

HOUSE BILL No. 1488

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-5-4.5.

Synopsis: Vaccination exemptions. Prohibits an employer from requiring, as a condition of employment, an employee or prospective employee to receive an immunization that: (1) has been approved for emergency use; and (2) lacks full approval from the federal Food and Drug Administration (FDA). Prohibits an employer from: (1) inquiring into; or (2) otherwise requiring an employee or prospective employee to disclose; the reason for refusing an immunization that: (A) has been approved for emergency use; and (B) lacks full approval from the FDA. Allows for a civil cause of action against an employer for specified violations.

Effective: Upon passage.

Ledbetter, Bartels, Lehe

January 14, 2021, read first time and referred to Committee on Employment, Labor and Pensions.



First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1488

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-5-4.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]:

4 **Chapter 4.5. Prohibition Against Emergency Use Immunization**
5 **as Prerequisite for Employment**

6 **Sec. 1. As used in this chapter, "emergency use" has the**
7 **meaning set forth under 21 U.S.C. 360bbb-3(a)(1) of the Food,**
8 **Drug, and Cosmetic Act (21 U.S.C. 564).**

9 **Sec. 2. An employer may not do any of the following in relation**
10 **to an employee's or prospective employee's failure or refusal to**
11 **receive an immunization that has been authorized for emergency**
12 **use and lacks full federal Food and Drug Administration approval:**

13 **(1) Require, as a condition of employment, that an employee**
14 **or prospective employee receive an immunization described**
15 **in this section.**

16 **(2) Discriminate against an employee with respect to:**
17 **(A) an employee's tenure, compensation, and benefits; or**



1 **(B) terms, conditions, and privileges of employment;**
2 **for failing or refusing to receive an immunization described**
3 **in this section.**
4 **Sec. 3. An employer may not:**
5 **(1) inquire into; or**
6 **(2) otherwise require an employee or prospective employee to**
7 **disclose;**
8 **the reason for refusing an immunization described in section 2 of**
9 **this chapter.**
10 **Sec. 4. (a) An employee or prospective employee may bring a**
11 **civil action against an employer to enforce section 2 or 3 of this**
12 **chapter.**
13 **(b) If an employer violates section 2 or 3 of this chapter, the**
14 **court may do the following:**
15 **(1) Award:**
16 **(A) actual damages;**
17 **(B) punitive damages; and**
18 **(C) court costs and reasonable attorney's fees;**
19 **to the prevailing employee or prospective employee.**
20 **(2) Enjoin further violation of this chapter.**
21 **SECTION 2. An emergency is declared for this act.**

