           2. Communication between a member state, the commission, and among  
18 member states regarding the verification of eligibility for licensure  
19 through the compact shall not include any information received from the  
20 federal bureau of investigation relating to a federal criminal records  
21 check performed by a member state under P.L. 92-544.

22           C. Upon application for a privilege to practice, the licensing board in  
23 the issuing remote state shall ascertain, through the data system, whether  
24 the applicant has ever held, or is the holder of, a license issued by any  
25 other state, whether there are any encumbrances on any license or privilege  
26 to practice held by the applicant, and whether any adverse action has been  
27 taken against any license or privilege to practice held by the applicant.

28           D. Each member state shall require an applicant to obtain or retain a  
29 license in the home state and meet the home state's qualifications for licen-  
30 sure or renewal of licensure, as well as all other applicable state laws.

31           E. An audiologist must:

32           1. Meet one (1) of the following educational requirements:

33           a. On or before December 31, 2007, have graduated with a master's  
34 degree or doctorate in audiology, or equivalent degree regardless  
35 of degree name, from a program that is accredited by an accrediting  
36 agency recognized by the council for higher education accredita-  
37 tion, or its successor, or by the United States department of edu-  
38 cation and operated by a college or university accredited by a re-  
39 gional or national accrediting organization recognized by the li-  
40 censing board;

41           b. On or after January 1, 2008, have graduated with a doctoral  
42 degree in audiology, or equivalent degree regardless of degree  
43 name, from a program that is accredited by an accrediting agency  
44 recognized by the council for higher education accreditation, or  
45 its successor, or by the United States department of education  
46 and operated by a college or university accredited by a regional  
47 or national accrediting organization recognized by the licensing  
48 board; or

49           c. Have graduated from an audiology program housed in an insti-  
50 tution of higher education outside of the United States: (a) for

- 1           which the program and institution have been approved by the au-  
2           thorized accrediting body in the applicable country; and (b) for  
3           which the degree program has been verified by an independent cre-  
4           dentials review agency comparable to a licensing board-approved  
5           program;
- 6           2. Have completed a supervised clinical practicum experience from an  
7           accredited educational institution or its cooperating programs as re-  
8           quired by the commission;
- 9           3. Have successfully passed a national examination approved by the com-  
10          mission;
- 11          4. Hold an active, unencumbered license;
- 12          5. Have not been convicted or found guilty, and have not entered into  
13          an agreed disposition, of a felony related to the practice of audiology,  
14          under applicable state or federal criminal law; and
- 15          6. Have a valid United States social security or national practitioner  
16          identification number.
- 17          F. A speech-language pathologist must:
- 18          1. Meet one (1) of the following educational requirements:
- 19               a. Have graduated with a master's degree from a speech-language  
20               pathology program accredited by an organization recognized by the  
21               United States department of education and operated by a college or  
22               university accredited by a regional or national accrediting or-  
23               ganization recognized by the licensing board; or
- 24               b. Have graduated from a speech-language pathology program that  
25               is housed in an institution of higher education outside of the  
26               United States: (a) for which the program and institution have  
27               been approved by the authorized accrediting body in the applicable  
28               country; and (b) for which the degree program has been verified by  
29               an independent credentials review agency comparable to a licens-  
30               ing board-approved program;
- 31          2. Have completed a supervised clinical practicum experience from an  
32          educational institution or its cooperating programs as required by the  
33          commission;
- 34          3. Have completed a supervised postgraduate professional experience as  
35          required by the commission;
- 36          4. Have successfully passed a national examination approved by the com-  
37          mission;
- 38          5. Hold an active, unencumbered license;
- 39          6. Have not been convicted or found guilty, and have not entered into an  
40          agreed disposition, of a felony related to the practice of speech-lan-  
41          guage pathology, under applicable state or federal criminal law; and
- 42          7. Have a valid United States social security or national practitioner  
43          identification number.
- 44          G. The privilege to practice is derived from the home state license.
- 45          H. An audiologist or speech-language pathologist practicing in a mem-  
46          ber state must comply with the state practice laws of the state in which the  
47          client is located at the time service is provided. The practice of audiology  
48          and speech-language pathology shall include all audiology and speech-lan-  
49          guage pathology practice as defined by the state practice laws of the member  
50          state in which the client is located. The practice of audiology and speech-

1 language pathology in a member state under a privilege to practice shall sub-  
2 ject an audiologist or speech-language pathologist to the jurisdiction of  
3 the licensing board, the courts, and the laws of the member state in which the  
4 client is located at the time service is provided.

5 I. Individuals not residing in a member state shall continue to be able  
6 to apply for a member state's single-state license as provided under the laws  
7 of each member state. However, the single-state license granted to these in-  
8 dividuals shall not be recognized as granting the privilege to practice au-  
9 diology or speech-language pathology in any other member state. Nothing in  
10 this compact shall affect the requirements established by a member state for  
11 the issuance of a single-state license.

12 J. Member states may charge a fee for granting a compact privilege.

13 K. Member states must comply with the bylaws and rules and regulations  
14 of the commission.

15 SECTION 4  
16 COMPACT PRIVILEGE

17 A. To exercise the compact privilege under the terms and provisions of  
18 the compact, the audiologist or speech-language pathologist shall:

- 19 1. Hold an active license in the home state;
- 20 2. Have no encumbrance on any state license;
- 21 3. Be eligible for a compact privilege in any member state in accordance  
22 with section 3 of this compact;
- 23 4. Have not had any adverse action against any license or compact privi-  
24 lege within the previous two (2) years from date of application;
- 25 5. Notify the commission that the licensee is seeking the compact privi-  
26 lege within a remote state or states;
- 27 6. Pay any applicable fees, including any state fee, for the compact  
28 privilege; and
- 29 7. Report to the commission any adverse action taken by a nonmember  
30 state within thirty (30) days from the date the adverse action is taken.

31 B. For the purposes of the compact privilege, an audiologist or speech-  
32 language pathologist shall hold only one (1) home state license at a time.

33 C. Except as provided in section 6 of this compact, if an audiologist  
34 or speech-language pathologist changes primary state of residence by moving  
35 between two (2) member states, the audiologist or speech-language patholo-  
36 gist must apply for licensure in the new home state, and the license issued  
37 by the prior home state shall be deactivated in accordance with applicable  
38 rules adopted by the commission.

39 D. The audiologist or speech-language pathologist may apply for licen-  
40 sure in advance of a change in primary state of residence.

41 E. A license shall not be issued by the new home state until the audi-  
42 ologist or speech-language pathologist provides satisfactory evidence of a  
43 change in primary state of residence to the new home state and satisfies all  
44 applicable requirements to obtain a license from the new home state.

45 F. If an audiologist or speech-language pathologist changes primary  
46 state of residence by moving from a member state to a nonmember state, the li-  
47 cense issued by the prior home state shall convert to a single-state license,  
48 valid only in the former home state.



1 G. The compact privilege is valid until the expiration date of the home  
2 state license. The licensee must comply with the requirements of section 4A  
3 of this compact to maintain the compact privilege in the remote state.

4 H. A licensee providing audiology or speech-language pathology ser-  
5 vices in a remote state under the compact privilege shall function within the  
6 laws and regulations of the remote state.

7 I. A licensee providing audiology or speech-language pathology ser-  
8 vices in a remote state is subject to that state's regulatory authority. A  
9 remote state may, in accordance with due process and that state's laws, re-  
10 move a licensee's compact privilege in the remote state for a specific period  
11 of time, impose fines, and take any other necessary actions to protect the  
12 health and safety of its citizens.

13 J. If a home state license is encumbered, the licensee shall lose the  
14 compact privilege in a remote state until the following occur:

- 15 1. The home state license is no longer encumbered; and
- 16 2. Two (2) years have elapsed from the date of the adverse action.

17 K. Once an encumbered license in the home state is restored to good  
18 standing, the licensee must meet the requirements of section 4A of this com-  
19 pact to obtain a compact privilege in a remote state.

20 L. Once the requirements of section 4J of this compact have been met,  
21 the licensee must meet the requirements in section 4A of this compact to ob-  
22 tain a compact privilege in a remote state.

23 SECTION 5  
24 COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

25 Member states shall recognize the right of an audiologist or speech-  
26 language pathologist, licensed by a home state in accordance with section 3  
27 of this compact and under rules promulgated by the commission, to practice  
28 audiology or speech-language pathology in any member state via telehealth  
29 under a privilege to practice as provided in the compact and rules promul-  
30 gated by the commission.

31 SECTION 6  
32 ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

33 Active duty military personnel, or their spouse, shall designate a home  
34 state where the individual has a current license in good standing. The in-  
35 dividual may retain the home state designation during the period the service  
36 member is on active duty. Subsequent to designating a home state, the indi-  
37 vidual shall only change their home state through application for licensure  
38 in the new state.

39 SECTION 7  
40 ADVERSE ACTIONS

41 A. In addition to the other powers conferred by state law, a remote  
42 state shall have the authority, in accordance with existing state due  
43 process law, to:

1 1. Take adverse action against an audiologist's or speech-language  
2 pathologist's privilege to practice within that member state.

3 2. Issue subpoenas for both hearings and investigations that require  
4 the attendance and testimony of witnesses as well as the production of  
5 evidence. Subpoenas issued by a licensing board in a member state for  
6 the attendance and testimony of witnesses or the production of evidence  
7 from another member state shall be enforced in the latter state by any  
8 court of competent jurisdiction, according to the practice and proce-  
9 dure of that court applicable to subpoenas issued in proceedings pend-  
10 ing before it. The issuing authority shall pay any witness fees, travel  
11 expenses, mileage, and other fees required by the service statutes of  
12 the state in which the witnesses or evidence are located.

13 3. Only the home state shall have the power to take adverse action  
14 against an audiologist's or speech-language pathologist's license is-  
15 sued by the home state.

16 B. For purposes of taking adverse action, the home state shall give the  
17 same priority and effect to reported conduct received from a member state as  
18 it would if the conduct had occurred within the home state. In so doing, the  
19 home state shall apply its own state laws to determine appropriate action.

20 C. The home state shall complete any pending investigations of an  
21 audiologist or speech-language pathologist who changes primary state of  
22 residence during the course of the investigations. The home state shall also  
23 have the authority to take appropriate action and shall promptly report the  
24 conclusions of the investigations to the administrator of the data system.  
25 The administrator of the coordinated licensure information system shall  
26 promptly notify the new home state of any adverse actions.

27 D. If otherwise permitted by state law, the member state may recover  
28 from the affected audiologist or speech-language pathologist the costs of  
29 investigations and disposition of cases resulting from any adverse action  
30 taken against that audiologist or speech-language pathologist.

31 E. The member state may take adverse action based on the factual find-  
32 ings of the remote state, provided that the member state follows the member  
33 state's own procedures for taking the adverse action.

34 F. Joint investigations:

35 1. In addition to the authority granted to a member state by its respec-  
36 tive audiology or speech-language pathology practice act or other ap-  
37 plicable state law, any member state may participate with other member  
38 states in joint investigations of licensees.

39 2. Member states shall share any investigative, litigation, or compli-  
40 ance materials in furtherance of any joint or individual investigation  
41 initiated under the compact.

42 G. If adverse action is taken by the home state against an audiol-  
43 ogist's or speech-language pathologist's license, the audiologist's or  
44 speech-language pathologist's privilege to practice in all other member  
45 states shall be deactivated until all encumbrances have been removed from  
46 the state license. All home state disciplinary orders that impose adverse  
47 action against an audiologist's or speech-language pathologist's license  
48 shall include a statement that the audiologist's or speech-language pathol-  
49 ogist's privilege to practice is deactivated in all member states during the  
50 pendency of the order.

