50-state Update on Pending Legislation Pertaining to Employer-mandated Vaccinations

Per recent federal employment law guidance, private employers can generally require employees to get vaccinated for COVID-19 as long as they comply with federal employment laws that prohibit discrimination on the basis of religion and disability.

Most states currently recognize only medical and/or religious objections to employer-mandated vaccinations. Given the increasing availability of the COVID-19 vaccine, many states are considering legislation intended to prevent employers from mandating vaccinations and protecting current and prospective employees who refuse vaccination from discrimination and retaliation.

The proposed legislation varies widely by state in terms of who would be shielded from mandatory vaccinations and under what circumstances. Some legislation would prohibit employer-mandated vaccinations outright, some would permit mandated vaccinations only for employees who work in a healthcare facility or with medically vulnerable populations, and some would expand the federally-recognized religious exemption to include philosophical objections or objections of the conscience. Nearly every bill pertaining to the rights of current or prospective employees prohibits employers from making vaccination a condition of employment or taking adverse actions based on an employee’s COVID-19 vaccination status.

A few bills propose to extend protections against mandatory vaccinations beyond the employment context. In these states, public entities—including government agencies and schools—and, in some cases, even private businesses would be prohibited from denying entry or refusing to provide goods and services to individuals who have refused vaccination.
Under some proposed legislation, businesses, employers and individuals found in violation may be subject to steep fines; civil liability, often including attorneys fees; and in some circumstances, even criminal liability and imprisonment.

Please click on the state you are interested in to view state-specific information:

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**Alabama**

*(Pending Legislation):*

House Bill 214, and similar House Bill 608, would prohibit employers from taking adverse actions against current or prospective employees based on their COVID-19 immunization status. Adverse actions include discharging, refusing to promote, harassing and reducing compensation. House Bill 214 would prohibit ticket issuers—including venue operators, event sponsors, participating sports teams, theater companies, musical groups and their agents—from denying persons entry into entertainment events based on their immunization status. House Bill 608 would prohibit places of public accommodation from barring entry to individuals based on their immunization status. House Bill 214 was referred to the Committee on Commerce and Small Business on February 2, 2021, and House Bill 608 was referred to the Committee on Health on April 7, 2021.
Senate Bill 97 would prohibit the Governor and the State Health Officer, during a state of emergency, from ordering the vaccination of individuals who assert that the vaccine cannot be administered because of a bona fide medical condition, religious belief or sincerely-held personal belief. The Bill would also repeal an Alabama law that sets forth a system for compulsory vaccination by cities and towns. The Bill was referred to the Committee on Health on April 15, 2021.

House Joint Resolution 166 memorializes the state’s COVID-19 Vaccine Bill of Rights. Under Resolution 166, no individual can be required, coerced, forced or pressured to take an experimental or investigational medication; physicians and nurses cannot be asked by their employers to promote a COVID-19 vaccine; and individuals must be given access to independent information to determine whether vaccination is in their own best medical interest. Further, the Resolution states that private businesses within the state have “no legal authority to require, mandate or coerce medication or experimental medication for any individuals.” The Resolution was referred to the Committee on Rules on April 1, 2021.

Alaska

(Pending Legislation):

Senate Bill 56 would permit individuals to object to vaccination on religious, medical or other grounds, and those individuals cannot be required to provide justification or documentation to support their decision. The Bill failed to be discharged from the Finance Committee on February 12, 2021.

House Bill 175 would prohibit businesses and other entities from requiring an individual to be vaccinated against COVID-19 or prove that they have been vaccinated to access public areas or services. The Bill would also prohibit employers from requiring employees or applicants to undergo or prove receipt of vaccination as a condition of employment, and from discriminating against employees or applicants with regard to tenure, compensation, benefits and other terms and conditions of employment on the basis that the employee or applicant refused to undergo or prove receipt of vaccination. Under the Bill, employees and applicants may refuse vaccination if it is medically contraindicated or would be contrary to their sincerely-held religious beliefs. The Bill was referred to the Community and Regional Affairs Committee and the Labor and Commerce Committee on April 14, 2021.

Arizona

(Pending Legislation):

Senate Bill 1648 would prohibit individuals and entities from requiring persons to (i) take, (ii) be administered, (iii) receive or (iv) disclose whether they have received a COVID-19 vaccine as a condition of employment,
entry into a public space or receipt of goods or services. Under the Bill, public space includes: (a) spaces of public accommodation; (b) indoor or outdoor buildings; (c) spaces that are owned, leased, operated, occupied or otherwise used by a public body; and (d) indoor or outdoor buildings or spaces that are generally open to the public. The Bill was referred to the Committees on Commerce and Rules on February 3, 2021.

Arkansas

House Bill 1547 prohibits the (i) state, (ii) state agencies and entities, (iii) political subdivisions of the state and (iv) state and local officials from requiring an individual to receive an immunization or vaccine against COVID-19. Such agencies or entities cannot mandate vaccination as a condition of (a) education; (b) employment; (c) entry; (d) receipt of services; or (e) issuance of a license, certificate or permit. Further, such agencies or entities may not discriminate against or coerce individuals who refuse a COVID-19 vaccine by withholding opportunities for career advancement, wage increases or insurance discounts. State-owned or state-controlled medical facilities desiring to mandate that individuals receive a COVID-19 vaccine are required to obtain approval from the Legislative Council. State-owned and state-controlled medical facilities are not prohibited from offering incentives to those who do receive a COVID-19 vaccine. The Bill passed both chambers April 22, 2021 and is currently awaiting signature by the Governor.

(Pending Legislation):

Senate Bill 615 would prohibit vaccine passports in the state. Under the Bill, “a vaccine passport” refers to documentation that an individual has been vaccinated against, tested negative for or recovered from COVID-19. The Bill states that the (i) state, (ii) state agencies or entities, (iii) political subdivisions of the state and (iv) state or local officials cannot require individuals to use a vaccine passport for any purpose. Further, a vaccine passport cannot be a condition for travel, education, employment or receipt of services. The Bill was referred to the Committee on Public Health, Welfare and Labor on April 20, 2021.

