

LEGAL UPDATES

UPDATED: FEBRUARY 23, 2022

PUBLISHED: MARCH 5, 2021

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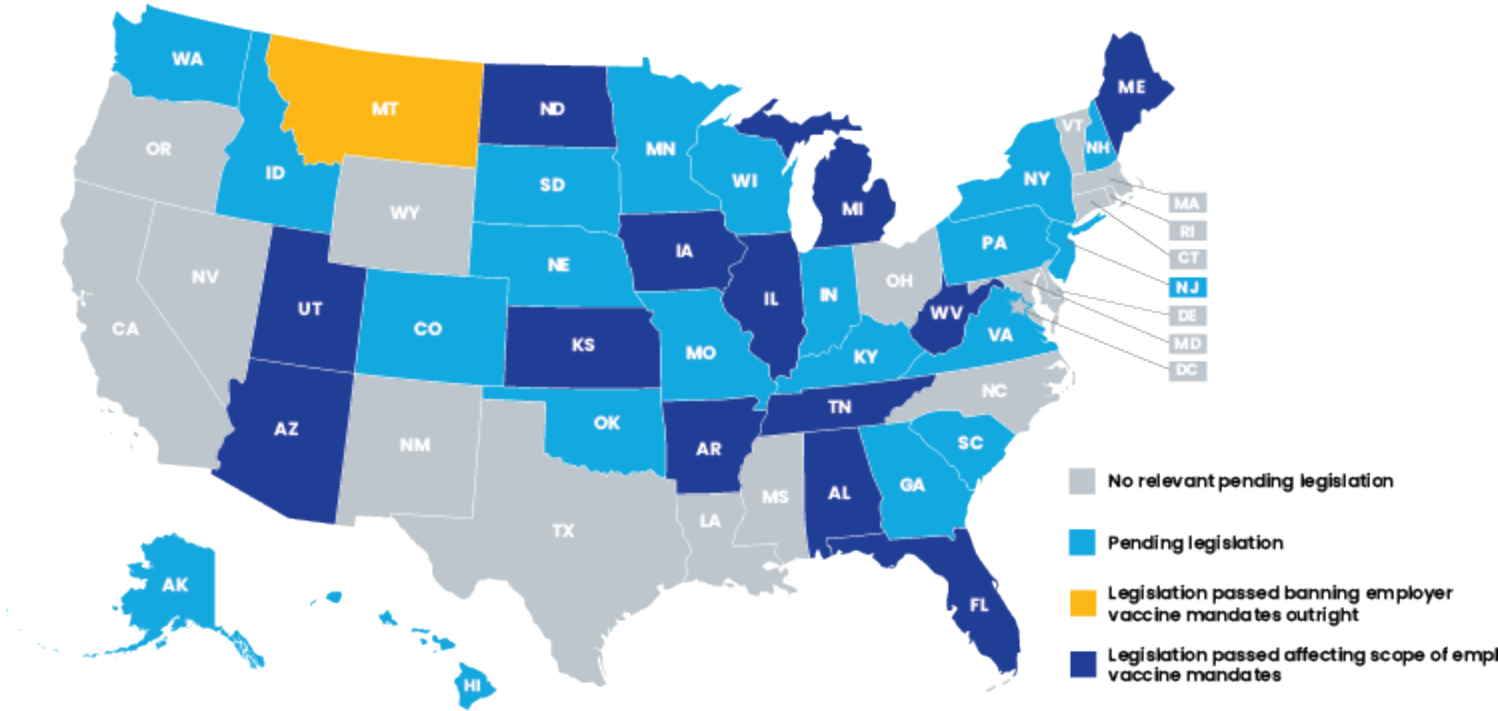
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50-State Update on Legislation Pertaining to Employer-Mandated Vaccinations

Under federal guidance, private employers can generally require employees to get vaccinated against COVID-19, as long as they comply with federal laws that prohibit discrimination on the basis of religion and disability. However, given the widespread availability of the COVID-19 vaccine, many states have proposed or enacted legislation that prohibits employers from mandating vaccinations or requiring proof of vaccination status. Similarly, many states have executive or administrative actions in effect that bar mandatory vaccination, either generally or as a condition of employment or receipt of services.

Current and pending legislation varies widely by state in terms of who is 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 healthcare facilities or with medically vulnerable populations, and some would expand the federally recognized exemptions to include philosophical objections, objections of the conscience and additional objections for medical reasons. 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. Under some proposed legislation, businesses, employers and/or individuals found in violation may be subject to fines, civil liability, and, in some circumstances, even criminal liability and imprisonment.

As of February 1, 2022, 42 bills have been signed into law regarding the extent to which employees can be required to receive the COVID-19 vaccine.



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

- | | | | |
|-------------------------------|-------------------------------|--------------------------------|--------------------------------|
| Alabama | Illinois | Montana | Rhode Island |
| Alaska | Indiana | Nebraska | South Carolina |
| Arizona | Iowa | Nevada | South Dakota |
| Arkansas | Kansas | New Hampshire | Tennessee |
| California | Kentucky | New Jersey | Texas |
| Colorado | Louisiana | New Mexico | Utah |
| Connecticut | Maine | New York | Vermont |
| Delaware | Maryland | North Carolina | Virginia |
| Dist. of Col. | Massachusetts | North Dakota | Washington |

Florida	Michigan	Ohio	West Virginia
Georgia	Minnesota	Oklahoma	Wisconsin
Hawaii	Mississippi	Oregon	Wyoming
Idaho	Missouri	Pennsylvania	

Alabama

(Signed Into Law):

Senate Bill 9 prohibits employers from requiring employees to receive a COVID-19 vaccine as a condition of employment without providing an exemption for medical or religious reasons. The bill permits employees who have been denied an exemption request to file an appeal with the Department of Labor and prohibits employers from terminating employees until a final ruling is issued by an administrative judge or court. The bill was signed into law on November 4, 2021, and assigned Act No. 2021-561.

(Executive and Administrative Actions):

Executive Order 724 directs state agencies within the executive branch to oppose federal COVID-19 vaccine mandates by, for example, not imposing a “penalty on any business or individual for non-compliance with any federally imposed requirement that has the purpose or effect of (a) forcing an individual to receive a COVID-19 vaccination or (b) requiring a business to force its employees to receive a COVID-19 vaccination.” The order took effect on October 25, 2021.

(Pending Legislation):

House Bill 16 would provide a private right of action for employees against employers for any adverse reaction, injury, temporary or permanent disability or employee death arising from an employer COVID-19 vaccination mandate. The bill would also provide a private right of action for the dependents of employees against employers for the death of an employee arising from an employer vaccine mandate. The bill was referred to the Committee on Judiciary on January 11, 2022.

House Bill 29 would create a private right of action for employees against employers for any adverse reaction, injury, temporary or permanent disability, or employee death arising from an employer COVID-19 vaccine mandate. The bill would also prohibit the state from recognizing certain federal vaccine mandates. The bill was referred to the Committee on Judiciary on January 11, 2022.

House Bill 32 would prohibit employers from requiring employees to receive a COVID-19 vaccine under certain circumstances, such as when the employee objects to vaccination for any reason of

personal conscience, based on a religious belief, or for medical reasons (including prior recovery from COVID-19). The bill was referred to the Committee on Health on January 11, 2022.

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Alaska

(Pending Legislation):

Senate Bill 156 would prohibit a state agency or political subdivision from adopting or issuing a regulation, ordinance or similar policy that requires an individual to be vaccinated against COVID-19 in order to exercise a right or access to public benefit. The bill would also prohibit a state agency, a state employee or state agent from requiring proof of vaccination status or an immunity passport for travel. The bill would make it an unlawful discriminatory practice for: (i) a person or government entity to refuse or deny an individual “services, goods, facilities, advantages, privileges, licensing, educational opportunities, health care access, or employment opportunities”; (ii) an employer to refuse or bar an individual from employment or otherwise discriminate against an employee in compensation, terms, conditions or privileges of employment; or (iii) a public accommodation to “exclude, limit, segregate, [or] refuse to serve” based on COVID-19 vaccination status. Moreover, the bill would permit an individual to object to vaccination based on religious, medical or other grounds without having to provide justification or documentation to support the decision to object. The bill was referred to the State Affairs Committee on January 18, 2022.