1 H. If a member state takes adverse action, it shall promptly notify the  
2 administrator of the data system. The administrator of the data system shall  
3 promptly notify the home state of any adverse actions by remote states.

4 I. Nothing in this compact shall override a member state's decision  
5 that participation in an alternative program may be used in lieu of adverse  
6 action.

7 SECTION 8  
8 ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY COMPACT  
9 COMMISSION

10 A. The compact member states hereby create and establish a joint public  
11 agency known as the audiology and speech-language pathology compact commis-  
12 sion:

13 1. The commission is an instrumentality of the compact states.

14 2. Venue is proper and judicial proceedings by or against the commis-  
15 sion shall be brought solely and exclusively in a court of competent ju-  
16 risdiction where the principal office of the commission is located. The  
17 commission may waive venue and jurisdictional defenses to the extent  
18 it adopts or consents to participate in alternative dispute resolution  
19 proceedings.

20 3. Nothing in this compact shall be construed to be a waiver of  
21 sovereign immunity.

22 B. Membership, voting, and meetings:

23 1. Each member state shall have two (2) delegates selected by that mem-  
24 ber state's licensing board. The delegates shall be current members of  
25 the licensing board. One (1) shall be an audiologist and one (1) shall  
26 be a speech-language pathologist.

27 2. An additional five (5) delegates, who are either public members or  
28 board administrators from a licensing board, shall be chosen by the ex-  
29 ecutive committee from a pool of nominees provided by the commission at  
30 large.

31 3. Any delegate may be removed or suspended from office as provided by  
32 the law of the state from which the delegate is appointed.

33 4. The member state board shall fill any vacancy occurring on the com-  
34 mission within ninety (90) days.

35 5. Each delegate shall be entitled to one (1) vote with regard to the  
36 promulgation of rules and creation of bylaws and shall otherwise have  
37 an opportunity to participate in the business and affairs of the commis-  
38 sion.

39 6. A delegate shall vote in person or by other means as provided in the  
40 bylaws. The bylaws may provide for delegates' participation in meet-  
41 ings by telephone or other means of communication.

42 7. The commission shall meet at least once during each calendar year.  
43 Additional meetings shall be held as set forth in the bylaws.

44 C. The commission shall have the following powers and duties:

45 1. Establish the fiscal year of the commission;

46 2. Establish bylaws;

47 3. Establish a code of ethics;

48 4. Maintain financial records in accordance with the bylaws;

- 1 5. Meet and take actions as are consistent with the provisions of this  
2 compact and the bylaws;
- 3 6. Promulgate uniform rules to facilitate and coordinate implementa-  
4 tion and administration of this compact. The rules shall have the force  
5 and effect of law and shall be binding in all member states;
- 6 7. Bring and prosecute legal proceedings or actions in the name of  
7 the commission, provided that the standing of any state audiology or  
8 speech-language pathology licensing board to sue or be sued under ap-  
9 plicable law shall not be affected;
- 10 8. Purchase and maintain insurance and bonds;
- 11 9. Borrow, accept, or contract for services of personnel, including but  
12 not limited to employees of a member state;
- 13 10. Hire employees, elect or appoint officers, fix compensation, define  
14 duties, grant individuals appropriate authority to carry out the pur-  
15 poses of the compact, and establish the commission's personnel policies  
16 and programs relating to conflicts of interest, qualifications of per-  
17 sonnel, and other related personnel matters;
- 18 11. Accept any and all appropriate donations and grants of money, equip-  
19 ment, supplies, materials, and services, and receive, utilize, and dis-  
20 pose of the same; provided, that at all times the commission shall avoid  
21 any appearance of impropriety or conflict of interest;
- 22 12. Lease, purchase, accept appropriate gifts or donations of, or oth-  
23 erwise own, hold, improve, or use any property, real, personal, or  
24 mixed; provided, that at all times the commission shall avoid any ap-  
25 pearance of impropriety;
- 26 13. Sell, convey, mortgage, pledge, lease, exchange, abandon, or other-  
27 wise dispose of any property, real, personal, or mixed;
- 28 14. Establish a budget and make expenditures;
- 29 15. Borrow money;
- 30 16. Appoint committees, including standing committees composed of mem-  
31 bers and other interested persons, as may be designated in this compact  
32 and the bylaws;
- 33 17. Provide and receive information from, and cooperate with, law en-  
34 forcement agencies;
- 35 18. Establish and elect an executive committee; and
- 36 19. Perform other functions as may be necessary or appropriate to  
37 achieve the purposes of this compact consistent with the state reg-  
38 ulation of audiology and speech-language pathology licensure and  
39 practice.
- 40 D. The executive committee:
  - 41 1. The executive committee shall have the power to act on behalf of the  
42 commission according to the terms of this compact.
  - 43 2. The executive committee shall be composed of ten (10) members:
    - 44 a. Seven (7) voting members who are elected by the commission from  
45 the current membership of the commission;
    - 46 b. Two (2) ex officio members, consisting of one (1) nonvoting  
47 member from a recognized national audiology professional asso-  
48 ciation and one (1) nonvoting member from a recognized national  
49 speech-language pathology association; and

- 1           c. One (1) ex officio nonvoting member from the recognized member-  
2           ship organization of the audiology and speech-language pathology  
3           licensing board.
- 4           E. The ex officio members shall be selected by their respective organi-  
5           zations.
- 6           1. The commission may remove any member of the executive committee as  
7           provided in the bylaws.
- 8           2. The executive committee shall meet at least annually.
- 9           3. The executive committee shall have the following duties and respon-  
10          sibilities:
- 11           a. Recommend to the entire commission changes to the rules or by-  
12           laws, changes to this compact legislation, fees paid by compact  
13           member states such as annual dues, and any commission compact fee  
14           charged to licensees for the compact privilege;
- 15           b. Ensure compact administration services are appropriately pro-  
16           vided, contractual or otherwise;
- 17           c. Prepare and recommend the budget;
- 18           d. Maintain financial records on behalf of the commission;
- 19           e. Monitor compact compliance of member states and provide com-  
20           pliance reports to the commission;
- 21           f. Establish additional committees as necessary; and
- 22           g. Other duties as provided in rules or bylaws.
- 23          4. All meetings of the commission shall be open to the public, and pub-  
24          lic notice of meetings shall be given in the same manner as required un-  
25          der the rulemaking provisions in section 10 of this compact.
- 26          5. The commission or the executive committee or other committees of the  
27          commission may convene in a closed, nonpublic meeting if the commission  
28          or executive committee or other committees of the commission must dis-  
29          cuss:
- 30           a. Noncompliance of a member state with its obligations under the  
31           compact;
- 32           b. The employment, compensation, discipline or other matters,  
33           practices or procedures related to specific employees or other  
34           matters related to the commission's internal personnel practices  
35           and procedures;
- 36           c. Current, threatened, or reasonably anticipated litigation;
- 37           d. Negotiation of contracts for the purchase, lease, or sale of  
38           goods, services, or real estate;
- 39           e. Accusing any person of a crime or formally censuring any per-  
40           son;
- 41           f. Disclosure of trade secrets or commercial or financial infor-  
42           mation that is privileged or confidential;
- 43           g. Disclosure of information of a personal nature where disclo-  
44           sure would constitute a clearly unwarranted invasion of personal  
45           privacy;
- 46           h. Disclosure of investigative records compiled for law enforce-  
47           ment purposes;
- 48           i. Disclosure of information related to any investigative reports  
49           prepared by or on behalf of or for use of the commission or other

1 committee charged with responsibility of investigation or deter-  
2 mination of compliance issues pursuant to the compact; or

3 j. Matters specifically exempted from disclosure by federal or  
4 member state statute.

5 6. If a meeting, or portion of a meeting, is closed pursuant to this pro-  
6 vision, the commission's legal counsel or designee shall certify that  
7 the meeting may be closed and shall reference each relevant exempting  
8 provision.

9 7. The commission shall keep minutes that fully and clearly describe  
10 all matters discussed in a meeting and shall provide a full and accu-  
11 rate summary of actions taken, and the reasons therefor, including a de-  
12 scription of the views expressed. All documents considered in connec-  
13 tion with an action shall be identified in minutes. All minutes and doc-  
14 uments of a closed meeting shall remain under seal, subject to release  
15 by a majority vote of the commission or order of a court of competent ju-  
16 risdiction.

17 8. Financing of the commission:

18 a. The commission shall pay, or provide for the payment of, the  
19 reasonable expenses of its establishment, organization, and ongo-  
20 ing activities.

21 b. The commission may accept any and all appropriate revenue  
22 sources, donations, and grants of money, equipment, supplies, ma-  
23 terials, and services.

24 c. The commission may levy on and collect an annual assessment  
25 from each member state or impose fees on other parties to cover  
26 the cost of the operations and activities of the commission and  
27 its staff, which assessment must be in an amount sufficient to  
28 cover its annual budget as approved each year for which revenue is  
29 not provided by other sources. The aggregate annual assessment  
30 amount shall be allocated based on a formula to be determined by  
31 the commission, which shall promulgate a rule binding on all mem-  
32 ber states.

33 9. The commission shall not incur obligations of any kind prior to se-  
34 curing the funds adequate to meet the same or pledge the credit of any of  
35 the member states, except by and with the authority of the member state.

36 10. The commission shall keep accurate accounts of all receipts and  
37 disbursements. The receipts and disbursements of the commission shall  
38 be subject to the audit and accounting procedures established under its  
39 bylaws. However, all receipts and disbursements of funds handled by the  
40 commission shall be audited yearly by a certified or licensed public  
41 accountant, and the report of the audit shall be included in and become  
42 part of the annual report of the commission.

43 F. Qualified immunity, defense, and indemnification:

44 1. The members, officers, executive director, employees, and represen-  
45 tatives of the commission shall be immune from suit and liability, ei-  
46 ther personally or in their official capacity, for any claim for dam-  
47 age to or loss of property or personal injury or other civil liability  
48 caused by or arising out of any actual or alleged act, error, or omission  
49 that occurred, or that the person against whom the claim is made had a  
50 reasonable basis for believing occurred within the scope of commission

1 employment, duties, or responsibilities; provided that nothing in this  
2 paragraph shall be construed to protect any person from suit and/or li-  
3 ability for any damage, loss, injury, or liability caused by the inten-  
4 tional or willful or wanton misconduct of that person.

5 2. The commission shall defend any member, officer, executive direc-  
6 tor, employee, or representative of the commission in any civil action  
7 seeking to impose liability arising out of any actual or alleged act,  
8 error, or omission that occurred within the scope of commission employ-  
9 ment, duties, or responsibilities, or that the person against whom the  
10 claim is made had a reasonable basis for believing occurred within the  
11 scope of commission employment, duties, or responsibilities; provided  
12 that nothing herein shall be construed to prohibit that person from re-  
13 taining his or her own counsel; and provided further, that the actual or  
14 alleged act, error, or omission did not result from that person's inten-  
15 tional or willful or wanton misconduct.

16 3. The commission shall indemnify and hold harmless any member, offi-  
17 cer, executive director, employee, or representative of the commission  
18 for the amount of any settlement or judgment obtained against that per-  
19 son arising out of any actual or alleged act, error, or omission that  
20 occurred within the scope of commission employment, duties, or respon-  
21 sibilities, or that the person had a reasonable basis for believing oc-  
22 curred within the scope of commission employment, duties, or responsi-  
23 bilities, provided that the actual or alleged act, error, or omission  
24 did not result from the intentional or willful or wanton misconduct of  
25 that person.

