

SENATE BILL No. 74

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-5-4.5.

Synopsis: Workplace immunization prohibition. Prohibits an employer from requiring, as a condition of employment, an employee or prospective employee to receive any immunization if the immunization is medically contraindicated for the employee or receiving the immunization is against the employee's religious beliefs or conscience. Allows for a civil action against an employer for a violation.

Effective: Upon passage.

Kruse

January 4, 2021, read first time and referred to Committee on Pensions and Labor.



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.

SENATE BILL No. 74

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 on Immunization Requirement for**
5 **Employment**

6 **Sec. 1. An employer may not:**

7 **(1) require, as a condition of employment, that an employee or**
8 **prospective employee receive any immunization; or**

9 **(2) discriminate against an employee with respect to:**

10 **(A) an employee's tenure, compensation, and benefits; or**

11 **(B) terms, conditions, and privileges of employment;**

12 **for failing to receive any immunization;**

13 **if the immunization is medically contraindicated for the employee**
14 **or prospective employee, or if receiving the immunization is**
15 **against the employee's or prospective employee's religious beliefs**
16 **or conscience.**

17 **Sec. 2. (a) An employee or prospective employee may bring a**



1 **civil action against an employer to enforce section 1 of this chapter.**
2 **(b) If an employer violates section 1 of this chapter, the court**
3 **may do the following:**
4 **(1) Award:**
5 **(A) actual damages;**
6 **(B) punitive damages; and**
7 **(C) court costs and reasonable attorney's fees;**
8 **to the prevailing employee or prospective employee.**
9 **(2) Enjoin further violation of this chapter.**
10 **SECTION 2. An emergency is declared for this act.**