California

(Pending Legislation):

Assembly Bill 327 would prohibit any public or private entity, that receives state funding, from requiring individuals to provide documentation regarding their COVID-19 vaccination status as a condition of receiving any service or entering any place. The Bill specifically pertains to vaccination status for any COVID-19 vaccine administered under an emergency use authorization. The Bill was referred to the Committee on Health and the Privacy and Consumer Protection Committee on April 15, 2021.
Colorado

(Pending Legislation):

House Bill 21-1191 would prohibit employers, including licensed healthcare facilities, from taking adverse actions against employees or applicants based on their COVID-19 vaccination status. The Bill would allow employees or applicants to file a civil action for injunctive, affirmative and equitable relief against an employer for violations. Further, the Bill would prohibit the state from requiring any individual to receive a COVID-19 vaccination and states that government agencies and private businesses cannot discriminate against individuals based on their COVID-19 vaccination status. The Bill was assigned to the Health and Insurance Committee on March 4, 2021.

Connecticut

(Pending Legislation):

Senate Bill 436 would expand exemptions to mandatory vaccination laws for school-aged children. The Bill was referred to the Joint Committee on Education on January 27, 2021. Contrarily, Senate Bill 568 would eliminate the non-medical exemption to the immunization requirements for students in grades Pre-K through 12 attending public or private schools, those in higher education and children in daycare settings. The Bill was tabled on April 21, 2021.

House Bill 6269 would prohibit employers, including licensed healthcare facilities, from taking adverse actions against employees and applicants who decline to be vaccinated. An employee or applicant may file a civil action for injunctive, affirmative and equitable relief against an employer for violations. The Bill would also prohibit the Department of Health from requiring health facilities’ employees to be vaccinated. The Bill was referred to the Joint Committee on Labor and Public Employees on January 29, 2021.

Delaware

(Pending Legislation):

Senate Bill 58 would remove the state’s authority to forcibly isolate, quarantine, vaccinate or treat individuals against their will during a state of emergency related to COVID-19. The Bill was assigned to the Executive Committee on February 12, 2021.

District of Columbia
D.C. Act 23-384, prevents employers from taking adverse actions against employees who (i) refuse to service customers or clients who are not complying with certain workplace protections, (ii) have tested positive for COVID-19, (iii) have been exposed to or are caring for someone with COVID-19, or (iv) are sick and awaiting COVID-19 test results. Employers also cannot take adverse actions against employees who attempt to exercise any right under the Act. Employers can prohibit employees who have tested positive for COVID-19 from entering the workplace until they have been cleared by a medical professional or the requisite quarantine period has ended. Under the Act, the Mayor may impose penalties of up to $500 for violations. The Law was enacted on August 13, 2020.

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Florida

(Pending Legislation):

Senate Bill 1022 would require childcare facilities to demonstrate that a minimum percentage of children enrolled have received immunizations in order to obtain licensure through the Department of Children and Families. The Bill was introduced to the Senate Journal on March 2, 2021.

House Bill 6003 would remove the authority of the State Health Officer to order vaccinations upon declaration of a public health emergency. A first reading of the Bill occurred on March 2, 2021.

Senate Bill 364 would prohibit discrimination based on vaccination or immunity status for any virus. The Bill would also prohibit businesses or governmental entities that typically require individuals to present identification from requiring individuals to receive a vaccination or provide proof of vaccination. The Bill was introduced to the Senate Journal on March 2, 2021.

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Georgia

(Pending Legislation):

House Bill 413 would prohibit the state and local governments from requiring people to submit to vaccination against COVID-19 for any reason, including as a condition of (i) employment, (ii) school attendance, (iii) professional licensure, (iv) educational certification or degree, (v) admittance to any place of business or entertainment, or (vi) access to any mode of transportation. The Bill permits mandatory vaccination if certain requirements are met (for example, if the vaccine has received approval beyond emergency use authorization and undergone long-term clinical trials), but it provides an exemption for individuals who object in writing that vaccination conflicts with their philosophical beliefs. A second reading of the Bill occurred on February 17, 2021.
Hawaii

(Pending Legislation):

House Resolution 123 and House Concurrent Resolution 146 request that the Civil Rights Commission declare that it does not support any person or entity treating an individual differently from others based on their COVID-19 vaccination status or immunity test results, including discriminating against them or denying them any service or benefit. The Resolution was referred to the House Pandemic and Disaster Preparedness Committee on March 15, 2021.

Idaho

Executive Order No. 2021-04 prevents entities and state officials from producing or issuing a COVID-19 vaccine passport or requiring proof of receipt of a COVID-19 vaccine to access state services or facilities. The Executive Order was signed on April 7, 2021.

(Pending Legislation):

House Bill 63 would protect individuals from forced or coerced vaccination and prohibit vaccination mandates throughout the state. Under the Bill, no person can be vaccinated without their express consent. The Bill was referred to the Ways and Means Committee on February 1, 2021.

Illinois

(Pending Legislation):

House Bill 3682, the Workplace Vaccination Program Limitation Act, would prohibit employers from creating, implementing, or enforcing a workplace vaccination program that requires any employee to demonstrate that they have received a COVID-19 vaccine that has only been granted emergency use authorization and lacks full approval from the FDA. The Bill was re-referred to the Rules Committee on March 27, 2021.

Senate Bill 2015 would require employees at certain facilities and departments to receive a COVID-19 vaccine, if offered. These facilities include: (i) veterans’ homes, (ii) nursing homes, (iii) the intensive care unit of the University of Illinois Hospital, and (iv) the intensive care units of hospitals licensed under the Hospital Licensing Act. The Bill was referred to the Assignments Committee on February 26, 2021.
Indiana

(Pending Legislation):

Senate Bill 74 would prohibit employers from requiring, as a condition of employment, current or prospective employees to receive any immunization, if it is medically contraindicated or against their religious beliefs or conscience. The Bill was referred to the Committee on Pensions and Labor on January 4, 2021.

House Bill 1488 would prohibit employers from requiring, as a condition of employment, that current or prospective employees receive immunizations that have only been granted emergency use authorization and that lack full approval from the FDA. The Bill would further prohibit employers from inquiring about or requiring employees to disclose the reason(s) for refusing immunization. The Bill was referred to the Committee on Employment, Labor and Pensions on January 14, 2021.