26 SECTION 9  
27 DATA SYSTEM

28 A. The commission shall provide for the development, maintenance, and  
29 utilization of a coordinated database and reporting system containing li-  
30 censure, adverse action, and investigative information on all licensed in-  
31 dividuals in member states.

32 B. Notwithstanding any other provision of state law to the contrary, a  
33 member state shall submit a uniform data set to the data system on all indi-  
34 viduals to whom this compact is applicable as required by the rules of the  
35 commission, including:

- 36 1. Identifying information;
- 37 2. Licensure data;
- 38 3. Adverse actions against a license or compact privilege;
- 39 4. Nonconfidential information related to alternative program partic-  
40 ipation;
- 41 5. Any denial of application for licensure, and the reason or reasons  
42 for denial; and
- 43 6. Other information that may facilitate the administration of this  
44 compact, as determined by the rules of the commission.

45 C. Investigative information pertaining to a licensee in any member  
46 state shall be available only to other member states.

47 D. The commission shall promptly notify all member states of any ad-  
48 verse action taken against a licensee or an individual applying for a li-

1 cense. Adverse action information pertaining to a licensee in any member  
2 state shall be available to any other member state.

3 E. Member states contributing information to the data system may desig-  
4 nate information that may not be shared with the public without the express  
5 permission of the contributing state.

6 F. Any information submitted to the data system that is subsequently  
7 required to be expunged by the laws of the member state contributing the in-  
8 formation shall be removed from the data system.

9 SECTION 10  
10 RULEMAKING

11 A. The commission shall exercise its rulemaking powers pursuant to the  
12 criteria set forth in this section and the rules adopted thereunder. Rules  
13 and amendments shall become binding as of the date specified in each rule or  
14 amendment.

15 B. If a majority of the legislatures of the member states rejects a  
16 rule, by enactment of a statute or resolution in the same manner used to adopt  
17 the compact within four (4) years of the date of adoption of the rule, the  
18 rule shall have no further force and effect in any member state.

19 C. Rules or amendments to the rules shall be adopted at a regular or spe-  
20 cial meeting of the commission.

21 D. Prior to promulgation and adoption of a final rule or rules by the  
22 commission, and at least thirty (30) days in advance of the meeting at which  
23 the rule shall be considered and voted on, the commission shall file a notice  
24 of proposed rulemaking:

25 1. On the website of the commission or other publicly accessible plat-  
26 form; and

27 2. On the website of each member state audiology or speech-language  
28 pathology licensing board or other publicly accessible platform or the  
29 publication in which each state would otherwise publish proposed rules.

30 E. The notice of proposed rulemaking shall include:

31 1. The proposed time, date, and location of the meeting in which the  
32 rule shall be considered and voted on;

33 2. The text of the proposed rule or amendment and the reason for the pro-  
34 posed rule;

35 3. A request for comments on the proposed rule from any interested per-  
36 son; and

37 4. The manner in which interested persons may submit notice to the com-  
38 mission of their intention to attend the public hearing and any written  
39 comments.

40 F. Prior to the adoption of a proposed rule, the commission shall allow  
41 persons to submit written data, facts, opinions, and arguments, which shall  
42 be made available to the public.

43 G. The commission shall grant an opportunity for a public hearing be-  
44 fore it adopts a rule or amendment if a hearing is requested by:

45 1. At least twenty-five (25) persons;

46 2. A state or federal governmental subdivision or agency; or

47 3. An association having at least twenty-five (25) members.



1 H. If a hearing is held on the proposed rule or amendment, the commis-  
2 sion shall publish the place, time, and date of the scheduled public hearing.  
3 If the hearing is held via electronic means, the commission shall publish the  
4 mechanism for access to the electronic hearing.

5 1. All persons wishing to be heard at the hearing shall notify the exec-  
6 utive director of the commission or other designated member in writing  
7 of their desire to appear and testify at the hearing not less than five  
8 (5) business days before the scheduled date of the hearing.

9 2. Hearings shall be conducted in a manner providing each person who  
10 wishes to comment a fair and reasonable opportunity to comment orally or  
11 in writing.

12 3. All hearings shall be recorded. A copy of the recording shall be made  
13 available on request.

14 4. Nothing in this section shall be construed as requiring a separate  
15 hearing on each rule. Rules may be grouped for the convenience of the  
16 commission at hearings required by this section.

17 I. Following the scheduled hearing date, or by the close of business on  
18 the scheduled hearing date if the hearing was not held, the commission shall  
19 consider all written and oral comments received.

20 J. If no written notice of intent to attend the public hearing by inter-  
21 ested parties is received, the commission may proceed with promulgation of  
22 the proposed rule without a public hearing.

23 K. The commission shall, by majority vote of all members, take final ac-  
24 tion on the proposed rule and shall determine the effective date of the rule,  
25 if any, based on the rulemaking record and the full text of the rule.

26 L. Upon determination that an emergency exists, the commission may con-  
27 sider and adopt an emergency rule without prior notice, opportunity for com-  
28 ment, or hearing, provided that the usual rulemaking procedures provided in  
29 the compact and in this section shall be retroactively applied to the rule as  
30 soon as reasonably possible and in no event later than ninety (90) days after  
31 the effective date of the rule. For the purposes of this provision, an emer-  
32 gency rule is one that must be adopted immediately in order to:

33 1. Meet an imminent threat to public health, safety, or welfare;

34 2. Prevent a loss of commission or member state funds; or

35 3. Meet a deadline for the promulgation of an administrative rule that  
36 is established by federal law or rule.

37 M. The commission or an authorized committee of the commission may di-  
38 rect revisions to a previously adopted rule or amendment for purposes of cor-  
39 recting typographical errors, errors in format, errors in consistency, or  
40 grammatical errors. Public notice of any revisions shall be posted on the  
41 website of the commission. The revision shall be subject to challenge by any  
42 person for a period of thirty (30) days after posting. The revision may be  
43 challenged only on grounds that the revision results in a material change to  
44 a rule. A challenge shall be made in writing and delivered to the chair of the  
45 commission prior to the end of the notice period. If no challenge is made,  
46 the revision shall take effect without further action. If the revision is  
47 challenged, the revision may not take effect without the approval of the com-  
48 mission.

1                   OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

2           A. Dispute resolution:

3           1. Upon request by a member state, the commission shall attempt to re-  
4           solve disputes related to the compact that arise among member states and  
5           between member and nonmember states.

6           2. The commission shall promulgate a rule providing for both mediation  
7           and binding dispute resolution for disputes, as appropriate.

8           B. Enforcement:

9           1. The commission, in the reasonable exercise of its discretion, shall  
10          enforce the provisions and rules of this compact.

11          2. By majority vote, the commission may initiate legal action in the  
12          United States district court for the District of Columbia or the fed-  
13          eral district where the commission has its principal offices against  
14          a member state in default to enforce compliance with the provisions of  
15          the compact and its promulgated rules and bylaws. The relief sought  
16          may include both injunctive relief and damages. In the event judicial  
17          enforcement is necessary, the prevailing member shall be awarded all  
18          costs of litigation, including reasonable attorney's fees.

19          3. The remedies herein shall not be the exclusive remedies of the com-  
20          mission. The commission may pursue any other remedies available under  
21          federal or state law.

22                                   SECTION 12

23                   DATE OF IMPLEMENTATION OF THE INTERSTATE COMMIS-  
24                   SION FOR AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

25                                   PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENTS

26           A. The compact shall come into effect on the date on which the compact  
27           statute is enacted into law in the tenth member state. The provisions, which  
28           become effective at that time, shall be limited to the powers granted to the  
29           commission relating to assembly and the promulgation of rules. Thereafter,  
30           the commission shall meet and exercise rulemaking powers necessary to the  
31           implementation and administration of the compact.

32           B. Any state that joins the compact subsequent to the commission's ini-  
33           tial adoption of the rules shall be subject to the rules as they exist on the  
34           date on which the compact becomes law in that state. Any rule that has been  
35           previously adopted by the commission shall have the full force and effect of  
36           law on the day the compact becomes law in that state.

37           C. Any member state may withdraw from this compact by enacting a statute  
38           repealing the same.

39           1. A member state's withdrawal shall not take effect until six (6)  
40           months after enactment of the repealing statute.

41           2. Withdrawal shall not affect the continuing requirement of the with-  
42           drawing state's audiology or speech-language pathology licensing board  
43           to comply with the investigative and adverse action reporting require-  
44           ments of this compact prior to the effective date of withdrawal.

45           D. Nothing contained in this compact shall be construed to invalidate  
46           or prevent any audiology or speech-language pathology licensure agreement

1 or other cooperative arrangement between a member state and a nonmember  
2 state that does not conflict with the provisions of this compact.

3 E. This compact may be amended by the member states. No amendment to  
4 this compact shall become effective and binding upon any member state until  
5 it is enacted into the laws of all member states.

6 SECTION 13  
7 CONSTRUCTION AND SEVERABILITY

8 This compact shall be liberally construed so as to effectuate the pur-  
9 poses thereof. The provisions of this compact shall be severable, and if any  
10 phrase, clause, sentence, or provision of this compact is declared to be con-  
11 trary to the constitution of any member state or of the United States or the  
12 applicability thereof to any government, agency, person, or circumstance is  
13 held invalid, the validity of the remainder of this compact and the applica-  
14 bility thereof to any government, agency, person, or circumstance shall not  
15 be affected thereby. If this compact shall be held contrary to the constitu-  
16 tion of any member state, the compact shall remain in full force and effect as  
17 to the remaining member states and in full force and effect as to the member  
18 state affected as to all severable matters.

19 SECTION 14  
20 BINDING EFFECT OF COMPACT AND OTHER LAWS

21 A. Nothing herein prevents the enforcement of any other law of a member  
22 state that is not inconsistent with the compact.

23 B. All laws in a member state in conflict with the compact are super-  
24 seded to the extent of the conflict.

25 C. All lawful actions of the commission, including all rules and bylaws  
26 promulgated by the commission, are binding on the member states.

27 D. All agreements between the commission and the member states are  
28 binding in accordance with their terms.

29 E. In the event any provision of the compact exceeds the constitutional  
30 limits imposed on the legislature of any member state, the provision shall be  
31 ineffective to the extent of the conflict with the constitutional provision  
32 in question in that member state.

33 SECTION 17. That Section 54-5207, Idaho Code, be, and the same is hereby  
34 amended to read as follows:

35 54-5207. GENERAL POWERS AND DUTIES OF THE BOARD. The board shall en-  
36 force the minimum standards and requirements ~~therefor~~ as provided by this  
37 chapter and by rule adopted by the board. The board may exercise such powers  
38 and duties as are reasonably necessary to carry out the provisions of this  
39 chapter and it may, among other things:

40 (1) Accept or reject applications for registration and establish the  
41 fees to be charged for application, registration and renewal, subject to the  
42 provisions of this chapter;

43 (2) Hold public meetings and attend or be represented at such meetings,  
44 within or without the state, prepare and publish rules pertaining to this

1 chapter and such other information as may be necessary, and furnish copies  
2 thereof to those engaged in the business, trade, practice or work of con-  
3 tracting and to the public upon request;

4 (3) Furnish standards and procedures and prescribe reasonable rules  
5 for applications, qualifications and registration of contractors, includ-  
6 ing proration of registration fees and staggering initial annual registra-  
7 tion; and

8 (4) Under such rules as it may adopt, investigate, classify and de-  
9 termine the qualifications of applicants for registration pursuant to this  
10 chapter; and

11 (5) Contract with the ~~b~~ division of occupational and professional li-  
12 censes to provide administrative services.

