

Idaho Code 18-1501 has provided for many years that Idaho parents and guardians must take responsibility for the health, safety and medical care of their children. A failure to willfully provide such care is a violation of this law. This legislation modifies the only exemption to this law by providing that the religious belief exemption for medical care remains in place, except in the case where the child is in “imminent risk of permanent harm or death.”

Fiscal Impact: None other than to County law enforcement if needed

**Sponsors: Idaho Chapter, American Academy of Pediatrics
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Representative John Gannon 208-**



LEGISLATURE OF THE STATE OF IDAHO



Sixty-third Legislature

Second Regular Session - 2016

IN THE _____

BILL NO. _____

BY _____

AN ACT

RELATING TO CHILDREN; AMENDING SECTION 18-1501, IDAHO CODE, TO REVISE A PROVISION REGARDING TREATMENT BY PRAYER OR SPIRITUAL MEANS.

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

SECTION 1. That Section 18-1501, Idaho Code, be, and the same is hereby amended to read as follows:

18-1501. INJURY TO CHILDREN. (1) Any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of such child to be injured, or willfully causes or permits such child to be placed in such situation that its person or health is endangered, is punishable by imprisonment in the county jail not exceeding one (1) year, or in the state prison for not less than one (1) year nor more than ten (10) years.

(2) Any person who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of such child to be injured, or willfully causes or permits such child to be placed in such situation that its person or health may be endangered, is guilty of a misdemeanor.

(3) A person over the age of eighteen (18) years commits the crime of injury to a child if the person transports a minor in a motor vehicle or vessel as defined in section 67-7003, Idaho Code, while under the influence of alcohol, intoxicating liquor, a controlled substance, or any combination thereof, in violation of section 18-8004 or 67-7034, Idaho Code. Any person convicted of violating this subsection is guilty of a misdemeanor. If a child suffers bodily injury or death due to a violation of this subsection, the violation will constitute a felony punishable by imprisonment for not more than ten (10) years, unless a more severe penalty is otherwise prescribed by law.

(4) The practice of a parent or guardian who chooses for his child treatment by prayer or spiritual means alone shall not for that reason alone be construed to have violated the duty of care to such child unless such practice creates an imminent risk of permanent physical harm or death.

(5) As used in this section, "willfully" means acting or failing to act where a reasonable person would know the act or failure to act is likely to result in injury or harm or is likely to endanger the person, health, safety or well-being of the child.