Iowa

(Pending Legislation):

House File 330, and similar Senate File 555, would prohibit employers from refusing to hire, discharging, penalizing or otherwise discriminating against employees with respect to compensation or the terms, conditions or privileges of employment based on vaccination status, refusal to receive a vaccine or failure to provide proof of immunity. The protections would allow employees to decline vaccination for any reason. Employees whose rights were violated could seek injunctive relief, actual damages, admission, reinstatement with back pay plus ten percent interest or any other appropriate relief. House File 330 was referred to the Human Resources Committee on February 2, 2021, and Senate File 555 was referred to the Human Resources Committee on April 1, 2021.

House File 217 would amend the current statute for exemptions from required immunizations and vaccinations to add an exemption for persons (or parents/guardians of persons) enrolled in elementary schools, secondary schools or licensed childcare centers who submit a signed affidavit stating immunization conflicts with their beliefs. The Bill was referred to the Human Resources Committee on January 25, 2021.

Kansas

(Pending Legislation):

Senate Bill 213 would prohibit employers from taking adverse actions against employees who refuse to get a COVID-19 vaccine. An adverse action is an ultimate employment decision involving (i) hiring, (ii) firing, (iii)
compensation, (iv) benefits (including leave) or (v) promotions. The Bill would impose a $1,000 fine on employers for violations. The Bill was referred to the Committee on Commerce on March 5, 2021.

House Concurrent Resolution 5017 would create a COVID-19 Vaccine Bill of Rights that would prevent employers from asking physicians or nurses to promote a COVID-19 vaccine and prohibit individuals from being forced or pressured to take an experimental or “investigational” medication, including by private businesses. The Bill of Rights also states that interstate carriers (such as airlines and all other forms of public transportation) would be prohibited from requiring vaccine passports as a condition of entry into the state. The Resolution was referred to the Committee on Judiciary on March 16, 2021.

Kentucky

(Pending Legislation):

Senate Bill 8 provides exemptions from mandatory immunization for any child; emancipated minor; or adult who, personally or by a parent or guardian, submits a written sworn statement objecting to immunization based on conscientiously-held beliefs. In addition, the Bill would prohibit any administrative regulation, administrative order or executive order from requiring immunization during an epidemic if a person submits either a written sworn statement objecting to immunization based on conscientiously-held beliefs or the written opinion of a physician that immunization would be injurious to their health. The Bill was enacted into law on March 28, 2021.

Louisiana

(Pending Legislation):

House Bill 579 would recognize the right of individual bodily autonomy and the rights of individuals to make their own healthcare decisions and accept or refuse any (i) health service, (ii) medical testing, (iii) medical intervention, (iv) medical treatment or (v) vaccine based on their religious, philosophical or personal beliefs. The Bill would prohibit denying, restricting, infringing upon or imposing conditions on an individual’s: (a) employment; (b) travel; (c) education; (d) childcare; (e) religion; (f) benefits; (g) insurance; (h) entry into a governmental office or other publicly owned facility; or (i) participation in sports, camps or other recreation based on their refusal of a treatment or vaccine. The Bill allows individuals to bring a civil action for violations in pursuit of injunctive relief; compensatory and punitive damages, costs and attorney fees; and other appropriate relief. The Bill was referred to the Committee on Health and Welfare on April 12, 2021.
House Bill 349 would prohibit the Office of Motor Vehicles from making the issuance, renewal or revocation of a state issued special identification card contingent on vaccination or immunity status. The Bill was referred to the Committee on Transportation, Highways and Public Works on April 12, 2021.

House Bill 498 would prohibit state and local government agencies and officials from discriminating against individuals based on their vaccination or immunity status. The Bill specifically states that the prohibition does not apply in the context of immunization requirements imposed by law on schools and educational institutions. The Bill was referred to the Committee on Civil Law and Procedure on April 12, 2021.

House Resolution 20 would authorize and direct facilities that are requiring students to receive the COVID-19 vaccine, including: (i) licensed daycare centers, (ii) K-12 schools, (iii) colleges and universities and (iv) vocational schools, to fully inform them that the vaccine has only been granted emergency use authorization and lacks full approval from the FDA and that they have the right to refuse the vaccination for reasons of health, religion or conscience. The Resolution was referred to the Committee on Education on April 20, 2021.

Maine

An Act to Protect Maine Children and Students from Preventable Diseases by Repealing Certain Exemptions from the Laws Governing Immunization Requirements removes certain exemptions from laws governing immunization requirements. Specifically, the Act eliminates all non-medical vaccine opt-outs for students at public and private schools, universities and nursery schools. Healthcare facilities and employees are also no longer permitted to refuse vaccination for non-medical reasons. The Act was signed into law on May 24, 2019.

(Pending Legislation):

An Act to Prohibit Mandatory COVID-19 Vaccinations for 5 Years To Allow for Safety Testing and Investigations into Reproductive Harm would prevent mandatory vaccinations for COVID-19 for five (5) years from the date of the first emergency use authorization to allow for “safety testing and investigations into reproductive harm.” The Bill was carried over to a subsequent special or regular session of the 130th Legislature on March 30, 2021.

Maryland

(Pending Legislation):

House Bill 1171, the Maryland Employee Protection Plan for Vaccine Refusal, would prohibit an employer from terminating an employee for refusing the COVID-19 vaccine. The Bill provides that employees who refuse
vaccination waive the right to file a civil action against their employer if they contract COVID-19 during the course of employment. The Bill was referred to the Economic Matters Committee on February 8, 2021.

House Bill 1150 would prohibit public schools from requiring a physician’s certification of immunization as a condition of admission, if a child’s parent or guardian objects to immunization based on their bona fide religious beliefs. The Bill would also prohibit an individual from being required to provide medical information, including proof of vaccination, to obtain employment or to travel. The Bill was referred to the Health and Government Operations Committee on February 8, 2021.

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**Massachusetts**

*(Pending Legislation):*

House Bill 2411 would remove a provision from Massachusetts law that states: “in the absence of an emergency epidemic of disease declared by the Department of Public Health, a parent or guardian who states in writing that vaccination or immunization conflicts with their sincere religious beliefs cannot be required to submit a physician’s certification of immunization in order for their child to be admitted to school.”

