



PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 1 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 22-5-9 IS ADDED TO THE INDIANA CODE AS
- 4 A **NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY**
- 5 **1, 2021]:**
- 6 **Chapter 9. Vaccination Against COVID-19**
- 7 **Sec. 1. As used in this chapter, "COVID-19" has the meaning set**
- 8 **forth in IC 34-30-32-3.**
- 9 **Sec. 2. As used in this chapter, "employer" means any**
- 10 **individual, partnership, association, limited liability company,**
- 11 **corporation, business trust, the state, or other governmental entity**
- 12 **or political subdivision that has one (1) or more employees. The**
- 13 **term includes a health care facility (as defined in**
- 14 **IC 16-18-2-161(a)).**
- 15 **Sec. 3. As used in this chapter, "discrimination" means:**
- 16 **(1) any direct or indirect act or practice of exclusion,**
- 17 **distinction, restriction, segregation, limitation, refusal, denial;**
- 18 **(2) any other act or practice of differentiation or preference**
- 19 **in the treatment of a person; or**
- 20 **(3) the aiding, abetting, inciting, coercing, or compelling of an**
- 21 **act in violation of this chapter.**
- 22 **Sec. 4. As used in this chapter, "vaccination" means the**

1 treatment of an individual with a vaccine to produce immunity
2 against a disease.

3 **Sec. 5. It is an unlawful employment practice for an employer**
4 **to:**

5 (1) require, as a condition of employment, an employee or
6 prospective employee to receive a vaccination against
7 COVID-19; or

8 (2) fail or refuse to hire, discharge, penalize, or otherwise
9 discriminate against an employee or prospective employee
10 with respect to the employee's or prospective employee's
11 compensation and benefits or the terms, conditions, or
12 privileges of employment based on the refusal of the employee
13 or prospective employee to receive a vaccination against
14 COVID-19 if:

15 (A) the employer has written documentation from the
16 employee's physician or other health care provider
17 indicating the date and place that the individual received
18 a vaccination against COVID-19 and determines that no
19 additional vaccination is required;

20 (B) the vaccination against COVID-19 is medically
21 contraindicated for the employee;

22 (C) receiving the immunization is against the employee's
23 religious beliefs; or

24 (D) the employee refuses to permit the immunization
25 against COVID-19 after being fully informed of the health
26 risks.

27 **Sec. 6. (a) An individual who is subject to a violation of this**
28 **chapter may bring a civil action against the employer in the county**
29 **of employment.**

30 (b) A court may order an award of any or all of the following to
31 an individual who prevails in an action under subsection (a):

32 (1) Declaratory or equitable relief, including injunctive relief.

33 (2) Payment of back wages with interest at ten percent (10%).

34 (3) Reinstatement to the employee's former position.

35 (4) Any other relief that the court considers proper."

36 Renumber all SECTIONS consecutively.

(Reference is to ESB 1 as printed February 2, 2021.)

Representative Nisly