

*PUBLIC HEARING: Monday, November 8, 2021, from 11:00 a.m. to noon, courtroom*

County Ordinance 2022-02

AN ORDINANCE PROHIBITING DISCRIMINATION BASED ON A PERSON'S  
VACCINATION STATUS OR POSSESSION OF AN IMMUNITY PASSPORT; PROVIDING  
AN EXCEPTION; AND PROVIDING EFFECTIVE DATES.

WHEREAS the right to decide one's own medical treatment is a God-given right and ought to be recognized as such;

WHEREAS American businesses are under extreme pressure from the federal government under President Joseph Biden to terminate employees who decide not to get COVID-19 vaccines;

WHEREAS this deprivation of the employment of dissenters constitutes political persecution repulsive to free persons and the exercise of a free Republic;

WHEREAS the Idaho Governor and Legislature have failed to act to protect citizens from this egregious persecution;

WHEREAS Adams County refuses to assent to this persecution and denial of rights;

WHEREAS, the Board further finds that its citizens' health care information is personal and sensitive information that if improperly used or released may do significant harm to a citizen's interests in privacy and health care or other interests;

WHEREAS, the privacy of such health care information is implicitly recognized by the Idaho Legislature in Idaho Code § 9-340(b);

THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
ADAMS COUNTY, IDAHO:

**Section 1.** Discrimination based on vaccination status or possession of immunity passport prohibited (1) Except as provided in subsection (2), it is a violation of this ordinance for:

(a) any person or entity to refuse, withhold from, or deny to a person any services, goods, facilities, advantages, privileges, licensing, educational opportunities, health care access, or employment opportunities based on the person's vaccination status or whether the person has an immunity passport;

(b) an employer to refuse employment to a person, to bar a person from employment, or to discriminate against a person in compensation or in a term, condition, or privilege of employment based on the person's vaccination status or whether the person has an immunity passport; or

(c) a public accommodation to exclude, limit, segregate, refuse to serve, or otherwise discriminate against a person based on the person's vaccination status or whether the person has an immunity passport.

(2) This ordinance does not apply to immunization requirements set forth for schools pursuant to Title 39, Chapter 48 of the Idaho Code.

(3)

(a) A person, governmental entity, or an employer does not unlawfully discriminate under this section if they recommend that an employee receive a vaccine. (b) A health care facility does not violate this section by (i) asking an employee to volunteer the employee's vaccination or immunization status for the purpose of determining whether the health care facility should implement reasonable accommodation measures to protect the safety and health of employees, patients, visitors, and other persons from communicable diseases. A health care facility may consider an employee to be nonvaccinated or nonimmune if the employee declines to provide the employee's

vaccination or immunization status to the health care facility for purposes of determining whether reasonable accommodation measures should be implemented. (ii) implementing reasonable accommodation measures (not amounting to de facto termination or denial of services) for employees, patients, visitors, and other persons who are not vaccinated or not immune to protect the safety and health of employees, patients, visitors, and other persons from communicable diseases.

(4) An individual may not be required to receive any vaccine whose use is allowed under an emergency use authorization or any vaccine undergoing safety trials.

(5) As used in this section, the following definitions apply:

(a) "Immunity passport" means a document, digital record, or software application indicating that a person is immune to a disease, either through vaccination or infection and recovery.

(b) "Vaccination status" means an indication of whether a person has received one or more doses of a vaccine.

## **Section 2.**

(1) Every person shall be guilty of a misdemeanor who violates any provision of this ordinance and shall be fined up to two thousand dollars and subject to up to one-year imprisonment.

(2) "Every person" shall be construed to include any owner, lessee, proprietor, manager, agent or employee whether one or more natural persons, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees, receivers, of this

state and its political subdivisions, boards and commissions, engaged in or exercising control over the operation of any place of public resort, accommodation, assemblage or amusement.

**Section 3.** Severability. If a part of this ordinance is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this ordinance is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

**Section 4.** Effective date. This ordinance is effective thirty days after passage and approval.

Approved and passed by the Board of County Commissioners as an ordinance of Adams County on the \_\_\_\_ day of \_\_\_\_\_, 2021.

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Joe Iveson, Chair

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Mike Paradis, Commissioner

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Viki Purdy, Commissioner

ATTEST:

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Sherry Ward, Adams County Clerk