House Bill 241 would impose liability on employers that incentivize, induce or encourage employees or their family members to receive a COVID-19 vaccination for damages incurred by employees or their family members from an adverse reaction to a COVID-19 vaccination induced by the employer. The bill was referred to the Labor & Commerce Committee on January 18, 2022.

House Bill 262 would prohibit a state or municipal agency from requiring receipt of a COVID-19 vaccine. The bill was referred to the Community & Regional Affairs Committee on January 18, 2022.

House Bill 263 would prohibit a state official, state agent or employee, municipality or the federal government from enforcing a federal law, regulation or order that “violates the Tenth Amendment to the Constitution of the United States” by imposing or threatening to impose a fine or other penalty on an individual who does not receive a COVID-19 vaccine or a person who does not require an individual to receive a COVID-19 vaccine. The bill was referred to the State Affairs Committee on January 18, 2022.

House Bill 274 would permit individuals to object to vaccination on religious, medical or other grounds without having to provide justification or documentation to support the decision to object to vaccination and would make the administration of a COVID-19 vaccination over an individual’s

objection a “crime of interference with constitutional rights.” The bill was referred to the Health & Social Services Committee on January 18, 2022.

House Bill 3010 would impose liability on employers that incentivize, induce or encourage current or prospective employees to receive a COVID-19 vaccine or that penalize or threaten to penalize employees for not receiving a COVID-19 vaccine for any damages an employee incurs as the result of an adverse reaction to the vaccine. The bill would further impose liability on businesses or nonprofit entities that require individuals to be vaccinated against COVID-19 in order to access an area or service that is open to the public for any damages incurred as a result of an adverse reaction to the vaccine “if the individual obtains a COVID-19 vaccine to access an area or service of the business or nonprofit entity.” The bill was referred to the Education Committee on September 12, 2021.

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Arizona

(Signed Into Law)

Senate Bill 1824 requires employers to provide reasonable accommodations to employees with sincerely held religious beliefs preventing them from obtaining a COVID-19 vaccination. Reasonable accommodations cannot cause undue hardship or result in more than a de minimus cost to employers. The bill was signed into law on June 30, 2021, and took effect on July 1, 2021.

(Executive and Administrative Actions):

Executive Order 2021-18 sets forth penalties for local governments and political subdivisions that violate state laws which set forth employment policies and prohibit local governments or political subdivisions from implementing vaccine mandates. Under the order, local governments and political subdivisions that implement a vaccine mandate in violation of state law are subject to a Class 3 misdemeanor and potential legal action by individuals. Local governments and political subdivisions that do not provide earned paid sick time to employees if a public health official has determined that an employee is a risk to the community’s public health and recommends that the employee stay home are subject to legal action by individuals through the court or through the Industrial Commission of Arizona. The order took effect on August 16, 2021.

Executive Order 2021-21 prevents state and local governments from requiring an individual to obtain a COVID-19 vaccine, except for healthcare institutions licensed under state law. The order took effect on December 15, 2021.

(Pending Legislation):

Senate Bill 1053 would require employers to provide a religious exemption to a COVID-19 vaccine requirement for employees' sincerely held religious beliefs, practices, or observances. The bill was referred to the Commerce and Rules committees on January 10, 2022.

House Bill 2020 would provide an exemption to any individual who provides documented test results establishing that they have developed antibodies, have tested positive, or have a positive T cell immune response to any variant of COVID-19. The bill was pre-filed on December 14, 2021.

House Bill 2029 would prohibit the state and its governmental entities and business affiliations (companies that contract with or do business with the state or that receive public funds through any means) from: (i) requiring an individual to be vaccinated for COVID-19 or possess a COVID-19 immunity passport or other evidence certifying vaccination status, and (ii) discriminating against an individual based on vaccination status or for failing to possess a COVID-19 immunity passport or other evidence certifying vaccination status. The bill would also prohibit the state and its governmental entities from entering into a contract or giving a loan, grant or other disbursement of taxpayer monies to business affiliations, with the exception of certain healthcare institutions treating patients with COVID-19, that require a COVID-19 vaccine or require an individual to possess a COVID-19 immunity passport or other evidence certifying vaccination status. The bill was pre-filed on December 29, 2021.

House Bill 2043 would impose liability on employers that deny religious exemptions to COVID-19 vaccination and require vaccination as a prerequisite to or condition of employment. Employers in violation of the bill would be liable for damages that result from a significant injury caused by receiving a COVID-19 vaccine. The bill received "do pass" recommendations from the majority and minority caucuses on February 8, 2022.

House Bill 2198 would entitle employees who are terminated for refusing a COVID-19 vaccine to receive a severance payment in the amount of their annual salary or re-employment in the same or a similar position with a reasonable accommodation. The bill was introduced to the House on January 12, 2022.

House Bill 2356 would permit employers to require employees to receive a COVID-19 vaccine as a condition of employment. Importantly, employers must accept a COVID-19 vaccination record or a COVID-19 antibody test as sufficient documentation. The bill was introduced and assigned to the Rules Committee on January 20, 2022.

House Bill 2475 would prohibit employers from requiring employees to receive a COVID-19 vaccine as a condition or benefit of employment, promotion or any form of compensation. The bill would impose a \$20,000 fine on employers for violations. The bill was introduced to the House on January 13, 2022.

House Bill 2498 would prohibit the state and any political subdivision from requiring any Arizona resident to receive a COVID-19 vaccine. The bill was introduced to the House on January 13, 2022.

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Arkansas

(Signed Into Law):

House Bill 1547 prohibits the state, state agencies and entities, political subdivisions of the state, and 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 education, employment, entry, receipt of services, or 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 are not prohibited from offering incentives to those who do receive a COVID-19 vaccine, but are required to obtain approval from the Legislative Council in order to mandate that individuals receive a COVID-19 vaccine. The bill was signed into law on April 28, 2021, and took effect immediately.

Senate Bill 739 and companion House Bill 1977 require employers that implement a COVID-19 vaccination mandate to provide a specific exemption process that gives employees the option to produce either: (i) a negative antigen detection test result or molecular diagnostic test result no more than one time per week showing that the employee is not positive, or (ii) proof of immunity through documentation establishing the presence of antibodies, T cell response, or a positive COVID-19 test “on a basis of two times per year, not to exceed one time every six months, from a licensed healthcare provider.” In addition, if multiple proven test processes are available to employees, then employees may choose which test to take. Further, if the cost of testing is not covered by the employee’s health insurance, then the cost of the testing shall be covered through any state or federal funding made available. However, if state or federal funding is not available to cover the cost of testing, then the employee must bear the cost of testing. Moreover, employers are prohibited from terminating employees who comply with the specific exemption process requirements. The bills took effect on October 13, 2021.

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California

At this time, California has no relevant pending legislation.

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Colorado

(Pending Legislation):

House Bill 1100 would prohibit employers from taking adverse actions against current or prospective employees based their COVID-19 immunization status. The bill would allow aggrieved employees to file a civil action for injunctive, affirmative and equitable relief and would permit courts to award punitive damages and attorney's fees if employers act with malice, exhibit willful and wanton misconduct, or violate the law on multiple occasions. The bill was assigned to the Health & Insurance Committee on January 20, 2022.

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Connecticut

(Executive and Administrative Actions):

Executive Order No. 13G requires state employees (including state hospital employees) be vaccinated against COVID-19 or present a valid exemption by September 27, 2021. In addition, school boards and child care facilities are required to mandate that current and prospective employees be vaccinated against COVID-19 or present a valid exemption by September 27, 2021. In lieu of receiving a COVID-19 vaccination or an exemption, employees may submit results of a negative COVID-19 test on a weekly basis. Any state hospital employee, state employee, contract worker or covered worker who fails to comply with the order is not permitted on the premises of the state agency, school board or child care facility until they comply with the order or have written authorization. Both orders went into effect on September 30, 2021, and will remain in effect until at least February 15, 2022.