13 SECTION 18. That Section 54-5802, Idaho Code, be, and the same is hereby  
14 amended to read as follows:

15 54-5802. DEFINITIONS. As used in this chapter:

16 (1) "Apprentice" means a person registered with the barber and cosme-  
17 tology services licensing board to learn an occupation in a licensed estab-  
18 lishment who, while so learning, performs or assists in performing any prac-  
19 tices of barbering, barber-styling, cosmetology, or electrology.

20 (2) "Barber" means a person licensed to practice barbering as defined  
21 in this section.

22 (3) "Barbering" means any one (1) or any combination of the following  
23 practices when performed on the upper part of the human body for cosmetic  
24 purposes and not for the treatment of disease or physical or mental ailments:

25 (a) Shaving the face or cutting, trimming, arranging, dressing, curl-  
26 ing, cleansing, singeing or performing similar work on the hair;

27 (b) Fitting, cutting or dressing hairpieces or toupees;

28 (c) Giving facial and scalp massages or treatments with oils, creams,  
29 lotions or other preparations, either by hand or by a mechanical appli-  
30 ance; and

31 (d) Applying cosmetic preparations, antiseptics, powders, oils, clays  
32 or lotions to the scalp, face, and neck.

33 (4) "Barber-styling" means any one (1) or any combination of the fol-  
34 lowing practices when performed on the upper part of the human body for cos-  
35 metic purposes and not for the treatment of disease or physical or mental  
36 ailments:

37 (a) Shaving the face or cutting, trimming, arranging, dressing, curl-  
38 ing, waving by any method, straightening, cleansing, singeing, bleach-  
39 ing, coloring or performing similar work on the hair;

40 (b) Fitting, cutting or dressing hairpieces or toupees;

41 (c) Giving facial and scalp massages or treatments with oils, creams,  
42 lotions or other preparations, either by hand or by a mechanical appli-  
43 ance; and

44 (d) Applying cosmetic preparations, antiseptics, powders, oils, clays  
45 or lotions to the scalp, face, and neck.

46 (5) "Barber-stylist" means a person licensed to practice bar-  
47 ber-styling as defined in this section.

48 (6) "Board" means the barber and cosmetology services licensing board  
49 established by section 54-5806, Idaho Code.

1 (7) "Cosmetologist" means a person licensed to practice cosmetology as  
2 defined in this section.

3 (8) "Cosmetology" means any one (1) or any combination of the following  
4 practices when performed on the human body for cosmetic purposes and not for  
5 the treatment of disease or physical or mental ailments:

6 (a) Cutting, trimming, arranging, dressing, curling, waving by any  
7 method, cleansing, singeing, bleaching, coloring or performing similar  
8 work on the hair, except as provided for in subsection ~~(24)~~ (25) of this  
9 section;

10 (b) Fitting, cutting or dressing hairpieces or toupees;

11 (c) Noninvasive care of the skin by application of cosmetic prepa-  
12 rations, antiseptics, tonics, lotions, creams and essential oils  
13 to cleanse, massage, exfoliate, hydrate and stimulate; makeup ap-  
14 plication; pore extraction; use of chemical exfoliants approved for  
15 professional esthetic use; particle exfoliation; use of any class I  
16 medical device, as classified by the United States food and drug admin-  
17 istration, designed for care of the skin, except that a class II medical  
18 device designed for care of the skin may be used as directed and super-  
19 vised by an authorized and licensed health care practitioner; temporary  
20 removal of superfluous hair by lotions, creams, waxing, tweezing, de-  
21 pilatories or other means; and tinting or perming the eyebrows and  
22 eyelashes; and

23 (d) Manicuring and pedicuring nails and applying artificial nails.

24 (9) "Division" means the division of occupational and professional li-  
25 censes. ~~Idaho~~

26 (10) "Electrologist" means a person licensed to practice electrology,  
27 as defined in this section, and skilled in the permanent removal of unwanted  
28 hair.

29 (11) "Electrology" or "electrolysis" means the permanent removal of  
30 hair by destroying the hair-producing cells of the skin and vascular system  
31 through the use of equipment and devices approved by and registered with the  
32 United States food and drug administration.

33 (12) "Establishment" means a place licensed under this chapter, other  
34 than a licensed school, where barbering, barber-styling, cosmetology or  
35 electrology is practiced.

36 (13) "Esthetician" means a person licensed to practice esthetics as de-  
37 fined in this section.

38 (14) "Esthetics" means noninvasive care of the skin by application of  
39 cosmetic preparations, antiseptics, tonics, lotions, creams and essential  
40 oils to cleanse, massage, exfoliate, hydrate and stimulate; makeup applica-  
41 tion; pore extraction; use of chemical exfoliants approved for professional  
42 esthetic use; particle exfoliation; use of any class I medical device, as  
43 classified by the United States food and drug administration, designed for  
44 care of the skin, except that a class II medical device designed for care  
45 of the skin may be used as directed and supervised by an authorized and li-  
46 censed health care practitioner; temporary removal of superfluous hair by  
47 lotions, creams, waxing, tweezing, depilatories or other means; and tinting  
48 or perming the eyebrows and eyelashes.

1 (15) "Haircutting" means cutting, trimming, arranging, dressing, curl-  
2 ing, cleansing, singeing or performing similar work on the hair and fitting,  
3 cutting or dressing hairpieces or toupees.

4 (16) "High school student" means a person who has completed the first  
5 two (2) years of high school and is enrolled in a high school or secondary  
6 school licensed under this chapter.

7 (17) "Instructor" means a person licensed under this chapter to prac-  
8 tice and teach any practice defined in this section.

9 (18) "Instructor trainee" means a barber, barber-stylist or cosmetol-  
10 ogist attending a licensed school to receive training to teach barbering,  
11 barber-styling or cosmetology.

12 (19) "Licensed school" means a secondary or postsecondary barber, cos-  
13 metology, or electrology school that:

14 (a) Is licensed under its official name by the barber and cosmetology  
15 services licensing board; and

16 (b) Admits as students only those individuals who meet the requirements  
17 of section 54-5810(1)(b), Idaho Code.

18 (20) "Makeover or glamour photography business" means a business offer-  
19 ing photographic services to the general public in which the business's em-  
20 ployees apply cosmetic products to customers' faces or arrange the hair of  
21 customers in connection with the sale or attempted sale of photographic ser-  
22 vices.

23 (21) "Makeup artist" means a person certificated to practice makeup  
24 artistry as defined in this section.

25 (22) "Makeup artistry" means noninvasive care of the skin by applica-  
26 tion of cosmetic preparations for cleansing and the application of makeup,  
27 which includes the application of cosmetics or any pigment product that is  
28 used to cover, camouflage or decorate the skin.

29 (23) "Nail technician" means a person licensed to practice nail tech-  
30 nology as defined in this section.

31 (24) "Nail technology" means any one (1) or more of the following prac-  
32 tices when performed on the human body:

33 (a) Manicuring and pedicuring nails;

34 (b) Applying artificial nails; and

35 (c) Massaging the hands and feet.

36 ~~(24)~~ (25) "Natural hair braiding" means the service of twisting, wrap-  
37 ping, weaving, extending, locking, or braiding hair by hand or with a mechan-  
38 ical device.

39 (a) "Natural hair braiding" includes:

40 (i) The use of natural or synthetic hair extensions, natural or  
41 synthetic hair and fibers, and decorative beads and other hair ac-  
42 cessories;

43 (ii) Minor trimming of natural hair or hair extensions incidental  
44 to twisting, wrapping, weaving, extending, locking, or braiding  
45 hair;

46 (iii) The making of wigs from natural hair, natural fibers, syn-  
47 thetic fibers, and hair extensions; and

48 (iv) The use of topical agents, such as conditioners, gels,  
49 moisturizers, oils, pomades, and shampoos, in conjunction with

1 performing services under subparagraphs (i) or (ii) of this para-  
2 graph.

3 (b) "Natural hair braiding" does not include:

4 (i) The application of dyes, reactive chemicals, or other prepara-  
5 tions to alter the color of the hair or to straighten, curl, or  
6 alter the structure of the hair; or

7 (ii) The use of chemical hair joining agents, such as synthetic  
8 tape, keratin bonds, or fusion bonds.

9 ~~(25)~~ (26) "Retail cosmetics dealer" means a stationary business offer-  
10 ing cosmetic products for sale at retail to the general public in which the  
11 business's employees apply cosmetic products to customers' faces in connec-  
12 tion with the sale or attempted sale of the products without compensation  
13 from the customer other than the regular price of the products.

14 ~~(26)~~ (27) "Retail thermal styling equipment dealer" means a retail  
15 business that offers thermal styling equipment, such as curling irons, curl-  
16 ing wands, flat irons, heated hair rollers, blow-dryers or other devices  
17 using heat to style hair, for sale at retail to members of the general public  
18 and whose employees engage in the limited use of thermal styling equipment  
19 on customers in connection with the sale or attempted sale of the equipment  
20 without compensation from the customer other than the regular price of the  
21 equipment.

22 ~~(27)~~ (28) "Student" means a person learning barbering, barber-styling,  
23 cosmetology or electrology at a licensed school who, while so learning, per-  
24 forms or assists in performing any practices of barbering, barber-styling,  
25 cosmetology or electrology.

26 SECTION 19. That Section 54-5805, Idaho Code, be, and the same is hereby  
27 amended to read as follows:

28 54-5805. EXEMPTIONS FROM LICENSURE. The licensing, certification and  
29 registration provisions of this chapter shall not apply to the following:

30 (1) Persons authorized by the laws of this state to practice as a nurse  
31 or to practice any of the healing arts while in the proper discharge or dele-  
32 gation of their professional duties.

33 (2) Persons who provide on-site personal care or hygiene services, in-  
34 cluding shaving, ~~trimming~~ of hair, beard, or mustache; washing, brushing,  
35 or combing hair; and basic skin care and nail care, to residents at facil-  
36 ities licensed under the department of health and welfare, division of li-  
37 censing and certification.

38 (3) Persons practicing in their own home without compensation who are  
39 not practicing on the public in general.

40 (4) Persons practicing on a relative without compensation.

41 (5) Persons whose practice is limited to the facial application of cos-  
42 metic products to customers in connection with the sale or attempted sale of  
43 cosmetic products on the premises of a retail cosmetics dealer without com-  
44 pensation from the customer other than the price of the products.

45 (6) Persons whose practice is limited to the demonstration of thermal  
46 styling equipment on customers in connection with the sale or attempted sale  
47 of thermal styling equipment on the premises of a registered thermal styling  
48 equipment dealer without compensation from the customer other than the price  
49 of the equipment.

1 (7) Currently enrolled students or actively registered apprentices  
 2 practicing or demonstrating outside of a licensed school or establishment  
 3 when that practice or demonstration is under the direct supervision of a  
 4 licensed instructor. Members of the public may not be charged for any ser-  
 5 vices performed by a student or an apprentice practicing pursuant to this  
 6 subsection.

7 (8) Persons who are licensed or qualified through proper documentation  
 8 to practice or teach barbering, barber-styling or cosmetology in a state,  
 9 territory or possession of the United States or in a foreign country and  
 10 whose practice and activities are limited to education or demonstration  
 11 of no more than fourteen (14) consecutive days, provided that such persons  
 12 shall observe and comply with sanitation requirements established by rule.  
 13 Members of the public may not be charged for any services performed as part of  
 14 the demonstration or education.