Contrarily, Senate Bill 1517 would remove the aforementioned provision but replace it with new language that creates exemptions to immunization for medical and religious reasons. Senate Bill 1517 would apply to: (i) childcare centers, (ii) public preschools, (iii) public and private K-12 schools, (iv) recreational camps and (v) public and private institutions of higher education. The Bill would require the Department of Public Health to create standardized exemption application forms that contain certain elements and approve or deny submitted applications. Under the Bill, private institutions would have the discretion to allow medical exemptions only. Both Bills were referred to the Joint Committee on Public Health on March 29, 2021.

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**Michigan**

*(Pending Legislation):*

House Bill 4471, the Informed Consent in the Workplace Act, would prohibit employers from discriminating against individuals because they have not received or have refused certain vaccinations, including a COVID-19 vaccination. Under the Bill, an employer cannot: discharge; refuse to hire or recruit; discriminate with respect to employment, compensation, or a term, condition, or privilege of employment; or threaten to do so based on a person’s vaccination stance or status. Employers would also be prohibited from requiring unvaccinated employees to wear a surgical face mask or display a mark distinguishing them from vaccinated employees. The Bill further prohibits employers from disclosing their employees’ vaccination status to the public or retaliating against employees for filing a complaint. Employees can file a civil suit for violations, and the Bill authorizes
injunctive relief, reasonable attorney fees and treble damages. The Bill was referred to the Committee on Workforce, Trades and Talent on March 23, 2021.

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Minnesota

(Pending Legislation):

House File 41 would prohibit vaccine administration without the written consent of the person receiving the vaccine. Under the Bill, an individual’s decision not to receive a vaccination is an impermissible basis to deny them the ability to engage in commerce. The Bill would further bar the government and businesses operating in the state from discriminating against an individual based on immunization status or requiring individuals to present proof of vaccination to enter buildings open to the public. Violations could result in a felony charge with a minimum sentence of ten (10) years in prison. The Bill was referred to the Health and Human Services Policy Committee December 14, 2020.

House File 1243 would prohibit vaccine administration without the written consent of the person receiving the vaccine. The Bill explicitly states that even during a state of emergency, the written consent requirement applies. Further, the Bill prohibits any government official or agent from attempting to coerce or compel individuals to consent to vaccination by withholding a government benefit or any form of government assistance. The Bill was re-referred to the Health Finance and Policy Committee on March 4, 2021.

House File 1245, and companion Senate File 2394, are similar to House File 1243, but also prohibit the government and businesses from discriminating against individuals based on their vaccination status. In addition, the Bills state that individuals cannot be denied the ability to engage in commerce based on their vaccination status and imposes a felony penalty and minimum of ten (10) years’ imprisonment for violations. House File 1245 was referred to the Health Finance and Policy Committee on February 18, 2021, and Senate File 2394 was referred to the Health and Human Services Finance and Policy Committee on April 12, 2021.

House File 2159 would prohibit vaccine administration without the written consent of the person receiving the vaccine. The Bill would further prohibit a government entity or political subdivision from requiring that patrons show proof of vaccination. Under the Bill, individuals or businesses could file a civil claim for violations seeking injunctive relief and $50,000 or more in damages for initial violations or $100,000 or more in damages for second and subsequent violations. The Bill was referred to the Health Finance and Policy Committee on March 11, 2021.

House File 2347, the Vaccine Recipient Bill of Rights, would ensure that individuals have the right to determine whether obtaining a vaccine is in their own best medical interest without threat to their “livelihood, ability to attend school or freedom of movement.” The Bill also requires that individuals give informed consent before vaccination and prohibits employers from asking health care providers to promote a COVID-19 vaccine. Under
the Bill, private businesses would be prohibited from requiring or coercing individuals to obtain a vaccine. The Bill was referred to the Health Finance and Policy Committee on March 22, 2021.

House File 2348 would establish a vaccine bill of rights that would allow individuals to determine what is in their own best medical interest and prohibit them from being coerced into taking an experimental or investigational medication. Under the Bill, out-of-state commercial vendors are prohibited from mandating that venue operators and organizers require patrons to provide proof of vaccination before entry. Vaccinations for PreK-12 students cannot be required unless medical and conscience-based exemptions are allowed. Further, interstate carriers would be prohibited from requiring carrier crews and customers to be vaccinated. The Bill was referred to the Health Finance and Policy Committee on March 22, 2021.

House File 2511, and companion Senate File 2430, would prohibit government entities and agents from issuing vaccine passports or other standardized documents designed to certify an individual’s COVID-19 vaccination or immunity status. The Bill would also prohibit businesses requiring patrons or customers to provide proof of vaccination or immunity in order to gain access into or services from the business. House File 2511 was referred to the Health Finance and Policy Committee on April 12, 2021, and Senate File 2430 was referred to the Health and Human Services Finance and Policy Committee on April 16, 2021.

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Mississippi

Mississippi’s relevant pending legislation died in committee.

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Missouri

(Pending Legislation):

House Bill 838 would prohibit any public employer from requiring any public employee to receive a COVID-19 vaccination. The Bill would also prohibit a political subdivision from adopting any ordinance, rule or regulation requiring a public employer to implement a policy mandating COVID-19 vaccination for public employees. The Bill was referred to the Committee on Rules - Legislative Oversight on April 7, 2021.

House Bill 566 would prohibit governmental entities from requiring any person to receive an immunization against a contagious illness and prohibit employers from requiring their employees to receive immunizations. The Bill would further prohibit employers from terminating, disciplining, demoting or otherwise discriminating against employees with respect to compensation or the terms, condition or privileges of employment based on their refusal to receive an immunization. The Bill was read for the second time on January 7, 2021.

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Montana

House Bill 334 provides a religious exemption to student immunization requirements, permitting students to attend without immunizations if they file a signed and notarized form stating that immunization is contrary to their religious tenets and practices. The Bill also includes a medical exemption, and students can refrain from required immunizations if they file a written medical exemption statement signed by a healthcare provider and attesting that immunization would be unsafe given the student’s medical circumstances. The Bill was passed by the legislature on April 13, 2021 and will take effect July 1, 2021.