Executive Order No. 14B and Executive Order No. 14C require employees of all long-term care facilities and state hospitals in the state to receive COVID-19 booster shots by February 11, 2022. Both orders went into effect on January 6, 2022, and remain in effect through February 15, 2022.

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Delaware

At this time, Delaware has no relevant pending legislation.

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District of Columbia

(Executive and Administrative Actions):

Mayor's Order 2021-066 allows businesses and other institutions to request an individual present a vaccination card or other proof of vaccination, as consistent with all other federal or local laws. However, no business or other institution may deny unvaccinated individuals admission, registration or employment if the choice to abstain from vaccination was made for medical reasons or sincerely held religious beliefs. The order took effect on May 1, 2021, and remains in effect for the duration of the public health emergency.

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Florida

(Signed Into Law):

House Bill 1B prohibits private employers from imposing a vaccine mandate on employees unless employees may opt out for medical or religious reasons or based on immunity, regular testing or personal protective equipment usage. The bill took effect on November 18, 2021.

House Bill 3B provides an exemption from public records requirements for employee complaints alleging private employers' violations of state law regarding COVID-19 vaccination policies or practices and all information held by the Florida Department of Legal Affairs pursuant to the active investigation of such complaints. The bill took effect on November 18, 2021.

House Bill 7 removes the authority of the state health officer to order the vaccination of individuals upon declaration of a public health emergency. The bill took effect on November 18, 2021.

(Pending Legislation):

House Bill 75 would limit COVID-19 restrictions, prohibit the state or any political subdivision from enacting mask mandates, and render any mask mandate void. The bill would also prohibit state and local governments from requiring COVID-19 vaccination, issuing vaccine passports or other standardized documentation to third parties, or otherwise publishing or sharing COVID-19 vaccination records. The bill underwent a first reading on January 11, 2022.

Senate Bill 594 would prohibit discrimination on the basis of COVID-19 vaccination or post-infection recovery status by: (i) prohibiting governmental entities from requiring proof of COVID-19 vaccination or post-infection recovery status as a condition of licensure or certification, and (ii) prohibiting employers from requiring COVID-19 vaccination or proof of COVID-19 vaccination or post-infection recovery as a condition of employment or promotion. The bill was introduced on January 11, 2022.

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Georgia

(Pending Legislation):

House Bill 869 would prohibit state or local governments from requiring individuals to receive a COVID-19 vaccination for any reason, including as a condition of: (i) access to any government service, building or space; (ii) employment; (iii) professional licensure; (iv) access to or enrollment and attendance at any public or private pre-kindergarten, kindergarten, elementary, secondary or postsecondary educational institution; (v) educational diploma, certification, licensure or degree; (vi) access to any mode of transportation; (vii) access or admission to any child care facility, healthcare facility, long-term care facility or nursing home; or (viii) admission to any place of business or entertainment. The bill was pre-filed on January 5, 2022.

Senate Bill 345 would prohibit state and local governments from mandating any vaccination of any person as a condition of: (i) providing any service or access to any facility; (ii) issuing any license, permit or other type of authorization; or (iii) performing any duty of such agency. The bill would further prohibit state and local governments from mandating any person or private entity to require proof of vaccination of any person as a condition of providing any service or access to any facility, or as a condition of such person or private entity's performance of any regular activity. The bill was introduced on January 14, 2022.

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Hawaii

(Pending Legislation):

House Bill 241 would amend a statute governing discriminatory practices in employment to prohibit certain discriminatory practices based on an individual's test or vaccination status. Under the bill, vaccinations would fall within the definition of an "invasive medical test" because they require "puncturing or incising an individual's skin or inserting a foreign material into an individual's body." The bill was carried over to the 2022 regular session on December 10, 2021.

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Idaho

(Pending Legislation):

House Bill 431 would prohibit any entity from compelling receipt of a vaccine by any individual, including an employee or a consumer, who objects to such vaccination for reasons of personal

conscience, religious beliefs or medical reasons. The bill was referred to the Health and Welfare Committee on November 15, 2021.

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Illinois

(Signed Into Law):

Senate Bill 1169 prevents employees from relying on the Illinois Health Care Right of Conscience Act to claim an exemption from their employers' COVID-19 vaccination or testing requirements. The bill was signed into law on November 8, 2021, and will take effect on June 1, 2022.

(Executive and Administrative Actions):

Executive Order 2021-22 requires healthcare workers, school personnel, higher education personnel and students, and employees and contractors of state-owned or operated congregate facilities to be fully vaccinated. The order provides medical and religious exemptions, but requires individuals who claim such exemptions to undergo weekly testing at a minimum. The order also requires individuals over age 2 to wear a face mask when in an indoor public place. Further, employers must ensure that employees wear face coverings in indoor workplaces. The order was issued on September 3, 2021, and, per an extension under Executive Order 2022-05 remains in effect through March 5, 2022. Order 2022-05 further provides that beginning on March 15, 2022, workers at certain skilled nursing and intermediate care facilities must be "up-to-date" on COVID-vaccinations, including any booster dose, when eligible.

Executive Order 2021-28 requires licensed day care center workers to receive a COVID-19 vaccine. The order provides medical and religious exemptions, but requires individuals who claim such exemptions to undergo weekly testing at a minimum. The order was issued on October 22, 2021, and, per an extension under Executive Order 2022-05, remains in effect through March 5, 2022.

(Pending Legislation):

House Bill 4239 and similar Senate Bill 2983 would prohibit any person, public or private institution, or public official from discriminating against any person in any manner because of their refusal to obtain, receive or accept a COVID-19 vaccination contrary to their beliefs. The bills would further prohibit any public or private employer, entity, agency, institution, official or person from: (i) denying admission or participation in any programs for which the applicant is eligible based on COVID-19 vaccination status, (ii) placing any reference in its application form concerning vaccination status, or (iii) orally questioning about vaccination status. The bills would also prohibit employers and institutions from imposing any burdens in the terms or conditions of employment on or otherwise

discriminating against any applicant based upon their refusal to obtain, receive or accept a COVID-19 vaccination that is against their beliefs. The bills would allow individuals who bring an action to recover three times the amount of actual damages (up to \$2,500), the costs of the action and reasonable attorney's fees. Senate Bill 2983 was referred to the Assignments Committee on January 5, 2022, and House Bill 4239 was assigned to the Executive Committee on January 19, 2022.

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Indiana

(Pending Legislation):

House Bill 1001 would prohibit state governmental entities from issuing or requiring an immunization passport. The bill would also prohibit employers from imposing a requirement that employees receive an immunization against COVID-19 unless individual exemptions allow employees to opt out of the requirement based on medical reasons, religious reasons, an agreement to submit to testing for the presence of COVID-19, or immunity from COVID-19 acquired from a prior infection with COVID-19. The bill would further prohibit employers from taking adverse employment action against employees because they requested or used a required exemption. The bill was referred to the Health and Provider Services Committee on February 1, 2022.

House Bill 1229 would require employers that have COVID-19 vaccine requirements to waive the requirements for employees who request waivers for medical reasons, religious reasons or previous COVID-19 infection and submit certain statements to their employer. The bill was referred to the Committee on Employment, Labor and Pensions on January 6, 2022.

House Bill 1408 would prohibit governmental entities and employers from implementing, requiring or otherwise enforcing a COVID-19 immunization mandate. Under the bill, it would be an unlawful employment practice for employers to require a COVID-19 immunization as a condition of employment or to fail to hire, discharge, penalize or otherwise discriminate against current or prospective employees because of their COVID-19 immunization status. Individuals who suffer an injury as a result of an actual or threatened violation could bring a civil action in pursuit of actual and consequential damages, reasonable attorney's fees, litigation expenses and costs, declaratory or equitable relief (including injunctive relief), and liquidated damages of up to \$10,000. The bill was referred to the Committee on Employment, Labor and Pensions on January 13, 2022.