15 (9) Persons who are employed, participating in, or contracted to per-  
 16 form barber-styling or cosmetology services in the course of and incidental  
 17 to the production of a theatrical or other visual arts production including,  
 18 but not limited to, stage productions, television and motion pictures.

19 (10) Persons whose practice is limited to natural hair braiding as de-  
 20 fined in section 54-5802-(24)-(25), Idaho Code.

21 SECTION 20. That Section 55-616, Idaho Code, as enacted by Section 1,  
 22 Chapter 267, Laws of 2022, be, and the same is hereby amended to read as fol-  
 23 lows:

24 ~~55-616~~ 55-617. APPURTENANT WATER RIGHTS AND WATER ENTITLEMENTS AND  
 25 OBLIGATIONS PASS WITH PROPERTY. (1) A transfer of real property passes ap-  
 26 purtenant water rights decreed by court order pursuant to chapter 14, title  
 27 42, Idaho Code, permitted or licensed by the department of water resources  
 28 pursuant to chapter 2, title 42, Idaho Code, or established by the constitu-  
 29 tional method of appropriation, and that are owned by the seller and are not  
 30 reserved by the seller in the instrument of conveyance.

31 (2) A transfer of real property included in an irrigation district that  
 32 operates pursuant to title 43, Idaho Code, to which the district has appor-  
 33 tioned the right to receive water from the district's water rights, passes  
 34 the statutory rights and obligations of the property relative to the dis-  
 35 trict's distribution of water and assessments.

36 (3) A transfer of real property included in a city irrigation system  
 37 that operates pursuant to chapter 18, title 50, Idaho Code, to which the city  
 38 has apportioned the right to receive water from the city's water rights,  
 39 passes the statutory rights and obligations of the property relative to the  
 40 distribution of water and assessments.

41 (4) A transfer of real property included in a ground water district  
 42 that operates pursuant to chapter 52, title 42, Idaho Code, to which the  
 43 district has levied assessments or apportioned mitigation plan obligations,  
 44 passes the statutory rights and obligations of the property relative to such  
 45 assessments and obligations.

46 (5) A transfer of real property that is entitled to receive water from  
 47 the water rights of a canal company, ditch company, association, or other wa-  
 48 ter delivery entity, passes the rights and obligations of the property rel-  
 49 ative to the entity's distribution of water and assessments as evidenced by



1 stock ownership, or other evidence of an entitlement to receive water, sub-  
2 ject to the bylaws of the water delivery entity.

3 (6) A transfer of real property does not pass water rights or water en-  
4 titlements and obligations that are not appurtenant to the real property.

5 SECTION 21. That Chapter 17, Title 56, Idaho Code, as enacted by Section  
6 2, Chapter 200, Laws of 2022, be, and the same is hereby amended to read as  
7 follows:

8 CHAPTER ~~17~~ 18  
9 EXTENDED EMPLOYMENT SERVICES PROGRAM

10 ~~56-1701~~ 56-1801. DEFINITIONS. As used in this chapter:

11 (1) "Department" means the department of health and welfare.

12 (2) "Extended employment services" means long-term maintenance  
13 services that assist participants in maintaining employment or gaining  
14 employment skills in preparation for community employment or that provide  
15 assistance to adult participants within an industry or a business setting or  
16 a community rehabilitation program intended to maintain paid employment.  
17 Extended employment services include individual community-based supported  
18 employment, group community-based supported employment, and work services.

19 (3) "Group community-based supported employment" means self-employ-  
20 ment or paid employment that is:

21 (a) For a group of no more than eight (8) participants who are paid at  
22 least minimum wage and who because of their disabilities need ongoing  
23 support to maintain employment;

24 (b) Conducted in a variety of community and industry settings where  
25 participants have opportunities to interact with coworkers or others  
26 without known paid work supports, at least to the extent that those op-  
27 portunities typically exist in that work setting;

28 (c) Supported by training and supervision needed to maintain that em-  
29 ployment; and

30 (d) Not conducted in the work services area of a provider.

31 (4) "Individual community-based supported employment" means self-em-  
32 ployment or paid employment:

33 (a) For which a participant is paid a competitive wage;

34 (b) For which a participant because of the participant's disability  
35 needs ongoing support to maintain the employment;

36 (c) That is conducted in a community or industry setting where persons  
37 without known paid work supports are employed; and

38 (d) That is supported by authorized activities needed to sustain paid  
39 work by persons with disabilities, including but not limited to super-  
40 vision and training.

41 (5) "Individual program plan" means a plan for extended employment ser-  
42 vices appropriate for an individual participant based on the participant's  
43 needs and personal goals.

44 (6) "Participant" means a person eligible for and enrolled in the pro-  
45 gram established pursuant to this chapter.

46 (7) "Program" means the extended employment services program estab-  
47 lished by this chapter.

1 (8) "Provider" means a community rehabilitation program services  
2 provider approved by the department to provide extended employment ser-  
3 vices.

4 (9) "Work services" means activities, including remunerative work,  
5 typically conducted on provider premises, intended to assist participants  
6 in understanding the value and demands of work and developing functional  
7 capacities that increase or maintain the skill sets needed to achieve and  
8 maintain employment.

9 ~~56-1702~~ 56-1802. PROGRAM ESTABLISHED. (1) There is hereby established  
10 in the department an extended employment services program for the purpose of  
11 increasing employment opportunities for program participants. The program  
12 shall be administered by the department. Extended employment services of-  
13 fered under this program are separate and apart from any federal program but  
14 may be collaborative with and supportive of federal programs.

15 (2) Program services shall be:

16 (a) Provided when eligible individuals do not have access to comparable  
17 services or when they have fully utilized comparable services for which  
18 they are eligible; and

19 (b) Separate and apart from any delivered vocational rehabilitation  
20 services as defined in 29 U.S.C. 705(40) provided by the Idaho division  
21 of vocational rehabilitation.

22 (3) The department will determine the process for identifying compara-  
23 ble services.

24 ~~56-1703~~ 56-1803. PROGRAM ELIGIBILITY AND ADMINISTRATION. (1) A person  
25 is eligible to participate in the program if the person:

26 (a) Has a disability that constitutes a barrier to maintaining paid em-  
27 ployment without long-term vocational support;

28 (b) Is sixteen (16) years of age or older; and

29 (c) Is an Idaho resident.

30 (2) Program participants may request that the program conduct an addi-  
31 tional case review to evaluate service\_level needs at any time. The process  
32 will be collaborative with the participant and other stakeholders, as appro-  
33 priate, and include the exchange of information on the array of employment  
34 type options.

35 (a) Case file reviews, interviews, and other methods may be used to de-  
36 termine an individual's service\_level needs.

37 (b) Individuals may be referred to other programs that provide employ-  
38 ment or other supports that the extended employment services program  
39 does not provide.

40 (c) In order to receive extended employment services, a participant  
41 must either take part in an annual case review or request that the pro-  
42 gram assume the responsibility for developing an individual program  
43 plan with the participant.

44 (3) Each participant has the right to select the provider used, as  
45 applicable to the type and level of services identified, and may choose to  
46 receive services from a different provider at any time, subject to provider  
47 availability. A participant will contact the program manager to request  
48 services from a different approved provider.

1 (4) Eligible program participants receiving services in any category  
2 may choose to receive services in a different category if criteria estab-  
3 lished by the department are met.

4 (5) An individual who is unable to participate in program services for  
5 any period exceeding the department's timeline will be placed into inter-  
6 rupted service status.

7 (6) Case closures require written notification to the participant by  
8 the provider. A good faith effort must be made to notify the participant if  
9 the case is closed. Cases will be closed from the program if one (1) or more  
10 of the following reasons are met and documentation in the case record sup-  
11 ports such reason:

- 12 (a) The participant has moved out of state;
- 13 (b) The participant has retired from employment;
- 14 (c) The participant no longer needs program services;
- 15 (d) The participant is eligible for or utilizing medicaid waiver em-  
16 ployment supports for competitive integrated employment;
- 17 (e) The employer is providing long-term supports;
- 18 (f) The employment type transfer;
- 19 (g) The participant is no longer interested in pursuing employment;
- 20 (h) The participant is not medically released to work for an extended  
21 period of time;
- 22 (i) The participant is noncompliant, not following through with pro-  
23 gram requirements, or no longer able to utilize the program; or
- 24 (j) The program manager is unable to locate or contact the participant.

25 (7) Applicants will be placed on a waiting list by date of program eli-  
26 gibility.

27 (8) The department will review program service rates and contract with  
28 third-party vendors to conduct cost surveys, at a minimum of every five (5)  
29 years.

30 ~~56-1704~~ 56-1804. COVERED SERVICES -- INDIVIDUAL PROGRAM PLAN. (1)  
31 Subject to available funding, the program shall provide the following ser-  
32 vices to participants, as appropriate:

- 33 (a) Individual community-based supported employment;
- 34 (b) Group community-based supported employment;
- 35 (c) Work services; and
- 36 (d) Transportation.

37 (2) The services provided to a participant shall be based on the partic-  
38 ipant's individual program plan.

39 (3) Program services must:

- 40 (a) Be individually planned by using person-centered principles and  
41 person-first or people-first language;
- 42 (b) Provide assistance to participants as unique individuals with  
43 varying interests, preferences, and aptitudes;
- 44 (c) Be appropriate to the needs of a participant and consistent with the  
45 choice of the participant regarding services, providers, and goals;
- 46 (d) Provide the participant compensation, where applicable, for work  
47 performed pursuant to federal and state wage and hour laws;
- 48 (e) Safeguard participants against conflicts of interest; and

1 (f) Allow a participant to pursue an alternate employment type and  
2 assist the participant with referral to the applicable state agency or  
3 program provider. Any changes to the employment type must be approved  
4 by the department.

5 (4) Individual community-based supported employment services include:

6 (a) Focused mentoring and extended or ongoing job coaching to sustain  
7 employment;

8 (b) Off-site job coaching, which may be included in an individual's  
9 program plan when determined by the individual, provider, and program  
10 staff to be the most appropriate strategy to meet the participant's  
11 needs;

12 (c) Provider-directed supervision of a participant, which will be ap-  
13 proved when the general community employer requires it as part of the  
14 terms of the participant's employment; and

15 (d) Opportunity for the participant to increase independence in the  
16 participant's employment with the competitive employer.

17 (5) Group community-based supported employment allowable activities  
18 are limited to:

19 (a) Promoting and advocating for increasing the participant's indepen-  
20 dence, inclusion, integration, and community employment goals;

21 (b) Supervising, observing, and job coaching of the participant to  
22 maintain employment; and

23 (c) Training for specific job duties and tasks.

24 (6) Work services area allowable activities are:

25 (a) Promoting and advocating for increasing the participant's indepen-  
26 dence, inclusion, integration, and community employment goals;

27 (b) Supervising, observing, and job coaching of the participant to  
28 maintain employment;

29 (c) Training for specific job duties and tasks;

30 (d) Training in other skills that increase the participant's employ-  
31 ability for group community-based supported employment or individual  
32 community-based supported employment;

33 (e) Providing on-site personal assistance;

34 (f) Providing simulated work training and work activities, including  
35 career counseling and information and referral to other support ser-  
36 vices by the department; and

37 (g) Increasing the participant's understanding of various career  
38 pathways and expectations of general community employers. These activ-  
39 ities will include a component in the greater community, away from the  
40 provider-owned facility.

41 (7) Preapproval is required for needed supports that exceed the indi-  
42 vidual program plan service level, including:

43 (a) Short-term additional supports; and

44 (b) Transportation as approved in the individual plan. One (1) unit of  
45 transportation equals one (1) round trip.