(Pending Legislation):

Senate Bill 132 would require that accommodations to employer-mandated vaccination be uniformly applied. If an employer requires employees to be vaccinated but offers alternatives (such as religious exemptions) to certain employees, those alternatives must be offered to all employees. The Bill was tabled in the Second House Committee on February 19, 2021.

House Bill 702 would prohibit discrimination based on a person’s vaccination status or possession of an immunity passport. Under the Bill, it is an unlawful discriminatory practice for a person or a governmental agency to refuse or deny a person local or state services, advantages or employment opportunities based on their vaccine or immunity status. The Bill provides that a person or governmental agency may require vaccination as long as they allow individuals to decline for medical or religious reasons. The Bill was referred to the Public Health, Welfare and Safety Committee on April 9, 2021.

House Resolution 6 expresses the House’s opposition to the COVID-19 vaccination requirement being imposed as a condition of attendance at any unit of the Montana University System. The Resolution was tabled on April 13, 2021.

Nebraska

(Pending Legislation):

Legislative Bill 643 would give individuals the right to decline mandatory vaccine directives from the state. In addition, parents would be permitted to decline vaccination for their children, and employers could decline vaccination for their employees. The Bill explicitly says that anyone who declines a mandatory vaccination will not be subject to penalty, litigation or punishment from the state. The Bill was referred to the Health and Human Services Committee on January 22, 2021.

Legislative Bill 447 would change provisions relating to immunization under the Child Care Licensing Act. Specifically, the Bill would eliminate parents’ ability to opt out of their children’s immunizations before sending them to licensed childcare centers, unless they provide certification from a medical provider that
immunization is not appropriate for a stated medical reason. The Bill was referred to the Health and Human Services Committee on January 20, 2021.

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**Nevada**

At this time, Nevada has no relevant pending legislation.

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**New Hampshire**

*(Pending Legislation):*

House Bill 220 would establish a policy of medical freedom with regard to immunizations for communicable diseases. The Bill further states that no person may be discriminated against for refusal of an unwanted medical intervention, including immunization. The Bill was referred to the Health and Human Services Committee on April 8, 2021.

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**New Jersey**

The New Jersey Law Against Discrimination prohibits employers from mandating anything that would require an employee to violate or forego a sincerely-held religious belief.

On March 19, 2021, the Official State of New Jersey website provided some clarification on the Law Against Discrimination as it relates to COVID-19, stating that “[a]n employer can require that an employee receive the COVID-19 vaccine in order to return to the workplace, unless the employee cannot get the vaccine because of a disability, because their doctor has advised them not to get the vaccine while pregnant or breastfeeding, or because of a sincerely held religious belief, practice or observance. . . . [I]f there is no reasonable accommodation that your employer can provide that would mitigate the risk of COVID-19 transmission to its employees and customers, then your employer can enforce its policy of excluding unvaccinated employees from the physical workplace, even if you are unvaccinated because of a disability, pregnancy or breastfeeding or a sincerely held religious belief.” Examples of reasonable accommodations include allowing unvaccinated employees to work remotely or providing them with personal protective equipment to mitigate the risk of COVID-19 transmission and exposure.

*(Pending Legislation):*

Assembly Bill 5096 prohibits the following entities from mandating that any person receive a COVID-19 vaccine: (i) State, county and local government entities; (ii) public and private childcare centers; (iii) preschool
programs; (iv) elementary and secondary schools; and (v) higher education institutions. The Bill’s restrictions would not apply to healthcare workers, individuals employed by or providing services at a healthcare facility, or others required to receive a vaccination as a condition of working with a medically-vulnerable population. The healthcare worker exemption will be subject to an exception for those objecting based on sincerely-held religious beliefs. Further, the Bill would require the New Jersey Department of Health to establish a program to reimburse healthcare workers and others required to be vaccinated for their out-of-pocket costs. The Bill was referred to the Assembly Health Committee on December 10, 2020.

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New Mexico

(Pending Legislation):

Senate Bill 408 provides for a “right of bodily integrity,” which includes a person’s right to accept or reject medical interventions free from any threat or compulsion. Under the Bill, medical intervention includes both puncturing a person’s skin and inserting a foreign substance into a person’s body, so vaccination would qualify. The Bill states that it is an unlawful discriminatory practice for an employer to refuse to hire, discharge, refuse to promote or demote someone for exercising their “right to bodily integrity.” The Bill was referred to the Senate Health and Public Affairs Committee on February 18, 2021.

Senate Bill 232 would permit a parent or guardian to object to their child’s immunization, if (i) a physician certifies that immunization would seriously endanger the life or health of the child, (ii) a religious officer affirms the child is of a denomination that “requires reliance upon prayer or spiritual means alone for healing,” or (iii) the parent or guardian submits an affidavit stating that their religious beliefs or “reasons of conscience” do not permit administration of a vaccine. The Senate Health and Public Affairs Committee issued a do pass recommendation on February 24, 2021.

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New York

Under New York Public Health Law, there are currently no non-medical exemptions from vaccination requirements for children. In 2019, the state legislature repealed the exemption for those with religious beliefs against vaccination, still allowing for medical exemptions to immunization.

(Pending Legislation):

Assembly Bill 2081 would amend the Public Health Law to direct the Commissioner of the New York Department of Health to mandate a COVID-19 vaccine for persons residing in or working at residential healthcare facilities. The Bill was referred to the Health Committee on January 14, 2021.
Assembly Bill 4602 would prohibit mandatory vaccination as a condition of employment. Further, no COVID-19 immunization could be required for participation in the following activities: (i) school or daycare attendance (for both students and staff), (ii) travel, (iii) receipt of government services, (iv) entrance into public buildings, (v) use of public transportation or (v) nursing home residency. Further, the Bill states that no person shall be required to have, carry or present evidence of having received immunization against COVID-19, and government entities cannot provide financial rewards or incentives to individuals who receive a COVID-19 vaccine or health care providers who “achieve targeted vaccination rates.” Similarly, Assembly Bill 4269 and identical Senate Bill 4376 prohibit mandatory COVID-19 vaccinations. The Bills specifically prohibit the required vaccination of children under the age of eighteen and incapacitated individuals. Senate Bill 4367 was referred to the Health Committee on February 3, 2021, and Assembly Bills 4269 and 4602 were referred to the Health Committee on February 1, 2021 and February 3, 2021, respectively.