Senate Bill 30 and similar Senate Bill 31 would prohibit employers from requiring, as a condition of employment, that current or prospective employees receive any immunization if the immunization would pose a significant risk to their health or if receiving the immunization is against their religious beliefs or conscience. Current or prospective employees could bring a civil action against employers

seeking actual damages, punitive damages, court costs and reasonable attorney's fees. The bills were referred to the Committee on Health and Provider Services on January 4, 2022.

Senate Bill 114 would prohibit individuals or government entities from requiring anyone to receive a vaccine, disclose their vaccination status or possess an immunity passport. The bill would also prohibit individuals or government entities from refusing to hire or employ an individual, barring or discharging an individual from employment, imposing a surcharge or reducing an employee's pay, or discriminating against an individual based on their vaccination status or whether they have an immunity passport. Individuals who suffer an injury as a result of an actual or threatened violation could bring a civil action in pursuit of actual consequential damages, reasonable attorney's fees, litigation expenses and cost, declaratory or equitable relief (including injunctive relief), and liquidated damages of up to \$10,000. The bill was referred to the Committee on Health and Provider Services on January 4, 2022.

Senate Bill 286 would prohibit employers from requiring current or prospective employees to receive a vaccination as a condition of employment or receipt of additional compensation or benefits. Current or prospective employees could bring a civil action against employers seeking actual damages, court costs and reasonable attorney's fees. The bill was referred to the Committee on Health and Provider Services on January 10, 2022.

Senate Bill 287 would prohibit discrimination on the basis of COVID-19 immunization status or requiring a person to answer a question concerning their COVID-19 immunization status. The bill would further limit the retention of medical records concerning COVID-19 immunization status. The bill would also prohibit the Medical Licensing Board of Indiana or the Indiana Board of Pharmacy from taking disciplinary action against a physician or pharmacist based on the failure to follow relevant guidelines, recommendations or rules concerning COVID-19. The bill was referred to the Committee on Health and Provider Services on January 10, 2022.

Senate Bill 330 would declare it to be against public policy for a person, employer or governmental entity to refuse employment opportunities or otherwise discriminate against individuals based on their vaccination status or possession of an immunization passport. Violations could result in the greater of actual and consequential damages or liquidated damages of not more than \$1,000, in addition to reasonable attorney's fees, litigation expenses and costs. The bill was referred to the Committee on Health and Provider Services on January 11, 2022.

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Iowa

(Signed Into Law):

House File 902 allows employees to seek a waiver from employer-mandated vaccination requirements by providing a statement that receiving the vaccine would: (i) be injurious to the health and well-being of the employee or an individual residing with the employee, or (ii) conflict with the tenets and practices of the employee's religion. Further, employees who are discharged from employment for refusing to comply with an employer's mandate are still qualified to receive unemployment benefits. The bill was signed into law on October 29, 2021.

(Pending Legislation):

Senate File 2012 would prohibit the labor commissioner from implementing, enforcing or conforming to any federal occupational safety and health standards relating to COVID-19 that would require an employer to do any of the following: (i) determine whether a current or prospective employee has received a COVID-19 vaccine, (ii) determine whether a current or prospective employee has received a test for a current or past COVID-19 infection or inquire about the results of such test, or (iii) conduct a test to determine whether a current or prospective employee has or has ever had a COVID-19 infection. The bill was referred to the Labor and Business Relations Committee on January 12, 2022.

Senate File 2030 and similar House File 2034 would require that any state entity, including employers, businesses or any other public or private entities that require the receipt of a COVID-19 vaccination by any individual (including an employee or a consumer) shall accept proof of immunity for COVID-19 in lieu of proof of vaccination. Senate File 2030 was referred to the Human Resources Committee on January 13, 2022, and House File 2034 was referred to the Judiciary Committee on January 14, 2022.

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Kansas

(Signed Into Law):

House Bill 2001 requires employers that impose COVID-19 vaccine requirements to exempt employees from a COVID-19 vaccine requirement without punitive action if an employee submits a written waiver request to the employer stating that complying with such requirement would: (i) endanger the life or health of the employee or an individual who resides with the employee, as evidenced by an accompanying written statement signed by a physician, or (ii) violate the employee's sincerely held religious beliefs. The bill also authorizes a complaint and investigation process with the secretary of labor for violations related to exemptions, enforcement actions by the attorney general and civil penalties. The bill was enacted on November 22, 2021.

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Kentucky

(Pending Legislation):

House Bill 28 would prohibit public employers from requiring current or prospective employees to disclose their immunization status, restrict postsecondary schools from requiring faculty or staff members to disclose their immunization status, and allow an objection to immunization on the basis of “conscientiously held beliefs.” The bill was introduced on January 4, 2022.

House Bill 52 would prohibit employers from discriminating against employees who decline immunization, requiring immunization as a condition of employment or inquiring about employees’ immunization status. The bill was introduced on January 4, 2022.

Senate Bill 93 would require employers that mandate employee immunization, including as a condition of employment, to allow exceptions based on religious beliefs or conscientious objection to immunizations. The bill was sent to the Judiciary Committee on January 20, 2022.

House Bill 198 would prohibit employers from creating a COVID-19 policy for employees without providing individual exemptions that allow employees to opt out based on sincerely held religious beliefs, conscientiously held beliefs, acute or chronic medical conditions (including pregnancy), or proof of COVID-19 immunity. Additionally, the bill would create a civil cause of action prohibiting employers from terminating or retaliating against employees for non-compliance with their employer’s COVID-19 vaccination policy if they submit a valid exemption or pledge to undertake weekly testing for COVID-19. The bill was introduced on January 4, 2022.

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Louisiana

At this time, Louisiana has no relevant pending legislation.

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Maine

(Signed Into Law):

An Act to Protect Maine Children and Students from Preventable Diseases by Repealing Certain Exemptions from the Laws Governing Immunization Requirements removes the ability of employees of healthcare facilities and nursery schools to refuse vaccination for non-medical reasons. The act also eliminates all non-medical vaccine opt-outs for students at public and private schools and universities. The act was signed into law on May 24, 2019.

(Pending Legislation):

Legislative Document No. 867 would prevent mandatory vaccinations for COVID-19 for five years from the date of the first emergency use authorization to allow for “safety testing and investigations into reproductive harm.” A hearing in front of the Health and Human Services Committee occurred on January 20, 2022.

(Executive and Administrative Actions):

Immunization Requirements for Healthcare Workers, a rule issued pursuant to the statutory authority of the Maine Department of Health and Human Services and announced by the governor, requires all designated healthcare facilities to require all employees to show proof of a COVID-19 vaccination or other proof of immunity against COVID-19. Designated healthcare facilities include any licensed nursing facility, residential care facility, intermediate care facility for individuals with intellectual disabilities, multi-level healthcare facility, hospital or home health agency. Under this rule, employees include any person who performs any service for wages or other remuneration, including independent contractors. Notably, the rule does not apply to individuals who work remotely, and a medical exemption is available to employees who provide a written statement from a licensed healthcare practitioner that the vaccine is medically inadvisable. The rule took effect on November 10, 2021.

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Maryland

At this time, Maryland has no relevant pending legislation.

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Massachusetts

(Executive and Administrative Actions):

Public Health Emergency Order No. 2021-4, issued on August 4, 2021, required all individuals employed directly or by contract at skilled nursing facilities (Level I-III), as well as the two Soldiers' Homes, to be fully vaccinated by October 10, 2021. The requirement provided exemptions for employees with medical restrictions or sincerely held religious beliefs that prevented them from receiving the vaccine. On September 1, 2021, the governor announced plans to expand the order by requiring COVID-19 vaccination for all staff at rest homes, assisted living residences, and hospice programs, as well as home care workers providing in-home, direct care services. The order remains in effect unless otherwise terminated.