46 (8) Development of individual program plans shall be as follows:

47 (a) The participant and provider will develop the participant's indi-  
48 vidual program plan using the program template. The individual program  
49 plan will include a brief summary of the participant's involvement.

- 1 (b) Individual program plans must be signed by the participant, or le-  
2 gal guardian if applicable, and the provider staff who assisted with the  
3 plan preparation.
- 4 (c) The provider will not receive payment for any services provided  
5 without an approved individual program plan.
- 6 (d) Providers are not required to provide services after an individual  
7 program plan expires.
- 8 (e) An individual program plan must use person-centered principles and  
9 people-first language and detail vocational goals, corresponding mean-  
10 ingful measurable objectives, and the participant's desired employment  
11 outcomes. A participant's individual program plan goals will be dis-  
12 cussed, modified, revised, and updated yearly, based on data from the  
13 participant's progress reports to help the participant achieve employ-  
14 ment goals.
- 15 (f) The participant and provider will review progress toward voca-  
16 tional goals and next steps necessary to meet vocational goals. The  
17 participant will sign the progress report to acknowledge review of the  
18 report. The provider will submit progress reports in the timeline es-  
19 tablished by the department.

20 ~~56-1705~~ 56-1805. PROGRAM PROVIDERS -- REQUIREMENTS -- REVOCATION OF  
21 APPROVAL -- AGREEMENT REVIEW. (1) Extended employment services providers  
22 must be approved by the department prior to participation in the program.  
23 The department shall enter an agreement with each approved provider. The  
24 agreement shall specify:

- 25 (a) Minimum provider requirements:
- 26 (i) The provider must be accredited by an approved national or re-  
27 gional accrediting body, specific to vocational supports for in-  
28 dividuals with disabilities. Approved program accrediting bodies  
29 will be published annually to the department's website; and  
30 (ii) The providers must remain in good standing with their accred-  
31 itor;
- 32 (b) Services to be offered by the provider;
- 33 (c) Scope of work under the agreement;
- 34 (d) Service fees;
- 35 (e) Provider appeal process; and
- 36 (f) Other terms, conditions, and provisions as determined by the de-  
37 partment.
- 38 (2) The department may terminate or revoke the approval status and dis-  
39 continue authorizing or purchasing services from providers for actions in  
40 violation of the agreement or program requirements.
- 41 (3) A provider agreement shall be reviewed annually by the department,  
42 in collaboration with the providers, and is subject to revision as required  
43 by the department.
- 44 (4) Providers must maintain program participant files for five (5)  
45 years from the last date of service.
- 46 (5) The department may audit billing records and other documentation  
47 submitted by providers to verify the accuracy of such records.
- 48 (6) The department may deny, revoke, or recover service payments if the  
49 provider fails to comply with the terms of the provider agreement.

1 SECTION 22. That Section 57-811, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 57-811. TAX RELIEF FUND. (1) There is hereby created in the state trea-  
4 sury the tax relief fund to which shall be credited all moneys remitted from  
5 sections 63-3620F and 63-3638, Idaho Code, from federal grants, donations,  
6 or any other source. Moneys in the fund are intended to fund future tax re-  
7 lief statutes enacted by the legislature and may be expended pursuant to ap-  
8 propriation. All interest earned on the investment of idle moneys in the  
9 fund shall be returned to the fund.

10 (2) Immediately upon the passage of this act, the state controller  
11 shall transfer ninety-four million dollars (\$94,000,000) from the tax re-  
12 lief fund to the Idaho tax rebate fund.

13 (3) For fiscal year 2022, the state controller shall transfer one hun-  
14 dred ten million dollars (\$110,000,000) from the tax relief fund to the gen-  
15 eral fund.

16 (4) For fiscal year 2023 and each fiscal year thereafter, the state con-  
17 troller shall transfer up to two hundred four million dollars (\$204,000,000)  
18 from the tax relief fund to the general fund.

19 ~~(4)~~ (5) In addition to any other transfers authorized under this sec-  
20 tion, for fiscal year 2024 and each fiscal year thereafter, the state con-  
21 troller shall transfer up to thirty-two million dollars (\$32,000,000) from  
22 the tax relief fund to the general fund.

23 ~~(4)~~ (6) In addition to any other transfers authorized under this sec-  
24 tion, for fiscal years 2023 and 2024 only, the state controller shall trans-  
25 fer up to thirty-four million dollars (\$34,000,000) from the tax relief fund  
26 to the general fund.

27 ~~(5)~~ (7) On July 1, 2024, any remaining moneys in the tax relief fund  
28 shall be distributed pursuant to the provisions of section 63-3638, Idaho  
29 Code.

30 SECTION 23. That Section 59-1303, Idaho Code, be, and the same is hereby  
31 amended to read as follows:

32 59-1303. POLICE OFFICER MEMBER STATUS. (1) As used in this chapter,  
33 each of the terms used in this section shall have the meaning given in this  
34 section unless a different meaning is clearly required by the context.

35 (2) Police officer membership status for retirement purposes may be  
36 fixed only by law.

37 (3) Members holding or filling the following positions or offices are  
38 designated by law as having police officer member status for retirement pur-  
39 poses during the time of their appointment to that position or during their  
40 term of office:

41 (a) Idaho state police:

- 42 (i) The director and deputy director of the Idaho state police;
- 43 (ii) Commissioned and sworn troopers, specialists (detectives),  
44 and POST training coordinators;
- 45 (iii) Commissioned and sworn personnel in a supervisory capacity  
46 as major, captain, lieutenant, or sergeant;
- 47 (iv) The commissioned state brand inspector, deputy brand inspec-  
48 tors, and brand inspector supervisors; and

- 1 (v) Emergency communications officers pursuant to section  
2 19-5119, Idaho Code;
- 3 (b) County law enforcement:
- 4 (i) County sheriffs;
- 5 (ii) "Peace officers" and "county detention officers" as defined  
6 in chapter 51, title 19, Idaho Code;
- 7 (iii) Supervisory "peace officers" and "county detention offi-  
8 cers" as defined in chapter 51, title 19, Idaho Code;
- 9 (iv) Juvenile detention officers;
- 10 (v) Juvenile probation officers; ~~and~~
- 11 (vi) Adult misdemeanor probation officers; and
- 12 ~~(iv)~~ (vii) Emergency communications officers pursuant to section  
13 19-5119, Idaho Code;
- 14 (c) City law enforcement:
- 15 (i) City police chiefs;
- 16 (ii) "Peace officers" as defined in chapter 51, title 19, Idaho  
17 Code;
- 18 (iii) Supervisory "peace officers" as defined in chapter 51, title  
19 19, Idaho Code; and
- 20 (iv) Emergency communications officers pursuant to section  
21 19-5119, Idaho Code;
- 22 (d) Conservation officers, the enforcement assistant chief, and en-  
23 forcement bureau chief of the department of fish and game;
- 24 (e) Department of correction:
- 25 (i) The director and deputy director of the department of correc-  
26 tion, the division chief and deputy division chief for probation  
27 and parole, and the wardens and deputy wardens of institutions;
- 28 (ii) Correctional officers, presentence investigators, cor-  
29 rectional officers in the supervisory capacity of lieutenant,  
30 sergeant, corporal, correctional specialist, correctional spe-  
31 cialist supervisor, and correctional managers;
- 32 (iii) Probation and parole supervisors, probation and parole in-  
33 vestigators, and probation and parole officers; and
- 34 (iv) Correctional peace officer training instructors;
- 35 (f) Employees of the adjutant general and military division of the  
36 state where military membership is a condition of employment;
- 37 (g) Magistrates of the district court; justices of the supreme court,  
38 judges of the court of appeals, and district judges who have made an  
39 election under section 1-2011, Idaho Code; and court employees desig-  
40 nated by court order to have primary responsibility for court security  
41 or transportation of prisoners;
- 42 (h) Employees whose primary function requires that they are certified  
43 by the Idaho department of health and welfare as an emergency medical  
44 technician-basic, an advanced emergency medical technician-ambulance,  
45 an emergency medical technician-intermediate, or an emergency medical  
46 technician-paramedic;
- 47 (i) Criminal investigators of the attorney general's office and crimi-  
48 nal investigators of a prosecuting attorney's office; and
- 49 (j) The director of security and the criminal investigators of the  
50 Idaho state lottery.

1 (4) On and after July 1, 1985, no active member shall be classified as  
2 a police officer for retirement purposes unless the employer shall have cer-  
3 tified to the board, on a form provided by the board, that such member is an  
4 employee whose primary position with the employer is one designated as such  
5 within the meaning of this chapter, and the board shall have accepted such  
6 certification. Acceptance by the board of an employer's certification shall  
7 in no way limit the board's right to review and reclassify the position for  
8 retirement purposes based upon an audit or other relevant information pre-  
9 sented to the board. The board may carry out such acts as are necessary to  
10 enforce the provisions of this chapter.

11 (5) A member classified as a police officer for retirement purposes  
12 whose position is reclassified to that of a general member for retirement  
13 purposes as a result of a determination that the position does not meet the  
14 requirements of this chapter for police officer member status for retirement  
15 purposes shall become a general member. Excess employer and employee con-  
16 tributions shall be refunded to the employer by offsetting future contribu-  
17 tions and the member's record shall be corrected. It shall be the employer's  
18 responsibility to refund employee contributions directly to the employee.

19 SECTION 24. That Section 67-2922, Idaho Code, be, and the same is hereby  
20 amended to read as follows:

21 67-2922. ENDANGERED MISSING PERSON ALERT. (1) There is hereby estab-  
22 lished a statewide alert system known as the "Endangered Missing Person  
23 Alert" that shall be developed and implemented by the Idaho state police  
24 missing person clearinghouse. The endangered missing person alert system  
25 shall be a program of voluntary cooperation between broadcasters, cable sys-  
26 tems, and local and state agencies to enhance the public's ability to assist  
27 in recovering missing and endangered persons.

28 (2) As used in this section:

29 (a) "Law enforcement agency" means a law enforcement agency with juris-  
30 diction over the search for a suspect in a case involving an endangered  
31 missing person; and

32 (b) "Missing person" means a person whose whereabouts are unknown to a  
33 parent, guardian, caretaker, or others who have normal contact with the  
34 person.

35 (3) An endangered missing person alert plan shall be developed by a com-  
36 mittee, whose membership shall be determined by the director of the Idaho  
37 state police, with members from city, county, state, and tribal law enforce-  
38 ment, broadcasters, emergency management officials, and vulnerable popu-  
39 lation commissions. Such plan shall provide for the use of the emergency  
40 alert system, the wireless emergency alert system, and the state police no-  
41 tification system. The endangered missing person alert advisory and review  
42 committee shall provide administrative oversight to develop, implement, re-  
43 view, and recommend revisions to the endangered missing person alert plan.