Senate Bill S02677 would provide a religious exemption to vaccination requirements for school attendance for children whose parents hold genuine and sincere religious beliefs against vaccination. The Bill was referred to the Health Committee on January 22, 2021.

Senate Bill S02678 would amend the existing medical exemption to mandatory vaccinations to protect providers against allegations of misconduct for failing to immunize an individual or for certifying that immunization would be detrimental to a patient’s health. The Bill was referred to the Health Committee on January 22, 2021.

North Carolina

Under the North Carolina Occupational Safety and Health Act, employers are not authorized to mandate immunization for those who object to immunization on religious grounds, except where it is necessary for the protection of the health or safety of others.

(Pending Legislation):

House Bill 558 would make it unlawful for the state to mandate vaccinations against particular illnesses, including COVID-19. Further, a person cannot be subject to civil or criminal liability for refusing a vaccination, nor can an agency require vaccination as a condition of the receipt, renewal or reinstatement of a license. The Bill explicitly states that the decision to receive or not receive a vaccination is “a private matter” and, therefore, those who refuse vaccination are not required to submit written statements detailing their moral or philosophical objections. In addition, hospitals cannot refuse to provide healthcare services based on a person’s vaccination history or discriminate against physicians, residents or interns based on their vaccination status.
Under the Bill, it would be an unlawful employment practice to: (i) fail or refuse to hire, (ii) discharge, (iii) penalize or (iv) otherwise discriminate against an individual because of their vaccination status. It would also be discriminatory to deny any individual the full and equal enjoyment of: (a) goods, (b) services, (c) privileges, (d) advantages, (e) facilities and (f) public spaces on the basis of their vaccination or immunity status. The Bill was referred to the Committee on Health on April 15, 2021.

North Dakota

At this time, North Dakota has no relevant pending legislation.

Ohio

(Pending Legislation):

House Bill 253 states that no individual can be required to show proof of a COVID-19 vaccination in order to enter the state or a building or facility that is controlled, operated or owned by a state agency. Under the Bill, political subdivisions and state agencies would be prohibited from adopting; enacting; or issuing any order, ordinance, resolution or rule that would require an individual to show proof of vaccination against COVID-19. The Bill was referred to the Health Committee on April 14, 2021.

House Bill 248, the Vaccine Choice and Anti-Discrimination Act, would permit an individual to decline a required vaccination, whether verbally or in writing, based on medical contraindications, natural immunity or reasons of conscience (including religious convictions). The Bill would further require that persons, political subdivisions, public officials or state agencies mandating vaccination notify individuals of the available exemptions. The Bill was referred to the House Health Committee on April 14, 2021.

Oklahoma

(Pending Legislation):

Senate Bill 671 would prohibit state entities or political subdivisions from directly or indirectly compelling or coercing people to receive any immunization, inquiring into a person’s immunization status or requiring disclosure of immunization status. In addition, the Bill provides that no person can be punished or fined for refusing vaccination. The Bill was referred to the Health and Human Services Committee on February 2, 2021.

Senate Bill 765 would prohibit employers from requiring current or prospective employees to receive a COVID-19 vaccination as a condition of employment. Employers who recommend that current and prospective
employees obtain a COVID-19 vaccination would be required to pay for the cost of the vaccination. The Bill would also require employees who voluntarily get a COVID-19 vaccination to sign a written statement explaining their right to refuse the vaccination without retaliation or discrimination. Any violation of the Bill would constitute a misdemeanor punishable by a fine of up to $100. The Bill was referred to the Business, Commerce and Tourism Committee on February 2, 2021.

Senate Bill 846 would prohibit employers from requiring current or prospective employees to obtain a COVID-19 vaccination or disciplining, terminating or refusing to hire employees for not getting vaccinated if fetal cells were used in the development of the vaccine and such practice violates their sincerely-held religious beliefs. In addition, businesses would be prohibited from discriminating against or refusing services to individuals who refuse vaccination under these circumstances. A violation would constitute a misdemeanor punishable by a fine of up to $100. The Bill was referred to the Business, Commerce and Tourism Committee on February 2, 2021.

House Bill 1057 and House Bill 1671 would prohibit public and private employers from requiring a COVID-19 vaccination as a condition of employment. House Bill 1057 and House Bill 1671 were referred to the States Rights Committee and the Rules Committee, respectively, on February 2, 2021.

House Bill 2335 would prohibit state agencies from imposing a vaccination requirement on any member of the general public. The Bill would also prohibit discrimination against or penalization of any individuals who decline vaccination for themselves or their children. Under the Bill, state agencies exclude counties, municipalities, hospitals and healthcare facilities owned by the state or a county, the Oklahoma Military Department, and the Oklahoma Department of Veterans Affairs. The Bill received a pass recommendation from the Committee on Health and Human Services on April 5, 2021.

Oregon

Oregon Revised Statue 433.416 prohibits employers from requiring vaccinations as a condition of employment for healthcare workers, unless vaccination is otherwise required by federal or state law, rule or regulation. Under Oregon law, “healthcare worker” is broadly defined to include: (i) persons licensed to provide healthcare, (ii) employees of healthcare facilities, (iii) licensed healthcare providers (including clinical laboratories), (iv) firefighters, (v) law enforcement and corrections officers and (vi) parole or probation officers.

Pennsylvania

(Pending Legislation):
House Bill 262, the Right to Refuse Act, would prohibit employers from discharging, refusing to hire, threatening or otherwise discriminating or retaliating against current or prospective employees who refuse to participate in a vaccination or an invasive medical test required by the employer. Employers would also be prohibited from taking adverse actions against employees who inform other employees of these provisions. Under the Bill, employees who experience discrimination or retaliation would have the right to bring a civil action against their employer within three (3) years of the violation and would be entitled to reinstatement, restitution (equal to three times the amount of the employee’s wages and fringe benefits), reasonable attorney fees and costs, and any other court-approved relief. The Bill was referred to the Committee on Labor and Industry on January 26, 2021.