Public Health Emergency Order No. 2022-01 requires that all individuals employed by hospice programs, long-term care facilities, home care services and assisted living residences receive a COVID-19 booster vaccination no later than February 28, 2022. The order was issued on January 6, 2022, and remains in effect unless otherwise terminated.

Executive Order No. 595 required all Executive Department employees to provide proof of COVID-19 vaccination on or before October 17, 2021. Employees for whom vaccination was medically contraindicated or who objected to vaccination because of sincerely held religious reasons were entitled to an exemption. Employees who were not vaccinated or approved for an exemption as of October 17, 2021, were subject to disciplinary action. The order remains in effect unless amended, superseded or revoked by a subsequent executive order.

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Michigan

(Signed Into Law):

Public Act No. 82 prohibits any department, agency, board, commission or public officer that receives funding under the act from requiring as a condition of employment that employees or officials provide proof that they have received a COVID-19 vaccine. The act specifies that if a department, agency, board, commission or public officer is required to establish a vaccine policy due to a federal mandate, the policy must provide exemptions for individuals for whom a physician certifies a vaccine would be detrimental to their health or who provide a written statement objecting to vaccination for religious reasons. The prohibition does not apply to: (i) any hospital, congregate care facility or other medical facility, or (ii) any hospital, congregate care facility or other medical facility operated by a local subdivision that receives federal Medicare or Medicaid funding. The act was signed into law on September 29, 2021, and took effect immediately.

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Minnesota

(Pending Legislation):

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 would 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. Violations can result in a felony and minimum of sentence of 10 years in prison. 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 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 would also require that individuals give informed consent before vaccination and prohibit employers from asking healthcare 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 would be prohibited from mandating that venue operators and organizers require patrons to provide proof of vaccination before entry. Vaccinations for PreK-12 students also could not 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 from requiring patrons or customers to provide proof of vaccination or immunity in order to gain access to 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.

House File 2541 and companion Senate File 2424 would prohibit employers from refusing to hire, discharging or otherwise discriminating against an individual “with respect to the compensation or the terms, conditions, or privileges of employment” based on their vaccination status. Any violation would constitute a gross misdemeanor. House File 2541 was referred to the Labor, Industry, Veterans and Military Affairs Finance and Policy Committee on April 17, 2021, and Senate File 2424 was referred to the Labor and Industry Policy Committee on April 15, 2021.

(Executive and Administrative Actions):

Vaccine Requirement for State Agency Employees, as announced by the governor, requires all state agency employees to show proof of COVID-19 vaccination or participate in regular testing before returning to the workplace. Employees who are not vaccinated are required to receive a negative COVID-19 test at least once a week in order to work on-site at all public workplaces around the state. The requirement went into effect on September 8, 2021.

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Mississippi

At this time, Mississippi has no relevant pending legislation.

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Missouri

(Pending Legislation):

Senate Bill 1064 would require employers to provide reasonable accommodations to employees with sincerely held religious, ethical or moral beliefs for any requirement related to COVID-19. The bill would require employers to apply the same reasonable accommodation standards as required by federal law and regulations promulgated by the commission for reasonable accommodations for disabilities. Under the bill, a reasonable accommodation may include an exemption from a COVID-19 vaccination requirement or mandatory testing for COVID-19. The bill was introduced on January 13, 2022.

House Bill 1575 would require all public and private entities to consider natural immunity to be the same as vaccine-induced immunity when implementing a vaccine policy. The bill underwent a public hearing on January 25, 2022.

House Bill 1641 would require employers that mandate employees undergo or prove receipt of a vaccination as a condition or term of employment or continued employment to provide certain exemptions. Under the bill, employees would be exempt if they: (i) claim a religious or conscientious

objection in a written document submitted to the employer, (ii) provide the employer with satisfactory evidence of acquired immunity to the disease, or (iii) provide the employer a written statement from a licensed physician indicating that vaccination is medically contraindicated for the employee. The bill makes an employer liable for damages or injury arising from the required vaccination. The bill underwent a public hearing on January 12, 2022.

House Bill 1686 would prohibit public entities or individuals from requiring a COVID-19 vaccination as a condition of employment or otherwise conditioning any action or benefit on a person's COVID-19 vaccination status. Under the bill, employees would be exempt from employer vaccine requirements and protected from adverse action if they: (i) claim a religious or conscientious objection in writing, (ii) receive a recommendation from a licensed physician, or (iii) an alternative to vaccination can sufficiently ensure the safety of other employees and customers. The bill received a "do pass" recommendation from the House on February 7, 2022.

House Bill 2358 would make it an unlawful employment practice for employers to refuse to hire or to discharge any individual because they request a reasonable accommodation from a COVID-19 vaccine mandate based on sincerely held religious, ethical, moral or conscientious beliefs. The bill would also consider any injury, disability or death resulting from an employer-mandated COVID-19 vaccine a compensable occupational disease if the vaccine was any factor in causing the resulting medical condition, disability or death. The bill received a "do pass" recommendation from the House on February 7, 2022.

House Bill 1485 would require employers that require employees to undergo testing or provide proof of vaccination against any disease as a condition of employment to exempt current or prospective employees from vaccine requirements for religious or conscientious objections or satisfactory evidence of acquired immunity to the disease, unless otherwise prohibited by federal law. The bill received a "do pass" recommendation from the House on January 31, 2022.

House Bill 1544 would prohibit employers or political subdivisions of the state from requiring current or prospective employees to undergo or provide proof of a COVID-19 vaccination as a condition of employment. Current or prospective employees could bring a civil action for violations. The bill underwent a public hearing on January 25, 2022.

House Bill 1617 would prohibit an entity from requiring a person to undergo or prove receipt of vaccination against COVID-19, influenza or other diseases for which vaccination was not required before January 1, 2019, as a condition of employment or continued employment. Entities would be further prohibited from denying individuals entry, services, access to transportation systems or services, or participation in any program, project or event held or sponsored by the entity based on vaccination status. A violation would constitute a Class A misdemeanor. The bill underwent a public hearing on January 25, 2022.

House Bill 1624 would prohibit employers or government entities from requiring weekly COVID-19 testing for employees, contractors or students who are not vaccinated against COVID-19 unless the employer or entity also requires individuals who are vaccinated to undergo weekly testing. Employers or government entities that mandate COVID-19 testing would be required to pay for all testing costs. Further, employers or government entities that mandate COVID-19 vaccination as a condition of employment, contract or educational opportunity would be liable for damages or injury arising from vaccination. The bill underwent a public hearing on January 25, 2022.

House Bill 1768 would prohibit discrimination in employment based on COVID-19 vaccination status. The bill underwent a public hearing on January 12, 2022.

House Bill 1904 would create a COVID-19 vaccination equivalency document, which would indicate that a person received a positive COVID-19 antibody test result. Under the bill, employers that have a COVID-19 vaccination requirement would be required to consider current or prospective employees to have satisfied the requirement if they present a COVID-19 vaccine equivalency document. The equivalency document would also be sufficient to enter a place of public accommodation that has a COVID-19 vaccine requirement. Employers that terminate employees who provided a vaccine equivalency document for a failure to undergo or prove vaccine status would be subject to a \$10,000 fine and liable for damages, including lost wages. A place of public accommodation that refuses entry to an equivalency document holder would also be subject to a \$10,000 fine for each occurrence. The bill underwent a public hearing on January 25, 2022.

House Bill 2093 would make it unlawful for employers in the state to create, implement or otherwise enforce a workplace vaccination program ordered by any governmental entity or branch that requires employees to demonstrate that they received a COVID-19 vaccine that was developed under emergency use authorization. The bill underwent a public hearing on January 25, 2022.

Senate Bill 693 would prohibit public and private entities receiving public funds or any other public accommodation from requiring documentation of a COVID-19 vaccination to access transportation systems, facilities, services or public accommodations. Further, no student would be required to receive a COVID-19 vaccination or, alternatively, undergo testing as a condition of school attendance. Employers could not require employees to receive a COVID-19 vaccination without permitting exemptions provided for by state law. The bill underwent a hearing in the Commerce, Consumer Protection, Energy and the Environment Committee on February 2, 2022.

