

2025

LEGISLATIVE SESSION

ACLU
Idaho

GLOSSARY



LGBTQ+ Rights & Trans Justice

PRIVACY

House Bill 270 – Anti-trans “Indecent Exposure” law - **IN EFFECT (MARCH 2025)**

HB 270 substantially expands definitions of “criminal indecent exposure” to include female breasts and male breasts that have been “surgically or hormonally altered.” This applies to public spaces and anywhere someone may be “offended.” Practically speaking, that means only cisgender men can’t be criminalized for their bare chest.

The law raises serious civil rights concerns; it singles out transgender bodies as inherently “lewd,” threatens freedom of expression, and may criminalize ordinary activities.

What are the practical implications of the law?

It is important to understand that the broadness of the new law could lead to over-enforcement.

The law will likely lead to more police at LGBTQ+ events, increasing the chances you may interact with the police or other law enforcement. It’s a good idea to learn about or review [your rights when interacting with police](#).

The law does not change your right to privacy, nor your right to hold someone accountable for violating that privacy. It’s against the law for anyone to [look into your home](#) without a reason.

House Bill 264 – Anti-Trans Bathroom Bounty **EFFECTIVE JULY 1, 2025**

House Bill 264 restricts access to restrooms, changing rooms, and other gendered spaces in certain state-run facilities (public colleges and universities; prisons and jails; state-run domestic violence shelters) based on sex assigned at birth. The law is dangerous for all Idahoans but poses specific threats to transgender folks. Efforts to ban trans people from using public restrooms, like HB 264, are part of a larger anti-trans political strategy. Idaho’s law also brings significant legal concerns, as institutions could face lawsuits for wrongful accusations or denials, costing taxpayers money.

What are the practical impacts of the law?

There are no guidelines for how the law will be enforced, which may increase the potential for unwelcome attention or encounters in restrooms.

If you are uncomfortable using restrooms according to natal sex, ask for accommodations. State entities are allowed to adopt policies that accommodate you, including single-occupancy, gender neutral restrooms. Keep records of any requests for accommodation, responses received, and of any incidents where you think your privacy was violated. Having written evidence can be helpful if you seek legal support for how the law impacts you.

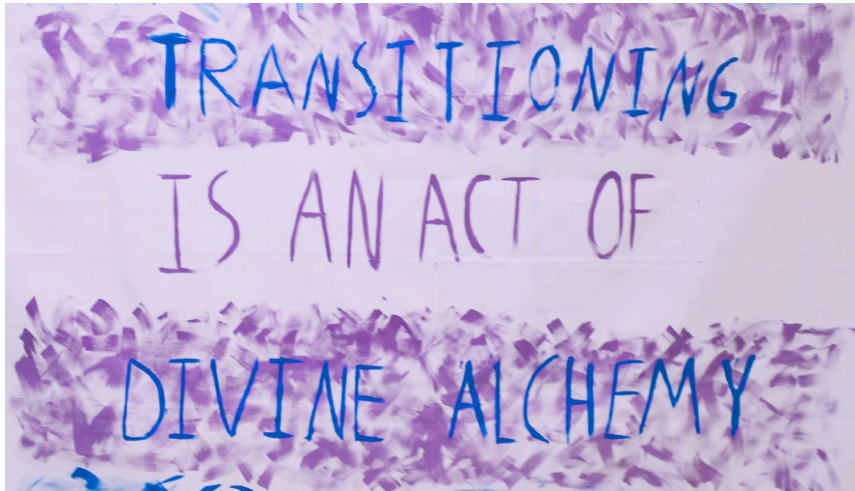
For general information and resources, or to share how you’ve been impacted by HB 264, please visit Lambda Legal’s Help Desk at <https://lambdalegal.org/helpdesk/>.



ACCESS TO HEALTH CARE

House Bill 29 – Adding Drugs to Drug Scheduling Lists – **EFFECTIVE JULY 1, 2025**

HB 29 classifies several drugs as controlled substances, including different kinds of synthetic testosterone previously uncategorized. Because synthetic hormones can be used for gender-affirming medical care, new drug classifications like those outlined in HB 29 could make it more difficult for people to access this kind of medicine and will have a disproportionate impact on transgender people.



What are the practical implications of the law?

The law may make it harder to access certain gender affirming medications and creates new risks for even having these medications; possession of an unclassified drug is generally not a crime, while possession of a scheduled drug carries penalties (see [37-2732, Idaho Code](#))

If accessing the care you need is difficult, check for trans-led mutual aid organizations, either in Idaho or across the U.S. These orgs may be able to offer guidance and support for navigating things like housing, medical or non-medical GAC, and more. The ACLU of Idaho also has a list of resources for trans folks--[just contact us and ask.](#)

CENSORSHIP

House Bill 41 – Banning “Political” Flags in Public School – **EFFECTIVE JULY 1, 2025**

HB 41 censors speech by banning flags that represent a “political viewpoint” in Idaho public schools. This vague but sweeping ban prohibits LGBTQ+ Pride and countless other flags that hold significant symbolic - and educational - meaning.

