

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 669

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE EQUALITY IN FINANCIAL SERVICES ACT; AMENDING TITLE 26, IDAHO  
2 CODE, BY THE ADDITION OF A NEW CHAPTER 38, TITLE 26, IDAHO CODE, TO PRO-  
3 VIDE A SHORT TITLE, TO PROVIDE FOR CONSTRUCTION OF TERMINOLOGY, TO DE-  
4 FINE TERMS, TO PROHIBIT CERTAIN DISCRIMINATION AND TO REQUIRE A CERTAIN  
5 EXPLANATION, AND TO PROVIDE FOR ENFORCEMENT; AMENDING SECTION 26-107,  
6 IDAHO CODE, TO PROVIDE FOR THE APPLICATION OF CERTAIN CODE SECTIONS TO  
7 NATIONAL BANKS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE  
8 DATE.  
9

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

11 SECTION 1. That Title 26, Idaho Code, be, and the same is hereby amended  
12 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-  
13 ter 38, Title 26, Idaho Code, and to read as follows:

14 CHAPTER 38  
15 EQUALITY IN FINANCIAL SERVICES ACT

16 26-3801. SHORT TITLE. This chapter shall be known and may be cited as  
17 the "Equality in Financial Services Act."

18 26-3802. CONSTRUCTION OF TERMINOLOGY. The definitions pursuant to  
19 section 26-3803, Idaho Code, shall be construed in favor of the broadest  
20 protection of the conduct, opinions, and beliefs protected by the first  
21 amendment to the United States constitution, the constitution of the state  
22 of Idaho, and applicable state and federal law.

23 26-3803. DEFINITIONS. For purposes of this chapter:

24 (1) "Discriminate in the provision of financial services" means uti-  
25 lizing a social credit score to directly or indirectly decline to provide  
26 full and equal enjoyment in the provision of financial services. "Discrimi-  
27 nate in the provision of financial services" includes a refusal to provide,  
28 termination of, or restriction on financial services, notwithstanding the  
29 provisions of section 48-605, Idaho Code.

30 (2) (a) "Financial institution" means:

31 (i) A bank that has total assets over one hundred billion dollars  
32 (\$100,000,000,000); or

33 (ii) A payment processor, credit card company, credit card net-  
34 work, payment network, payment service provider, or payment  
35 gateway that has processed more than one hundred billion dollars  
36 (\$100,000,000,000) in transactions in the last calendar year.

37 (b) "Financial institution" includes any affiliate or subsidiary com-  
38 pany even if that company is also a financial institution.

1 (3) "Financial service" means any financial product or service offered  
2 by a financial institution.

3 (4) "Person" means any individual, partnership, association, joint  
4 stock company, trust, corporation, nonprofit organization, or other busi-  
5 ness or legal entity.

6 (5) "Protected from government interference" refers to any speech,  
7 religious exercise, association, expression, or conduct that is protected  
8 by the first amendment to the United States constitution other than activ-  
9 ities that the supreme court of the United States has expressly held are  
10 unprotected as of July 1, 2024, such as obscenity, fraud, incitement, true  
11 threats, fighting words, or defamation.

12 (6) (a) "Social credit score" means any analysis, rating, scoring,  
13 list, or tabulation that evaluates any of the following:

14 (i) Any person's exercise of religion that is protected from gov-  
15 ernment interference by the first amendment to the United States  
16 constitution, article I, section 4 of the constitution of the  
17 state of Idaho, or federal or state law, including all aspects of  
18 religious observance and practice, as well as belief and affilia-  
19 tion;

20 (ii) Any person's speech, expression, or association that is pro-  
21 tected from government interference by the first amendment to the  
22 United States constitution, article I, section 9 of the consti-  
23 tution of the state of Idaho, or federal or state law, including  
24 the person's opinions, speech, or other expressive activities,  
25 including the lawful preservation of privacy regarding those ac-  
26 tivities, such as the refusal to disclose lobbying, political  
27 activity, or contributions beyond what is required by applicable  
28 state and federal law;