Senate Bill 636 would prohibit private and public employers from requiring current or prospective employees to receive a COVID-19 vaccination as a condition of commencing or continuing employment. The bill was referred to the Commerce, Consumer Protection, Energy and the Environment Committee on January 10, 2022.

Senate Bill 651 would prohibit private and public employers from requiring current or prospective employees to receive a COVID-19 vaccination as a condition of commencing or continuing employment. The bill would give employees a cause of action if they are required to receive a COVID-19 vaccine as a condition of employment or their employer discharges, retaliates against, disciplines, fails to promote or otherwise discriminates against them for opposing the employer's COVID-19 vaccination requirement. Potential remedies include damages and back pay or reinstatement, attorney's fees and court costs. The bill was referred to the Commerce, Consumer Protection, Energy and the Environment Committee on January 10, 2022.

(Executive and Administrative Actions):

Executive Order 21-10 prohibits agencies, boards, commissions, or other entities within the executive branch of the state government to compel any individual to receive a COVID-19 vaccination pursuant to any federal vaccine mandate if they object because of sincerely held religious beliefs or medical reasons. No agency, board, commission or other entity within the executive branch of the state government could impose a penalty on any individual or business for non-compliance with any federally imposed COVID-19 vaccine mandate where non-compliance is the result of sincerely held religious beliefs or medical reasons. The order went into effect on October 28, 2021, and remains in effect until otherwise modified, amended or rescinded.

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Montana

(Signed Into Law):

House Bill 702 prohibits discrimination based on vaccination status or possession of an immunity passport. Under the bill, individuals cannot be required to receive an immunization that has only been granted emergency use authorization. The bill would make it an unlawful discriminatory practice for individuals, employers or government agencies to refuse or deny employment opportunities or otherwise discriminate based on vaccination or immunization status. The bill would permit healthcare providers to ask employees and volunteers about their immunization histories for the purpose of implementing reasonable accommodations to protect the health and safety of employees, patients, and visitors. Furthermore, under the bill, licensed nursing homes, long-term care facilities, and assisted living facilities are exempt from compliance if compliance would result in a violation of regulations or guidance from the Center for Disease Control or the Center for Medicare and Medicaid Services. The bill was signed into law on May 7, 2021, and took effect immediately.

Nebraska

(Pending Legislation):

Legislative Bill 643 would give individuals the right to decline mandatory vaccine directives from the state. Under the bill, parents would be permitted to decline vaccination of their children, and employers could decline vaccination for their employees. The bill would provide that individuals who decline mandatory vaccinations will not be subject to penalty, litigation or punishment from the state. The bill was re-introduced on January 5, 2022 as a carryover bill from the previous session.

Legislative Bill 906 would require employers to provide vaccination exemptions based on strong moral, ethical or philosophical beliefs. The bill would direct the Department of Health and Human Services to create a vaccine exemption form to be completed by current and prospective employees seeking an exemption. Under the bill, employers could require employees granted an exemption to be periodically tested or use personal protective equipment. The bill would require employers to incur all expenses associated with periodic testing and personal protective equipment. The bill was referred to the Health and Human Services Committee on February 1, 2022.

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Nevada

At this time, Nevada has no relevant pending legislation.

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New Hampshire

(Pending Legislation):

House Bill 1088 would give employees the right to be vaccinated against COVID-19 while employed in the workplace and prohibits employers from discriminating against employees for exercising their right to vaccination. The bill underwent a public hearing on January 27, 2022.

House Bill 1210 would require private employers, postsecondary institutions and clinical education sites to provide medical, religious and conscientious objector exemptions to any vaccination requirement. The bill underwent a public hearing on January 27, 2022.

House Bill 1224 would prohibit individuals and governmental entities from refusing, withholding or denying individuals services, goods, facilities, advantages, privileges, licenses, educational opportunities or employment opportunities because of their vaccination status. Under the bill, it would be an unlawful discriminatory practice for employers to refuse employment to individuals, bar individuals from employment, or discriminate against individuals in compensation or in a term, condition or privilege of employment based on their vaccination status. The bill underwent a public hearing on February 1, 2022.

House Bill 1351 would prohibit public and private employers that receive federal or state funding from requiring current and prospective employees to receive a COVID-19 vaccine to secure, receive or continue employment. The bill was referred to the Labor, Industrial and Rehabilitative Services Committee on January 5, 2022.

House Bill 1352 would create workers' compensation benefits eligibility for employees who suffer adverse reactions to employer-required COVID-19 vaccines. The bill would impose additional requirements or workplace conditions on employees who decline a COVID-19 vaccination and would offer additional compensation to employees who choose to get vaccinated. The bill underwent a public hearing on January 27, 2022.

House Bill 1455 would prohibit state enforcement of any federal law, order or rule that requires individuals, as a condition of employment, to provide proof of a COVID-19 vaccination or to submit to COVID-19 testing more than once per month. The bill underwent a public hearing on January 25, 2022.

House Bill 1604 would repeal RSA 141-C:1-a, II(e), which exempts county nursing homes, state hospitals and state medical facilities from providing "medical freedom in immunizations." The bill would, therefore, prohibit these facilities from requiring individuals to receive a COVID-19 vaccination. The bill was referred to the Health, Human Services and Elderly Affairs Committee on January 5, 2022.

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New Jersey

(Executive and Administrative Actions):

Executive Order No. 252 required employees at public and private healthcare facilities, correctional facilities and other high-risk congregate facilities to receive a COVID-19 vaccination by September 7, 2021. Executive Order No. 253 required state employees and K-12 school employees to receive a COVID-19 vaccination by October 18, 2021. Executive Order No. 264 required childcare center employees to receive a COVID-19 vaccination by November 1, 2021. Employees who fail to meet the vaccination requirement by the applicable date must submit to periodic testing. Additionally, under the orders, employers may impose more stringent requirements. Order No. 252 went into effect on August 6, 2021; Order No. 253 went into effect on August 23, 2021; and Order No. 254 went into effect on September 20, 2021. Executive Order No. 281, issued on January 11, 2022, allows Executive Order Nos. 251, 252 and 264 to remain in full effect until revoked or modified.

(Pending Legislation):

Assembly Bill 775 would prohibit government entities, public and private childcare centers, K-12 schools and higher education institutions from requiring individuals to receive a COVID-19 vaccination. The bill would not apply to healthcare employers or to employers that serve a medically vulnerable population, but would require exemptions for employees who object because of sincerely held religious beliefs. Under the bill, the New Jersey Department of Health would create a program to reimburse the out-of-pocket expenses that healthcare employees incur to obtain a vaccine. The bill was referred to the Health Committee on January 11, 2022.

Assembly Bill 781 and its counterpart Senate Bill 125 would prohibit discrimination based upon an individual's vaccination status. The bills would make it an unlawful discriminatory practice for employers to require current or prospective employees to receive a vaccination or to show proof of vaccination. Under the bills, violators would be liable for civil damages up to \$25,000 as well as reasonable attorney's fees and expenses. Assembly Bill 781 was referred to the Community Development and Affairs Committee on January 11, 2022, and Senate Bill 125 was referred to the Health, Human Services, and Senior Citizens Committee on the same date.

Senate Bill 316 would require a COVID-19 vaccine as a condition of in-person attendance or employment at public and private higher education institutions. Under the bill, higher education institutions would be required to provide exemptions for medical or religious objections. The bill would not apply to students or employees who maintain no in-person or on-campus presence. The bill was referred to the Health, Human Services and Senior Citizens Committee on January 11, 2022.

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New Mexico

(Executive and Administrative Actions):

Executive Order 2021-045 and Executive Order 2021-046 require state employees to be vaccinated or to submit to periodic COVID-19 testing. Under the orders, employees who refuse to abide by the orders' requirements may be subject to disciplinary action, up to and including termination. The orders went into effect on August 2, 2021, and remain effective until renewed, modified or rescinded.