44 (4) An endangered missing person alert shall not be issued under the  
45 same criteria as an Amber alert and shall not be distributed automatically  
46 statewide. An endangered missing person alert ~~my~~ may be distributed based on  
47 the geographic area in which the missing person was last seen or is believed  
48 to be. An endangered missing person alert shall be issued with the infor-  
49 mation available to law enforcement, and lack of detailed information shall



1 not preclude the issuance of an alert. For an incident to qualify for is-  
2 suance of an endangered missing person alert, an individual, regardless of  
3 age:

4 (a) Must be reported missing to a law enforcement agency;

5 (b) Must be, or must be believed to be, a temporary or permanent resi-  
6 dent of Idaho;

7 (c) Must be at a location that cannot be determined by a person familiar  
8 with the missing individual; and

9 (d) Must be someone:

10 (i) Who is incapable of returning to the missing individual's  
11 residence without assistance by reason of:

12 1. Mental illness;

13 2. Intellectual disability;

14 3. Dementia;

15 4. Weather conditions; or

16 5. Another physical or mental incapacity that requires care  
17 of the individual or management of the individual's prop-  
18 erty;

19 (ii) Who is missing as the result of abduction by a stranger and  
20 does not meet the criteria for an Amber alert or blue alert;

21 (iii) Who is missing under unexplained, involuntary, or suspi-  
22 cious circumstances;

23 (iv) Whose disappearance may be the result of the commission of a  
24 crime;

25 (v) Whose disappearance occurred under circumstances that are  
26 inherently dangerous;

27 (vi) Who is in need of medical attention or prescription medica-  
28 tion; or

29 (vii) Who has previously been the victim of a threat of violence or  
30 an act of violence.

31 (5) Before requesting activation of an endangered missing person  
32 alert, a law enforcement agency shall verify that the criteria described in  
33 subsection (4) of this section ~~has~~ have been satisfied. The law enforcement  
34 agency shall assess the appropriate boundaries of the alert based on the  
35 nature of the endangerment and the circumstances surrounding the last known  
36 location of the missing person or suspect.

37 (6) The state police shall terminate an endangered missing person alert  
38 with respect to a particular incident if:

39 (a) The missing person or suspect is located or the incident is other-  
40 wise resolved. Other law enforcement agencies shall notify the law en-  
41 forcement agency that initiated the alert immediately when such agency  
42 locates the missing person, suspect, or vehicle; or

43 (b) The Idaho state police determines that the endangered missing per-  
44 son alert is no longer an effective tool for locating the missing per-  
45 son.

46 (7) There shall be no required waiting period for a law enforcement  
47 agency to report or investigate an endangered missing person case.

48 (8) Any entity or individual involved in the dissemination of a endan-  
49 gered missing person alert generated pursuant to the provisions of this sec-

1 tion shall not be liable for any civil damages arising from such dissemina-  
2 tion.

3 SECTION 25. That Section 67-4304, Idaho Code, be, and the same is hereby  
4 amended to read as follows:

5 67-4304. PRIEST, PEND D<sup>1</sup>OREILLE, AND COEUR D'ALENE LAKES -- APPROPRI-  
6 ATION OF WATERS IN TRUST FOR PEOPLE. (1) The governor is hereby authorized  
7 and directed to appropriate in trust for the people of the state of Idaho all  
8 the unappropriated water of Priest, Pend d<sup>1</sup>Oreille and Coeur d'Alene Lakes  
9 or so much thereof as may be necessary to preserve said lakes in their present  
10 condition. The preservation of said water in said lakes for scenic beauty,  
11 health, recreation, transportation, and commercial purposes necessary and  
12 desirable for all the inhabitants of the state is hereby declared to be a ben-  
13 efiticial use of such water.

14 (2) No fee shall be required in connection with said appropriation by  
15 the governor or the permit issued in connection therewith, and no proof of  
16 completion of any works of diversion shall be required, but license shall is-  
17 sue at any time upon proof of beneficial use to which said waters are now de-  
18 voted.

19 (3) Each succeeding governor in office shall be deemed to be a holder of  
20 such permit, in trust for the people of the state.

21 SECTION 26. That Section 67-4305, Idaho Code, be, and the same is hereby  
22 amended to read as follows:

23 67-4305. PRIEST, PEND D<sup>1</sup>OREILLE, AND COEUR D'ALENE LAKES -- LANDS DE-  
24 VOTED TO HEALTH AND RECREATIONAL USE. The lands belonging to the state of  
25 Idaho between the ordinary high and low water mark at said lakes as well as  
26 all other lands of the state adjacent to said lakes ~~which~~ that are not held  
27 in trust for the beneficiaries of the endowed institutions, are hereby de-  
28 clared to be devoted to a public use in connection with the preservation of  
29 said lakes in their present condition as a health resort and recreation place  
30 for the inhabitants of the state and said public use is hereby declared to be  
31 a more necessary use than the use of said lands as a storage reservoir for ir-  
32 rigation or power purposes.

33 SECTION 27. That Section 67-4306, Idaho Code, be, and the same is hereby  
34 amended to read as follows:

35 67-4306. PRIEST, PEND D<sup>1</sup>OREILLE, AND COEUR D'ALENE LAKES -- SEPARA-  
36 BILITY OF ACT. If any part of this act shall be adjudged to be invalid, such  
37 judgment shall not affect, impair or invalidate any part of the remainder.

38 SECTION 28. That Section 67-5303, Idaho Code, be, and the same is hereby  
39 amended to read as follows:

40 67-5303. APPLICATION TO STATE EMPLOYEES. All departments of the state  
41 of Idaho and all employees in such departments, except those employees  
42 specifically defined as nonclassified, shall be classified employees who  
43 are subject to this chapter and to the system of personnel administration

1 it prescribes. All nonclassified employees are subject to conformity with  
2 classified positions as set forth in section 59-1603, Idaho Code. Nonclas-  
3 sified employees shall be:

4 (a) Members of the state legislature and all other officers of the state  
5 of Idaho elected by popular vote and persons appointed to fill vacancies in  
6 elective offices and employees of the state legislature.

7 (b) Members of statutory boards and commissions and heads of depart-  
8 ments appointed by and serving at the pleasure of the governor, deputy direc-  
9 tors appointed by the director and members of advisory boards and councils  
10 appointed by the departments.

11 (c) All employees and officers in the office, and at the residence, of  
12 the governor; and all employees and officers in the offices of the lieutenant  
13 governor, secretary of state, attorney general, state treasurer, state con-  
14 troller, and state superintendent of public instruction who are appointed on  
15 and after the effective date of this chapter.

16 (d) Except as otherwise provided by law, not more than one (1) declared  
17 position for each board or commission and/or head of a participating depart-  
18 ment, in addition to those declared to be nonclassified by other provisions  
19 of law.

20 (e) Part-time professional consultants who are paid on a fee basis for  
21 any form of legal, medical or other professional service and who are not en-  
22 gaged in the performance of administrative duties for the state.

23 (f) Judges, temporary referees, receivers and jurors.

24 (g) All employees of the Idaho supreme court, Idaho court of appeals and  
25 district courts.

26 (h) All employees of the Idaho state bar.

27 (i) Assistant attorneys general attached to the office of the attorney  
28 general.

29 (j) Officers, members of the teaching staffs of state higher educa-  
30 tional institutions, the professional staffs of the office of the state  
31 board of education and the Idaho department of education administered by  
32 the board of regents and the board of education, all professional staff of  
33 the public charter school commission, and the professional staffs of the  
34 Idaho division of career technical education and vocational rehabilitation  
35 administered by the state board for career technical education. "Teach-  
36 ing staff" includes teachers, coaches, resident directors, librarians and  
37 those principally engaged in academic research. The word "officer" means  
38 presidents, vice presidents, deans, directors, or employees in positions  
39 designated by the state board who receive an annual salary of not less than  
40 step "A" of the pay grade equivalent to three hundred fifty-five (355) Hay  
41 points in the state compensation schedule. In consultation with the Idaho  
42 division of human resources, the state board of education shall implement  
43 policies and procedures for nonclassified employees to conform with section  
44 59-1603, Idaho Code. ~~onetime~~

45 (k) Employees of the military division.

46 (l) Patients, inmates or students employed in a state institution.

47 (m) Temporary employees.

48 (n) All employees and officers of the following named commodity commis-  
49 sions, and all employees and officers of any commodity commission created  
50 hereafter: the Idaho potato commission, as provided in chapter 12, title 22,

1 Idaho Code; the Idaho honey commission, as provided in chapter 28, title 22,  
2 Idaho Code; the Idaho bean commission, as provided in chapter 29, title 22,  
3 Idaho Code; the Idaho hop grower's commission, as provided in chapter 31, ti-  
4 tle 22, Idaho Code; the Idaho wheat commission, as provided in chapter 33,  
5 title 22, Idaho Code; the Idaho pea and lentil commission, as provided in  
6 chapter 35, title 22, Idaho Code; the Idaho apple commission, as provided in  
7 chapter 36, title 22, Idaho Code; the Idaho cherry commission, as provided in  
8 chapter 37, title 22, Idaho Code; the Idaho mint commission, as provided in  
9 chapter 38, title 22, Idaho Code; the Idaho sheep and goat health board, as  
10 provided in chapter 1, title 25, Idaho Code; the state brand inspector, and  
11 all district supervisors, as provided in chapter 11, title 25, Idaho Code;  
12 the Idaho beef council, as provided in chapter 29, title 25, Idaho Code; and  
13 the Idaho dairy products commission, as provided in chapter 31, title 25,  
14 Idaho Code.

15 (o) All inspectors of the fresh fruit and vegetable inspection service  
16 of the Idaho department of agriculture, except those positions involved in  
17 the management of the program.

18 (p) All employees of correctional industries within the department of  
19 correction.

20 (q) All deputy administrators and wardens employed by the department of  
21 correction. Deputy administrators are defined as only the deputy adminis-  
22 trators working directly for the nonclassified division administrators un-  
23 der the director of the department of correction.

24 (r) All public information positions, with the exception of secretar-  
25 ial positions, in any department.

26 (s) Any division administrator.

27 (t) Any regional administrator or division administrator in the de-  
28 partment of environmental quality.

29 (u) All employees of the division of financial management, all employ-  
30 ees of the STEM action center, all employees of the office of species conser-  
31 vation, all employees of the office of drug policy, and all employees of the  
32 office of energy and mineral resources.

33 (v) All employees of the Idaho food quality assurance institute.

34 (w) The state appellate public defender, deputy state appellate public  
35 defenders and all other employees of the office of the state appellate public  
36 defender.

37 (x) All quality assurance specialists or medical investigators of the  
38 Idaho board of medicine.

39 (y) All pest survey and detection employees and their supervisors hired  
40 specifically to carry out activities under the Idaho plant pest act, chapter  
41 20, title 22, Idaho Code, including but not limited to pest survey, detec-  
42 tion, and eradication, except those positions involved in the management of  
43 the program.

44 (z) All medical directors employed by the department of health and  
45 welfare who are engaged in the practice of medicine, as defined by section  
46 54-1803, Idaho Code, at a state hospital or other treatment facility managed  
47 and operated by the department of health and welfare.

48 SECTION 29. That Section 67-5308, Idaho Code, be, and the same is hereby  
49 amended to read as follows:

1           67-5308. AUTHORITY AND DUTIES OF THE DIVISION OF HUMAN RESOURCES --  
 2 SELECTION OF ADMINISTRATOR. (1) It shall be the duty of the division of human  
 3 resources to administer this chapter. The administrator of the division of  
 4 human resources shall have the duty, power and authority to employ such per-  
 5 sons, make such expenditures, require such reports, make investigations of  
 6 state classified and nonclassified employees, perform such travel pursuant  
 7 to the provisions of this chapter, and to take such other actions as it deems  
 8 necessary or suitable to that end.

9           (2) An administrator of the division of human resources in the office  
 10 of the governor shall be appointed by the governor, shall be subject to con-  
 11 firmation by the senate and shall serve at the pleasure of the governor. The  
 12 administrator shall be experienced in personnel administration. The admin-  
 13 istrator shall provide necessary support to the commission when it carries  
 14 out its duties.