This bill threatens essential speech rights and sends an unwelcoming message to Idaho’s LGBTQ+ youth who, like everyone else, should feel safe and respected at school.



What are the practical implications of the law?

The law is vague about some of its provisions but does explicitly ban flags or banners that represent “...race, gender, sexual orientation,” which includes LGBTQ+-related flags.

Still, students (and teachers!) have the right to express themselves at school. The law shouldn’t interfere with your right to dress how you’d like; public schools must enforce dress codes equally, regardless of gender, sexuality, or race. You should still be able to wear political pins, and have stickers on your water bottle that are supportive of LGBTQ+ causes, and otherwise express yourself (so long as you adhere to your school’s dress code policy).

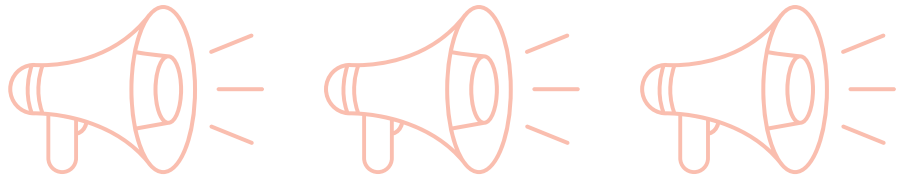
The law only bans flags hanging on school property, not electronic displays of banned flags on computers or other devices.

Finally, only the Idaho Department of Ed has the power to decide whether a flag violates the law. Attempts to remove flags from law enforcement or school officials can be considered improper enforcement.

House Bill 352 – “Don’t Say Gay” in Public Schools – **EFFECTIVE JULY 1, 2025**

HB 352 forbids instruction on ill-defined “gender ideology” and sexual orientation in public schools from kindergarten to 12th grade, effectively banning crucial educational information and restricting the autonomy of schools to control their own policy.

This new law violates freedom of speech rights for both students and teachers. It’s unnecessary government overreach that would create a chilling effect and restrict access to important information about sex, sexuality, and gender identity.



Senate Bill 1198 – DEI ban in Higher Education – **EFFECTIVE JULY 1, 2025**

SB 1198 restricts Idaho colleges and universities from sponsoring, promoting, or requiring courses or activities related to diversity, equity, and inclusion (DEI). DEI is often associated with diverse perspectives and inclusive practices. By limiting or eliminating such programs, institutions will be forced to suppress teaching and learning, and even conversations, that take up matters of race, gender, and other societal issues.

This new law significantly threatens the rights of students and faculty to freely express themselves, access information, and engage in political and symbolic speech on college campuses in Idaho.

House Bill 239 – Censoring Sex and Gender Education – **EFFECTIVE JULY 1, 2025**

Stylized as a “parental rights” law, HB 239 censors important information about sex, sexuality, and gender identity in Kindergarten through 3rd grade. This law infringes on multiple civil rights, including free speech, reproductive, and LGBTQ+ rights.

What are the practical implications of the laws?

Taken together, Idaho’s new censorship laws raises serious threats to freedom of speech and expression. They also reflect a broader political strategy that aims to quiet – or even erase - the voices, lived experience, and histories of queer and trans folks from public life.

Many Idaho censorship laws have vague and broad language, which could lead to folks self-censoring or other kinds of overly cautious application or enforcement. In most cases, your school will update internal policies because of the new laws, and it’s a good idea to review your schools policy so that you better understand your rights.

Crucially, nearly every new censorship law clearly states the law should not impact academic freedom or expression. If you feel your right to freely speak and express yourself is unreasonably (or illegally) limited by the new law, organizations like the ACLU, PFLAG, GLSEN, and Movement Advancing Project have resources to support; you can also reach out to us to [report instances of discrimination and other civil rights violations](#).



Reproductive Justice

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House Bill 59 – Denying Health Care over Religious Beliefs – **IN EFFECT (APRIL 2025)**

HB 59 weaponizes the principles of religious liberty protections to allow discrimination and circumvent health care laws.

For example, patients could be denied birth control or gender affirming medical services because it doesn't align with their health care provider's personal or religious views. Medical care should be guided by medical and scientific standards, not religious beliefs.

Senate Bill 1046 – Inaccurate Sex Ed in Public Schools – **EFFECTIVE JULY 1, 2025**

SB 1046 mandates students in 5th to 12th grade watch an animated video of a fetus developing. The proposed video pushes an ideological agenda, departing from medical accuracy and educational value.

Forcing medically inaccurate materials into Idaho classrooms will create harmful learning environments and unequal treatment of students based on personal beliefs.



Scan or click to
learn more about
reproductive
rights in Idaho



Criminal Legal Reform

House Bill 07 - Mandatory Minimum Fine for Marijuana – **EFFECTIVE JULY 1, 2025**

HB 07 adds a needless, mandatory \$300 fine for possessing small amounts of marijuana, leaving already harsh penalties in place, which include up to a year in jail and up to \$1000 in fines.