The Department of Health's Public Health Emergency Order requires COVID-19 vaccination for: (i) employees of the governor's office; (ii) private, public, or charter school employees; (iii) hospital employees; and (iv) congregate care employees (those employed at nursing homes, assisted living facilities, adult day cares, hospice facilities, rehabilitation facilities, state correctional facilities, juvenile justice facilities, residential treatment centers, the New Mexico State Veterans' Home, and community homes). The order requires employers to provide an exemption for employees who have qualifying medical conditions, are entitled to reasonable accommodations under the Americans with

Disabilities Act, or object because of sincerely held religious beliefs. The order provides that employees who receive an exemption must submit to periodic testing. The order was issued on August 17, 2021, and took effect immediately. On December 2, 2021, the Department of Health amended the Public Health Emergency Order to mandate that all covered employees receive a COVID-19 vaccination booster no later than January 14, 2022, or within four weeks of becoming eligible. The amended order is in effect for the duration of the public health emergency declared by Executive Order 2020-004.

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New York

(Executive and Administrative Actions):

New York City's Order required private employers that employ one or more employees in New York City or that maintain a workplace in New York City to mandate their in-person employees to receive a COVID-19 vaccination by December 27, 2021. The order provided that employers must grant reasonable accommodations to employees who requested exemptions because of documented medical conditions or religious reasons. The order was issued on December 15, 2021, and took effect on December 27, 2021.

(Pending Legislation):

Assembly Bill 2081 would amend existing law to direct the commissioner of the New York Department of Health to mandate a COVID-19 vaccine for individuals residing in or working at residential healthcare facilities. The bill was re-introduced to the Health Committee on January 5, 2022.

Assembly Bill 4602 and Assembly Bill 7100 would prohibit mandatory vaccinations as a condition of employment or continued employment in any business or not-for-profit organization. Similarly, the bills would disallow public and private schools from requiring employees to receive a COVID-19 vaccination. The bills were re-introduced to the Health Committee on January 5, 2022.

Senate Bill 6747 would prohibit public or private education or day care facility employers from mandating children, incapacitated individuals, students or employees receive a COVID-19 vaccination or present proof of vaccination. The bill was re-introduced to the Health Committee on January 5, 2022.

Senate Bill 7322 would prohibit the imposition of a COVID-19 vaccination requirement for individuals to attend school or day care, use public transportation, travel, enter public buildings, or obtain or continue employment. The bill was re-introduced to the Health Committee on January 5, 2022.

Senate Bill 7403 and its counterpart, Assembly Bill 8335, would create unemployment insurance eligibility for individuals who are unemployed because they refused to obtain a COVID-19 vaccine. Both bills were re-introduced to the Labor Committee on January 5, 2022.

Senate Bill 7432 and its counterpart, Assembly Bill 8410, would allow local governments to require performers, athletes, employees, attendees or any other individuals to be vaccinated against COVID-19 to enter a place of entertainment. Senate Bill 7432 was re-introduced to the Cultural Affairs, Tourism, Parks and Recreation Committee on January 5, 2022. Assembly Bill 8410 was re-introduced to the Local Governments Committee on January 5, 2022.

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North Carolina

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

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North Dakota

(Signed Into Law):

House Bill 1465 prohibits state government entities from requiring private businesses to obtain proof of vaccination or immunization from prospective employees. The bill was signed into law on May 7, 2021, and took effect immediately.

House Bill 1511 allows private employers to impose vaccine mandates on current and prospective employees and independent contractors. Under the bill, employers must provide exemptions to employees or independent contractors for medical, religious, philosophical or moral reasons. Additionally, the bill requires employers to accept proof of antibodies or submission to periodic COVID-19 testing in lieu of proof of vaccination. The bill was signed into law on November 12, 2021, and took effect on November 15, 2021.

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Ohio

At this time, Ohio has no relevant pending legislation.

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Oklahoma

(Pending Legislation):

Senate Bill 1095 would prohibit any state entity, political subdivision, private entity or hospital from requiring vaccination against COVID-19 as a condition of employment. The bill was referred to the Business, Commerce and Tourism Committee on February 8, 2022.

Senate Bill 1106 would assign liability to employers for any illnesses or injuries employees suffer because of an employer-mandated vaccination. Under the bill, liable employers would be subject to a minimum award of punitive damages in the amount of \$1 million with no ability to limit liability or invoke immunity under the federal Tort Claims Act or the Public Readiness and Emergency Preparedness Act. The bill was referred to the Judiciary and Appropriations committees on February 8, 2022.

Senate Bill 1124 would prohibit state agencies, political subdivisions, entities receiving government funds, hospitals and private entities (covered entities) from requiring a COVID-19 vaccination as a condition of employment. The bill also would prohibit covered entities from discriminating against individuals based on their vaccination status. Under the bill, covered entities would not be liable for injuries employees suffer as a result of exposure to COVID-19. The bill was referred to the Health and Human Services Committee on February 8, 2022.

Senate Bill 1128 would prohibit individuals, partnerships, associations or corporations from mandating any vaccination, injection, shot or medication for any virus or disease as a condition of employment. The bill was referred to the Business, Commerce and Tourism Committee on February 8, 2022.

Senate Bill 1296 would make it a discriminatory practice for employers to fail or refuse to hire, discharge or otherwise discriminate against individuals with respect to compensation or the terms, conditions, privileges or responsibilities of employment because of their vaccination or immunization status. The bill was referred to the Judiciary Committee on February 8, 2022.

House Bill 3203 would allow employers to impose COVID-19 vaccination mandates only if exemptions are provided to employees for medical or religious reasons. Similarly, Senate Bill 1740 would require private employers to grant COVID-19 vaccination exemptions for medical or religious reasons. Senate Bill 1740 would further require private employers to accept documentation of established COVID-19 immunity or submission to periodic COVID-19 testing in lieu of proof of vaccination. Additionally, Senate Bill 1740 would permit employees to claim an exemption based on employer-provided personal protective equipment. House Bill 3203 was referred to the Rules Committee on February 8, 2022, and Senate Bill 1740 was referred to the Health and Human Services Committee on the same date.

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Oregon

At this time, Oregon has no relevant pending legislation.

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Pennsylvania

(Pending Legislation):

Senate Bill 471 would prohibit the state, its political subdivisions and its agents from mandating that individuals receive a vaccination. The bill would require notice that state vaccination recommendations are not mandatory. Furthermore, the bill would prohibit the denial of rights or privileges related to citizenship, employment, access to education, the ability to travel, entry into a public place, the ability to purchase goods, or medical care on the basis of vaccination status. Under the bill, employers would be prohibited from terminating, suspending, involuntarily reassigning, demoting or harassing employees who refuse vaccination. The bill was set for reconsideration on January 26, 2022.

Senate Bill 1004 would prohibit mandatory vaccination for Pennsylvania National Guard members. The bill would also bar administrative or legal action against members of the Pennsylvania National Guard for refusal to receive a vaccination. The bill was referred to the Veterans Affairs and Emergency Preparedness Committee on January 11, 2022.

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Rhode Island

At this time, Rhode Island has no relevant pending legislation.

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South Carolina

(Executive and Administrative Actions):

Executive Order 2021-38 prohibits state agencies in the governor's cabinet from requiring employees to receive a COVID-19 vaccine. Additionally, the order directs state agencies to notify the governor and the state attorney general about communication or directives from the Biden administration concerning COVID-19 vaccination requirements. The order took effect on November 4, 2021, and remains in effect until revoked, rescinded or modified.

(Pending Legislation):

House Bill 4516 would prohibit employers from terminating employees for declining to receive a COVID-19 vaccination if they have received monoclonal therapy or were previously diagnosed with COVID-19. Under the bill, employees would be required to furnish documentation from a healthcare provider demonstrating they have received monoclonal therapy or a COVID-19 diagnosis. Furthermore, the bill would create a civil cause of action for aggrieved employees. The bill was referred to the Committee on Judiciary on January 11, 2022.