Senate Bill 471, the Medical Freedom Act, would prohibit the Commonwealth, its political subdivisions or its agents, from mandating that persons receive a vaccination. If an official or entity recommends vaccination, they must provide notice that the recommendation is not mandatory. Furthermore, the Bill states that persons who exercise the right not to be vaccinated—or the “inalienable right to bodily integrity”—cannot be denied any right or privilege, on the basis of their refusal to be vaccinated, of: (i) citizenship, (ii) employment, (iii) access to education, (iv) the ability to travel, (v) entry into a public place, (vi) the ability to purchase goods or (vii) medical care. Under the Bill, employers would be prohibited from taking the following adverse actions against individuals who refuse vaccination: (a) termination, (b) suspension, (c) involuntary reassignment, (d) unpaid leave, (e) demotion,(f) harassment or (g) coercion. The Bill was referred to the Health and Human Services Committee on March 25, 2021.

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Rhode Island

(Pending Legislation):

House Bill 5989 would prohibit discrimination against individuals who refuse to be vaccinated or show proof of vaccination with respect to employment, public accommodations and any form of loan or credit. The Bill would make it an unlawful employment practice to (i) refuse to hire, (ii) discharge, (iii) penalize or (iv) discriminate against an individual, including any healthcare professional, based on their vaccination history. The House Judiciary Committee recommended that the Bill be held for further study on April 6, 2021.

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South Carolina

(Pending Legislation):

House Bill 3511 would prohibit employers from taking any adverse actions, including (i) termination, (ii) suspension, (iii) involuntary reassignment or (iv) demotion, against employees who refuse a COVID-19 vaccine.
Related House Bill 3217 would allow individuals to opt out of infectious or contagious disease vaccinations for any reason and prohibit regulatory authorities from interfering with the prescribing practices of a practitioner. Both Bills were referred to the Committee on Medical, Military, Public and Municipal Affairs on January 12, 2021.

Senate Bill 177, and similar House Bill 3711, would prevent any person from being compelled to receive a COVID-19 vaccination and prohibit employers from taking adverse actions—including (i) termination, (ii) suspension, (iii) involuntary reassignment or (iv) demotion—against employees who choose not to be vaccinated. Senate Bill 177 states that individuals treating or caring for vulnerable populations (persons over the age of sixty (60) or with underlying medical conditions) can be required to receive a vaccination. The Bill has no prohibition against an employer encouraging, promoting or administering vaccinations or offering incentives to employees who choose to be vaccinated. Senate Bill 177 was referred to the Committee on Medical, Military, Public and Municipal Affairs on April 13, 2021, and House Bill 3711 was referred to the Judiciary Committee on January 26, 2021.

South Dakota

(Pending Legislation):

House Bill 1159 would prohibit interference with the “right to bodily integrity” in contagious disease control. The Bill prohibits any discrimination or retaliation against those who refuse a vaccine with respect to: (i) association, (ii) education, (iii) employment, (iv) housing, (v) property rights, (vi) public accommodations or (vii) public services. The Bill allows employers to screen any person entering the workplace in order to determine if they have an infectious or possibly contagious disease, as long as the screening is job-related and consistent with business necessity. The Bill passed in the Health and Human Services Committee on February 11, 2021.

House Bill 1097 would provide for philosophical exceptions to required vaccinations for school children and students enrolling in public or private postsecondary education. The Bill would allow parents or guardians to present a signed written statement indicating that they are opposed to immunization because of a sincerely-held religious or philosophical belief. The Bill passed the Health and Human Services Committee on February 11, 2021.

Tennessee

(Pending Legislation):
Senate Bill 564, and corresponding House Bill 1269, create a civil cause of action for discrimination based on whether an individual has or has not received a COVID-19 vaccine or has opted not to receive the vaccine. Prohibited discrimination includes a direct or indirect act or practice of: (i) exclusion, (ii) distinction, (iii) restriction, (iv) segregation, (v) limitation, (vi) refusal, (v) denial, (vi) differentiation or (vii) preference. The Bills would impose a $1,000 fine for the first act of discrimination, a $10,000 fine for the second act of discrimination and a $750,000 fine for a third or subsequent act of discrimination. As of April 13, 2021, Senate Bill 564 is still being considered in the Senate Judiciary Committee, and House Bill 1269 is being considered by the Civil Justice Committee.

Senate Bill 1308 and corresponding House Bill 1147 prohibit employers and state and local government from requiring employees to receive a COVID-19 vaccine as a condition of maintaining employment. The Bills further prohibit employers and government entities from taking adverse actions against employees for refusing to receive the vaccine. As of March 30, 2021, Senate Bill 1308 was assigned to the Senate Commerce and Labor Committee, and House Bill 1147 is being considered by the Commerce Committee.

Senate Bill 187 and corresponding House Bill 13 prohibit state and local authorities from forcing, requiring or coercing an individual to receive a COVID-19 vaccination against their will. Senate Bill 187 was recommended for passage on March 31, 2021, and House Bill 13 was passed on first consideration on April 22, 2021.

Senate Bill 1313 and corresponding House Bill 1421 would prohibit schools from forcing, coercing or requiring students to receive a COVID-19 vaccination. Schools would also be prohibited from taking adverse actions against students who refuse vaccination. Under the Bills, students choosing to be vaccinated would have to provide written consent themselves or through a parent or guardian. As of April 19, 2021, Senate Bill 1313 is still under consideration by the Senate, and House Bill 1421 is being considered by the House Health Committee.

Texas

(Pending Legislation):

House Bill 1687 would prohibit employment discrimination based on an employee’s COVID-19 vaccination status. Under the Bill, an employer commits an unlawful employment practice if they fire, fail to hire or otherwise discriminate against an unvaccinated individual with respect to compensation or the terms, conditions or privileges of employment. The Bill also prohibits discrimination by labor organizations and employment agencies. A labor organization commits an unlawful practice if it excludes or expels someone from membership or otherwise discriminates against a member because they have not received the vaccine. Similarly, an employment agency commits an unlawful practice if it classifies or refers for employment, fails or refuses to refer for employment, or otherwise discriminates against an individual because they have not
received the vaccine. The Bill was referred to the International Relations and Economic Development Committee on March 9, 2021.