This new law will further strain our already defective public defense system - and risk Idahoans' right to a lawyer, due process, and equal protection. The bill will also rob judges of discretion and, most importantly, harm already targeted communities.



What are the practical implications of the law?

The new mandatory fine for low-level drug offenses is out of step with the rest of the country, and will likely have disproportionate impact on already over-policed Idahoans.

It is a good idea to review, understand, and exercise your rights, particularly when interacting with law enforcement. The ACLU of Idaho has resources on our website that can help, and local organizations often host Know Your Rights trainings.

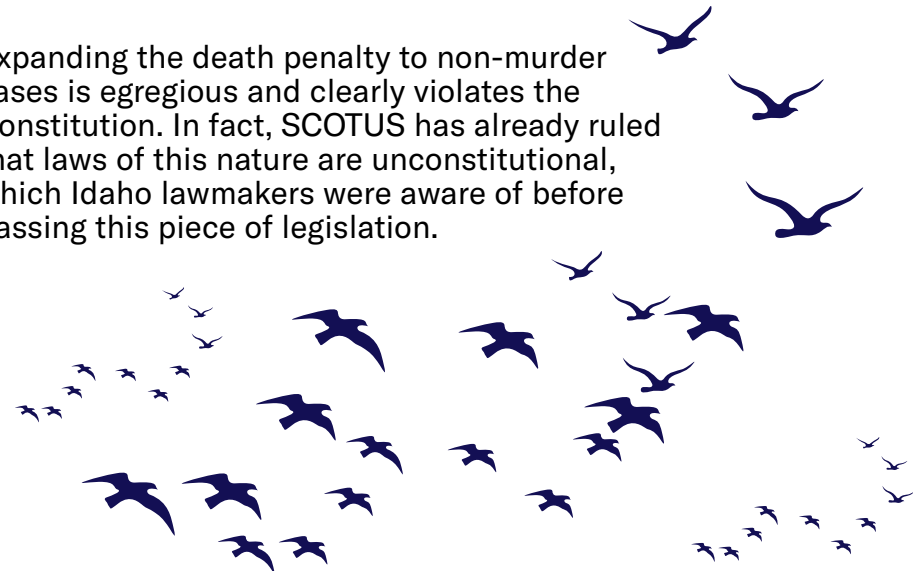
Scan or click this QR code to review your rights when interacting with the police.



House Bill 380 – Death Penalty for Lewd Conduct - **EFFECTIVE JULY 1, 2025**

HB 380 adds “lewd conduct with a child under the age of 12” to Idaho crimes punishable by death. While we do not defend any lewd conduct with a minor, this piece of legislation runs afoul of several civil rights and constitutional concerns.

Expanding the death penalty to non-murder cases is egregious and clearly violates the Constitution. In fact, SCOTUS has already ruled that laws of this nature are unconstitutional, which Idaho lawmakers were aware of before passing this piece of legislation.



Immigrant Rights

House Bill 83 – Creating State Crimes for Immigration Enforcement – **BLOCKED**

Idaho House Bill 83 creates new state crimes related to immigration, attempting to supersede federal immigration mandates by, in effect, enabling local law enforcement to act as immigration agents. The law has disproportionate impact on brown people, Latine people, or anyone who uses a language other than English.

We filed a lawsuit hours after the law went into effect; a judge temporarily [stopped the law](#) while our legal challenge moves through the courts.

What are the practical implications of the law?

HB 83 is blocked by the courts. It is still important to remember that you have rights, no matter your immigration status:

- You have the right to remain silent.
- You have the right to not consent to any searches
- If you are the driver of a vehicle, you must present your driver's license if asked for it (do not provide a fake license).
- You have the right to speak with a lawyer.
- Do not sign anything you don't understand.
- Ask: "Am I free to go?" If yes, you may calmly leave. If not, you have the right to say you want to remain silent and speak to a lawyer.
- If you are not a U.S. citizen and an immigration agent requests your immigration papers, you must show them if you have them with you.
- If you are over 18, carry your papers with you at all times. If you do not have immigration papers, you have the right to say you want to remain silent.
- Do not lie about your citizenship status or provide fake documents

Scan or click this code to learn more about how to exercise your rights



House Bill 135 – Restricting Public Services for Immigrants – **EFFECTIVE JULY 1, 2025**

HB 135 requires U.S. citizenship to access specific services, creating new barriers to access some food and health services. Today in Idaho, nearly all public benefits require some form of citizenship verification. The new law cuts the few exceptions currently in place.

In particular, proof of citizenship will be required to access immunizations, testing, and treatment of communicable diseases, prenatal care, postnatal care, and food assistance for children. The law does not bar access to emergency medical services nor should it impact non-governmental food assistance. It is unclear whether the law will affect free or reduced lunches at public schools.

If you feel that your civil rights or liberties have been violated, visit us online or call 208-344-9750 ext. 4



**WE THE
PEOPLE.**

**READ OUR FULL
2025 LEGISLATIVE
REPORT [ONLINE.](#)**

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