15           SECTION 30. That Section 74-105, Idaho Code, be, and the same is hereby  
 16 amended to read as follows:

17           74-105. RECORDS EXEMPT FROM DISCLOSURE -- LAW ENFORCEMENT RECORDS,  
 18 INVESTIGATORY RECORDS OF AGENCIES, EVACUATION AND EMERGENCY RESPONSE PLANS,  
 19 WORKER'S COMPENSATION. The following records are exempt from disclosure:

20           (1) Investigatory records of a law enforcement agency as defined in  
 21 section 74-101(7), Idaho Code, under the conditions set forth in section  
 22 74-124, Idaho Code.

23           (2) Juvenile records of a person maintained pursuant to chapter 5,  
 24 title 20, Idaho Code, except that facts contained in such records shall be  
 25 furnished upon request in a manner determined by the court to persons and  
 26 governmental and private agencies and institutions conducting pertinent  
 27 research studies or having a legitimate interest in the protection, welfare  
 28 and treatment of the juvenile who is thirteen (13) years of age or younger.  
 29 If the juvenile is petitioned or charged with an offense that would be a  
 30 criminal offense if committed by an adult, the name, offense of which the  
 31 juvenile was petitioned or charged, and disposition of the court shall be  
 32 subject to disclosure as provided in section 20-525, Idaho Code. Addi-  
 33 tionally, facts contained in any records of a juvenile maintained pursuant  
 34 to chapter 5, title 20, Idaho Code, shall be furnished upon request to any  
 35 school district where the juvenile is enrolled or is seeking enrollment.

36           (3) Records of the custody review board of the Idaho department of ju-  
 37 venile corrections, including records containing the names, addresses and  
 38 written statements of victims and family members of juveniles, shall be ex-  
 39 empt from public disclosure pursuant to section 20-533A, Idaho Code.

40           (4) (a) The following records of the department of correction:

41           (i) Records of which the public interest in confidentiality, pub-  
 42 lic safety, security and habilitation clearly outweighs the pub-  
 43 lic interest in disclosure as identified pursuant to the authority  
 44 of the state board of correction under section 20-212, Idaho Code;

45           (ii) Records that contain any identifying information, or any in-  
 46 formation that would lead to the identification of any victims or  
 47 witnesses;

48           (iii) Records that reflect future transportation or movement of a  
 49 prisoner;

1 (iv) Records gathered during the course of the presentence inves-  
2 tigation; and

3 (v) Records of a prisoner as defined in section 74-101(10), Idaho  
4 Code, or probationer shall not be disclosed to any other prisoner  
5 or probationer.

6 (b) Records, other than public expenditure records, related to pro-  
7 posed or existing critical infrastructure held by or in the custody  
8 of any public agency only when the disclosure of such information is  
9 reasonably likely to jeopardize the safety of persons, property or the  
10 public safety. Such records may include emergency evacuation, escape  
11 or other emergency response plans, vulnerability assessments, oper-  
12 ation and security manuals, plans, blueprints or security codes. For  
13 purposes of this paragraph, "system" includes electrical, computer  
14 and telecommunications systems, electric power (including produc-  
15 tion, generating, transportation, transmission and distribution), and  
16 heating, ventilation, and air conditioning. For purposes of this sub-  
17 section, "critical infrastructure" means any system or asset, whether  
18 physical or virtual, so vital to the state of Idaho, including its po-  
19 litical subdivisions, that the incapacity or destruction of such system  
20 or asset would have a debilitating impact on state or national economic  
21 security, state or national public health or safety, or any combination  
22 of those matters.

23 (c) Records of the Idaho commission of pardons and parole shall be ex-  
24 empt from public disclosure pursuant to sections 20-1003, ~~Idaho Code,~~  
25 ~~and section 20-1005~~, Idaho Code. Records exempt from disclosure shall  
26 also include those containing the names, addresses and written state-  
27 ments of victims.

28 (5) Voting records of the former sexual offender classification board.  
29 The written record of the vote to classify an offender as a violent sexual  
30 predator by each board member in each case reviewed by that board member  
31 shall be exempt from disclosure to the public and shall be made available  
32 upon request only to the governor, the chairman of the senate judiciary and  
33 rules committee, and the chairman of the house of representatives judiciary,  
34 rules and administration committee for all lawful purposes.

35 (6) Records of the sheriff or Idaho state police received or maintained  
36 pursuant to sections 18-3302, 18-3302H and 18-3302K, Idaho Code, relating  
37 to an applicant or licensee, except that any law enforcement officer and law  
38 enforcement agency, whether inside or outside the state of Idaho, may access  
39 information maintained in the license record system as set forth in section  
40 18-3302K(16), Idaho Code.

41 (7) Records of investigations prepared by the department of health and  
42 welfare pursuant to its statutory responsibilities dealing with the protec-  
43 tion of children, the rehabilitation of youth, adoptions and the commitment  
44 of mentally ill persons. For reasons of health and safety, best interests of  
45 the child or public interest, the department of health and welfare may pro-  
46 vide for the disclosure of records of investigations associated with actions  
47 pursuant to the provisions of chapter 16, title 16, Idaho Code, prepared by  
48 the department of health and welfare pursuant to its statutory responsibil-  
49 ities dealing with the protection of children, except any such records re-  
50 garding adoptions shall remain exempt from disclosure.

1 (8) Records, including but not limited to investigative reports, re-  
2 sulting from investigations conducted into complaints of discrimination  
3 made to the Idaho human rights commission, unless the public interest in  
4 allowing inspection and copying of such records outweighs the legitimate  
5 public or private interest in maintaining confidentiality of such records.  
6 A person may inspect and copy documents from an investigative file to which  
7 he or she is a named party if such documents are not otherwise prohibited from  
8 disclosure by federal law or regulation or state law. The confidentiality of  
9 this subsection will no longer apply to any record used in any judicial pro-  
10 ceeding brought by a named party to the complaint or investigation, or by the  
11 Idaho human rights commission, relating to the complaint of discrimination.

12 (9) Records containing information obtained by the manager of the Idaho  
13 state insurance fund pursuant to chapter 9, title 72, Idaho Code, from or on  
14 behalf of employers or employees contained in underwriting and claims for  
15 benefits files.

16 (10) The worker's compensation records of the Idaho industrial commis-  
17 sion, provided that the industrial commission shall make such records avail-  
18 able:

19 (a) To the parties in any worker's compensation claim and to the indus-  
20 trial special indemnity fund of the state of Idaho; or

21 (b) To employers and prospective employers subject to the provisions of  
22 the Americans with disabilities act, 42 U.S.C. 12112, or other statu-  
23 tory limitations, who certify that the information is being requested  
24 with respect to a worker to whom the employer has extended an offer of  
25 employment and will be used in accordance with the provisions of the  
26 Americans with disabilities act, 42 U.S.C. 12112, or other statutory  
27 limitations; or

28 (c) To employers and prospective employers not subject to the provi-  
29 sions of the Americans with disabilities act, 42 U.S.C. 12112, or other  
30 statutory limitations, provided the employer presents a written autho-  
31 rization from the person to whom the records pertain; or

32 (d) To others who demonstrate that the public interest in allowing in-  
33 spection and copying of such records outweighs the public or private in-  
34 terest in maintaining the confidentiality of such records, as deter-  
35 mined by a civil court of competent jurisdiction; or

36 (e) Although a claimant's records maintained by the industrial commis-  
37 sion, including medical and rehabilitation records, are otherwise ex-  
38 empt from public disclosure, the quoting or discussing of medical or re-  
39 habilitation records contained in the industrial commission's records  
40 during a hearing for compensation or in a written decision issued by the  
41 industrial commission shall be permitted; provided further, the true  
42 identification of the parties shall not be exempt from public disclo-  
43 sure in any written decision issued and released to the public by the in-  
44 dustrial commission.

45 (11) Records of investigations compiled by the commission on aging in-  
46 volving vulnerable adults as defined in section 18-1505, Idaho Code, alleged  
47 to be abused, neglected or exploited.

48 (12) Criminal history records and fingerprints as defined in section  
49 67-3001, Idaho Code, and compiled by the Idaho state police. Such records  
50 shall be released only in accordance with chapter 30, title 67, Idaho Code.

1 (13) Records furnished or obtained pursuant to section 41-1019, Idaho  
2 Code, regarding termination of an appointment, employment, contract or  
3 other insurance business relationship between an insurer and a producer.

4 (14) Records of a prisoner or former prisoner in the custody of any state  
5 or local correctional facility, when the request is made by another prisoner  
6 in the custody of any state or local correctional facility.

7 (15) Except as provided in section 72-1007, Idaho Code, records of the  
8 Idaho industrial commission relating to compensation for crime victims pur-  
9 suant to chapter 10, title 72, Idaho Code.

10 (16) Records or information identifying a complainant maintained by the  
11 department of health and welfare pursuant to section 39-3556, Idaho Code,  
12 relating to certified family homes, unless the complainant consents in writ-  
13 ing to the disclosure or the disclosure of the complainant's identity is re-  
14 quired in any administrative or judicial proceeding.

15 (17) Records of any certification or notification required by federal  
16 law to be made in connection with the acquisition or transfer of a firearm,  
17 including a firearm as defined in 26 U.S.C. 5845(a).

18 (18) The following records of the state public defense commission:

19 (a) Records containing information protected or exempted from disclo-  
20 sure under the rules adopted by the Idaho supreme court, attorney work  
21 product, attorney-client privileged communication, records containing  
22 confidential information from an individual about his criminal case or  
23 performance of his attorney, or confidential information about an in-  
24 quiry into an attorney's fitness to represent indigent defendants.

25 (b) Records related to the administration of the extraordinary liti-  
26 gation fund by the state public defense commission pursuant to section  
27 19-850(2)(e), Idaho Code, to the extent that such records contain in-  
28 formation protected or exempted from disclosure under rules adopted  
29 by the Idaho supreme court, attorney work product or attorney-client  
30 privileged communication. This exemption does not include the amount  
31 awarded based ~~upon~~ on an application for extraordinary litigation  
32 funds.

33 (19) Records and information received by the office of the state con-  
34 troller from any local government, state agency and department, or volunteer  
35 nongovernmental entity for purposes of entry into the criminal justice  
36 integrated data system pursuant to section 19-4803, Idaho Code, and all  
37 records created by persons authorized to research and analyze information  
38 entered into the criminal justice integrated data system, regardless of  
39 whether such records were previously exempted from disclosure or redacted  
40 pursuant to state or federal law or court order. This exemption does not  
41 apply to projects, reports, and data analyses approved for release by the  
42 data oversight council and issued by persons authorized to conduct research  
43 and analysis as set forth in chapter 48, title 19, Idaho Code. Records and  
44 information relating to the management of the criminal justice integrated  
45 data system shall not be exempt from disclosure except as otherwise provided  
46 in law.

47 (20) Records that contain any identifying information or any informa-  
48 tion that could lead to the identification of any persons or entities that  
49 participate in or assist with an execution of a death sentence as described  
50 in section 19-2716A, Idaho Code.



1        ~~(20)~~ (21) Records, other than public expenditure records, relating to  
2 the nature, location, or function of cybersecurity devices, programs, or  
3 systems designed to protect computer, information technology, or communica-  
4 tions systems against terrorist or other attacks.

5        SECTION 31. The provisions of Section 22 of this act shall be null,  
6 void, and of no force and effect on and after July 2, 2024.

7        SECTION 32. An emergency existing therefor, which emergency is hereby  
8 declared to exist, this act shall be in full force and effect on and after  
9 July 1, 2023.