**Utah**

**(Pending Legislation):**

House Bill 308 prohibits governmental entities from requiring an individual to receive a COVID-19 vaccine. A governmental entity includes: (i) an executive agency, (ii) the legislative branch, (iii) the judicial branch, (iv) the State Board of Education, (v) the Utah Board of Higher Education, (vi) institutions of higher education and (vii) political subdivisions of the state (including school districts). Such entities may not make receipt of the vaccine a condition of employment, participation in activities or attendance at events that are hosted or sponsored by the entity. This prohibition does not apply to an employee who works in a public health or medical setting and are required to receive vaccinations in order to perform their assigned duties and responsibilities. The Bill was signed into law on March 16, 2021.

**Vermont**

**(Pending Legislation):**

House Bill 283 would prohibit any interference with an individual’s rights to bodily autonomy; to make their own health care decisions; and to accept or refuse any (i) health or medical intervention, (ii) testing, (iii) treatment or (iv) vaccine based on the their own religious, conscientious or personal beliefs. The Bill was referred to the Committee on Human Services on February 18, 2021.

**Virginia**

**(Pending Legislation):**

Senate Bill 1116 and similar House Bill 2268 would expand the religious exemption to the immunizations required for attendance at a (i) public or private elementary, (ii) middle or secondary school; (iii) childcare center; (iv) nursery school; (v) family daycare home or (vi) developmental center. Under the Bills, the exemption would apply even when there is an ongoing emergency or epidemic of disease. To elect the exemption, a parent or guardian needs to simply object that the administration of the vaccine conflicts with their religious tenets or practices. The existing medical exemption would remain unchanged. Senate Bill 1116
was passed by indefinitely on January 21, 2021, and House Bill 2268 was tabled in the Health, Welfare and Institutions Committee on January 28, 2021.

House Bill 2242 would prohibit the following agencies from requiring a person to undergo vaccination for COVID-19: (i) the State Health Commissioner, (ii) the Board of Health, (iii) the Board of Behavioral Health and Developmental Services, (iv) the Department of Health Professions and (v) the Department of Social Services. The Bill would also prohibit discrimination based on a person’s vaccination status with respect to education, employment, insurance, issuance of a driver’s license and more. The Bill further states that a person who receives a vaccination cannot be included in the Virginia Information System unless they have consented in writing to inclusion of their information. The Bill was tabled in the Health, Welfare and Institutions Committee on January 28, 2021.

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Washington

(Pending Legislation):

House Bill 1305 would prohibit employers from requiring employees to submit to vaccination as a condition of employment. Under the Bill, individuals “retain the right to be free and independent and maintain their inalienable and fundamental right of self-determination to make their own health decisions,” including the right to refuse health related measures such as a vaccination. The Bill also prohibits public and private entities from infringing upon, putting conditions on, restricting or taking away a person’s ability to fully participate in: (i) important services, (ii) employment, (iii) education, (iv) religion, (v) travel, (vi) sports, (vii) hobbies, (viii) entertainment and (ix) lifestyle preferences based on their refusal to be vaccinated. The Bill was referred to the Health Care and Wellness Committee on January 19, 2021.

Senate Bill 5144 would prohibit a state agency from requiring a COVID-19 vaccination as a condition of employment. The Bill would also prohibit the following persons from directly or indirectly requiring employees to receive a COVID-19 vaccination: (i) employers; (ii) schools; (iii) universities; (iv) transportation providers or (v) any place of public resort, accommodation, assemblage or amusement. This Bill was referred to the Health and Long Term Care Committee on January 12, 2021.

House Bill 1065 would prohibit public and private employers from requiring the COVID-19 vaccine as a condition of employment, unless the vaccine meets certain standards, including full FDA approval and testing regarding long-term effects and efficacy. The Bill would also prohibit employers from requiring the COVID-19 vaccination if an employee has a medical, philosophical or religious objection to the vaccine. This Bill was referred to the Health Care and Wellness Committee on January 11, 2021.

House Bill 1570 would prohibit governmental entitles from requiring individuals to present proof of a COVID-19 vaccination in order to be permitted to access a public space. Governmental entities include any unit of
state or local government. Public places include sites accessible to the general public for business, entertainment or another lawful purpose. The Bill was referred to the Health Care and Wellness Committee on April 5, 2021.

House Bill 1006 would protect the right of every Washington resident to decline an immunization or vaccination based on religion or conscience. The Bill was referred to the Health Care and Wellness Committee on January 11, 2021.

West Virginia

(Pending Legislation):

House Bill 4114, the Informed Consent Protection Act, and related Senate Bill 301 would prohibit healthcare workers or healthcare facilities from discriminating against a patient solely on the basis that the patient has chosen to delay or decline vaccination. A penalty of $1,000 will be levied for an initial violation, and upon a second violation, the license of the practitioner or facility may be revoked or suspended. The Bill was referred to the Health and Human Resources Committee on January 13, 2020.

Wisconsin

(Pending Legislation):

Assembly Bill 23 and companion Senate Bill 4 prohibit the Department of Health Services and local health officers from mandating COVID-19 vaccination. Assembly Bill 23 was presented to the Governor on April 21, 2021, and Senate Bill 4 was referred to the Committee on Rules on March 17, 2021.

Assembly Bill 25 and companion Senate Bill 5 would prohibit employers from requiring current or prospective employees to receive a COVID-19 vaccine or show proof of receipt as a condition of employment. Assembly Bill 25 was referred to the Committee on Senate Organization on March 24, 2021, and Senate Bill 5 received a passage recommendation by the Committee on Human Services, Children and Families on January 22, 2021.

Wyoming

At this time, Wyoming has no relevant pending legislation.
Contact us

If you have questions about COVID-19 and business liability in your state contact Lowell Pearson, Jenna Brofsky, Natalie Holden, Reagan Kays, Zaina Niles or your Husch Blackwell attorney.

COVID-19 Return-to-Work Resource

For the many businesses that partially or completely shuttered their on-site operations due to government-mandated COVID-19 orders, transitioning employees back to the workplace is an unprecedented and complex endeavor. Husch Blackwell’s Return-to-Work Resource Center provides best practices, answers to common questions and potential issues to consider.