House Bill 4560 would make it an unlawful discriminatory practice for employers to refuse employment, bar employment, or discriminate in compensation or in a term, condition or privilege of employment based on an individual's vaccination status or refusal to provide proof of vaccination. The bill was referred to the Committee on Judiciary on January 11, 2022.

House Bill 4764 would assign civil liability to employers for any damages employees suffer as a result of employer-mandated COVID-19 vaccination requirements. The bill was referred to the Committee on Judiciary on January 12, 2022.

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South Dakota

(Executive and Administrative Actions):

Executive Order 2021-14 states that certain state employees cannot be required to receive a COVID-19 vaccination if they submit: (i) a written statement from a physician stating that the COVID-19 vaccination is contraindicated for medical reasons, or (ii) a signed form indicating that they “dissent and object to receiving a COVID-19 vaccine on religious grounds, which includes moral, ethical, and philosophical beliefs or principles.” The order was signed on October 27, 2021, and took effect immediately.

(Pending Legislation):

House Bill 1008 would allow employees to bring claims against employers for actual and punitive damages for injuries or illnesses caused by employer-mandated vaccinations. Under the bill, employers would be unable to limit liability or invoke immunity under state law. The bill would define “employer” to include individuals or entities that employ one or more individuals. The bill was referred to the Judiciary Committee on January 13, 2022.

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Tennessee

(Signed Into Law):

Act No. 6 prohibits private businesses, governmental entities, schools and education agencies from discharging or otherwise discriminating against employees in compensation or in a term, condition, location, right, immunity, promotion or privilege of employment on the basis of vaccination status. The act permits individuals to object to vaccination for any reason. The act was signed into law November 12, 2021, and took effect on November 18, 2021.

(Pending Legislation):

House Bill 1645 and companion Senate Bill 2831 would amend Section 39-17-309(b) of the Tennessee Code by expanding the offense of civil rights intimidation to include taking adverse actions against employees who have objected to a COVID-19 vaccination based religious beliefs, creed or conscience. Furthermore, the bills would prohibit employers from intimidating or forcing employees to obtain a vaccination. Under the bills, violations would result in a Class D felony punishable by a fine or \$5,000 or more. House Bill 1645 was assigned to the Banking & Consumer Affairs Subcommittee on January 13, 2022, and Senate Bill 2831 was referred to the Judiciary Committee on February 7, 2022.

Senate Bill 1823 and its counterpart, House Bill 1867, would require employers with a COVID-19 vaccination requirement to provide exemptions to employees for medical reasons or religious beliefs. Under the bills, employers would be subject to a civil penalty of \$10,000 for retaliating against employees who request an exemption. Senate Bill 1823 was referred to the Commerce and Labor Committee on January 26, 2022, and House Bill 1867 was assigned to the Civil Justice Subcommittee on January 26, 2022.

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Texas

(Executive and Administrative Actions):

Executive Order GA 40 prohibited entities from requiring a COVID-19 vaccination for employees or consumers who object because of personal conscience, religious or medical reasons. Under the order, violators may be subject to a \$1,000 fine. The order was signed on October 11, 2021, and took effect immediately.

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Utah

(Signed Into Law):

House Bill 308 prohibits governmental entities from requiring individuals to receive a COVID-19 vaccine as a condition of employment, participation in activities or attendance at events that are hosted by governmental entities. Under the bill, prohibitions on vaccine mandates do not apply to public health or healthcare employees. The bill was signed into law on March 16, 2021, and took effect on May 5, 2021.

Senate Bill 2004 requires employers with greater than 15 employees to provide an exemption to employees who object to receiving a COVID-19 vaccination because of medical reasons or religious or sincerely held personal beliefs. The bill prohibits employers from taking adverse actions against employees for objecting to a COVID-19 vaccination. The bill was signed into law on November 16, 2021, and took effect immediately.

(Pending Legislation):

House Bill 63 would require employers with COVID-19 vaccination requirements to provide exemptions for medical reasons, religious beliefs and sincerely held personal beliefs. The bill also would require employers to waive vaccination requirements if current or prospective employees submit a letter that confirms they were previously infected by COVID-19. The bill was referred to the Business and Labor Committee on February 4, 2022.

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Vermont

At this time, Vermont has no relevant pending legislation.

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Virginia

(Pending Legislation):

House Bill 934 would prohibit employers from requiring employees to receive a COVID-19 vaccination unless the employer provides exemptions because of medical reasons, religious reasons, immunity from COVID-19, periodic testing or the use of employer-provided personal protective equipment. The bill would forbid employers from discriminating against employees who claim a COVID-19 vaccination exemption. Under the bill, employers that fail to provide such exemptions would be subject to a civil penalty of up to \$10,000 for each violation by employers with fewer than 100 employees or \$50,000 for each violation by employers with 100 or more employees. The bill was referred to the Committee on Commerce and Energy on January 12, 2022.

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Washington

(Executive and Administrative Actions):

Proclamation 21-14.1 required employees of state agencies, educational settings and healthcare providers to receive a COVID-19 vaccination by October 18, 2021. The proclamation allowed employers to grant exemptions for qualifying disabilities or sincerely held religious beliefs. Under the proclamation, employers may impose more stringent requirements. The proclamation was signed on August 20, 2021, and took effect immediately.

(Pending Legislation):

House Bill 1720 would prohibit employers, schools, universities, transportation providers, and places of public resort, accommodation, assemblage or amusement from requiring individuals to receive a COVID-19 vaccination. The bill was referred to the Health Care & Wellness Committee on January 10, 2022.

Senate Bill 5864 would provide unemployment benefits eligibility to employees who were terminated or resigned because of a workplace COVID-19 vaccination requirement. The bill was referred to the Labor, Commerce & Tribal Affairs Committee on January 14, 2022.

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West Virginia

(Signed Into Law):

House Bill 335 codifies the federal religious exemption to employer-mandated COVID-19 vaccinations. Additionally, the bill requires employers to provide exemptions to current and prospective employees who object to COVID-19 vaccination on the basis of medical contraindication or religious beliefs. Current or prospective employees seeking the medical exemption must provide a signed certification from a licensed physician or advanced practice registered nurse stating there is a contraindication. Current or prospective employees seeking the religious exemption must provide a notarized certification that their religious beliefs prevent them from receiving the COVID-19 vaccination. The bill prohibits public and private employers from penalizing or otherwise discriminating against current or prospective employees who are exempted. The bill passed on November 11, 2021, and went into effect on January 18, 2022.

(Pending Legislation):

House Bill 4030 would amend and reenact Section 55-19-7 of the Code of West Virginia. Under the bill, employers that require a vaccination as a condition of employment would not be able to limit

liability under Section 55-19-7. The bill was referred to the Workforce Development Committee on January 12, 2022.

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Wisconsin

(Pending Legislation):

Senate Bill 662 and its counterpart, Assembly Bill 675, would prohibit employers from requiring proof of COVID-19 vaccination or submission to periodic COVID-19 testing as a condition of prospective or continued employment if the current or prospective employees provide documentation demonstrating “natural immunity” against COVID-19. The bill would require immunity documentation to be signed by a healthcare provider. Senate Bill 662 was recommended for passage by the Committee on Labor and Regulatory Reform on January 20, 2022, and Assembly Bill 675 was referred to the Committee on Senate Organization on January 26, 2022.

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Wyoming

At this time, Wyoming has no relevant pending legislation.

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Contact us

If you have questions about COVID-19 and business liability in your state, contact Lowell Pearson, Jenna Brofsky, Zaina Niles, Allee Barton, Katie Little or your Husch Blackwell attorney.

Your comprehensive COVID-19 legal resource

Since the pandemic’s onset, Husch Blackwell has continually monitored state-by-state orders regarding capacity, masking, vaccines, and more. We regularly address your FAQs and provide you with easy-to-use COVID-19 tools about returning to work and navigating federal programs. Contact our industry-specific legal teams or your Husch Blackwell attorney to plan through and beyond the pandemic.

[View our archived update from July 1, 2021.](#)