29 (iii) Any person's failure or refusal to adopt any targets or dis-  
30 closures related to greenhouse gas emissions beyond what is re-  
31 quired by applicable law;

32 (iv) Any person's failure or refusal to conduct any type of  
33 racial, diversity, or gender audit or disclosure or to provide any  
34 sort of quota, preference, or benefit based, in whole or in part,  
35 on race, diversity, or gender;

36 (v) Any person's failure or refusal to facilitate or assist em-  
37 ployees in obtaining abortions or gender reassignment services;  
38 or

39 (vi) Except as provided in paragraph (b) of this subsection, par-  
40 ticipation in the following lawful business associations or busi-  
41 ness activities:

42 1. The exploration, production, utilization, transportation,  
43 sale, or manufacture of fossil-fuel-based energy; or

44 2. The manufacture, distribution, wholesale, supply, or re-  
45 tail of firearms, firearms accessories, or ammunition.

46 (b) For the purposes of paragraph (a)(vi) of this subsection only,  
47 "social credit score" does not include a financial institution eval-  
48 uating quantifiable financial risks of a person based on impartial,  
49 financial-risk-based standards that include activities described in  
50 paragraph (a)(vi) of this subsection if such standards are established

1 in advance by the financial institution and publicly disclosed to cus-  
2 tomers and potential customers.

3 26-3804. DISCRIMINATION PROHIBITED -- EXPLANATION REQUIRED UPON RE-  
4 QUEST. (1) A financial institution shall not discriminate in the provision  
5 of financial services to a person.

6 (2) A person shall not agree, conspire, or coordinate, directly or in-  
7 directly, including through any intermediary or third party, with another  
8 person, or group of persons, to engage in activity prohibited by subsection  
9 (1) of this section.

10 (3) If a financial institution refuses to provide, restricts, or ter-  
11 minates service to a customer, that customer may request a statement of  
12 specific reasons within ninety (90) days after receiving notice of the re-  
13 fusal to provide, restriction of, or termination of service. The customer  
14 may request the statement from a customer service representative or desig-  
15 nated account representative by phone, United States mail, or email. The  
16 financial institution shall transmit the statement of specific reasons via  
17 United States mail or email within fourteen (14) days of receiving the cus-  
18 tomer's request. The statement of specific reasons shall include:

19 (a) A detailed explanation of the basis for the denial or termination of  
20 service, including a description of any of the customer's speech, reli-  
21 gious exercise, business activity with a particular industry, or other  
22 conduct that was, in whole or in part, the basis of the financial insti-  
23 tution's denial or termination of service;

24 (b) A copy of the terms of service agreed to by the customer and the fi-  
25 nancial institution; and

26 (c) A citation to the specific provisions of the terms of service upon  
27 which the financial institution relied to refuse to provide, restrict,  
28 or terminate service.

29 26-3805. ENFORCEMENT. (1) A violation of this chapter is a violation  
30 of the Idaho consumer protection act, chapter 6, title 48, Idaho Code.

31 (2) The attorney general may undertake any and all actions authorized  
32 by the Idaho consumer protection act to investigate and enforce a violation  
33 of this chapter.

34 (3) A person harmed by a violation of this chapter may initiate a civil  
35 action and may seek remedies pursuant to section 48-608, Idaho Code.

36 SECTION 2. That Section 26-107, Idaho Code, be, and the same is hereby  
37 amended to read as follows:

38 26-107. SECTIONS APPLICABLE TO NATIONAL BANKS. The provisions of sec-  
39 tions 26-215, 26-301 through and including, 26-309, 26-311, 26-712, 26-713,  
40 26-714, 26-1203, 26-1206, 26-1207, 26-1208, ~~and~~ 26-1209, 26-1601 through  
41 26-1605, 26-2601 through 26-2612, and 26-3801 through 26-3805, Idaho Code,  
42 shall also apply to national banks.

43 SECTION 3. An emergency existing therefor, which emergency is hereby  
44 declared to exist, this act shall be in full force and effect on and after  
45 July 1, 2024.