

# SENATE BILL No. 114

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 22-9-2.5.

**Synopsis:** Vaccine status discrimination. Provides that certain acts by a person or a government entity concerning an individual's vaccination status or whether an individual has an immunity passport are against public policy. Provides that the Indiana department of labor may investigate and issue administrative orders for violations or threatened violations. Establishes a separate private right of action for violations or threatened violations.

**Effective:** July 1, 2022.

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January 4, 2022, read first time and referred to Committee on Health and Provider Services.

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Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

## SENATE BILL No. 114

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 22-9-2.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2022]:

4 **Chapter 2.5. Vaccination Discrimination**

5 **Sec. 1. This chapter does not apply to vaccination requirements**  
6 **set forth in:**

- 7 (1) IC 12-17.2-6-11;  
8 (2) IC 20-34-4-2; and  
9 (3) IC 21-40-5-2.

10 **Sec. 2. The following definitions apply throughout this chapter:**

- 11 (1) "Government entity" means the state, a political  
12 subdivision, an elected official, or a public official.  
13 (2) "Immunity passport" means a document, digital record,  
14 or software application that indicates whether an individual  
15 has received a vaccination or has gained natural immunity  
16 through infection and recovery.  
17 (3) "Incentives" include a coupon, free goods or services, a



lottery ticket, or a game of chance.

(4) "Person" includes an insurance company or policy.

(5) "Public official" means an individual who holds office in the executive, judicial, or legislative branch of the state or federal government or a political subdivision of the state or federal government. The term includes an official or employee of a state educational institution.

(6) "Vaccination status" means information or a belief that an individual has received a vaccination or other biologic intended to induce an immune response or address a biologic threat.

Sec. 3. (a) A person or government entity may not require an individual to:

- (1) receive a vaccine;
- (2) disclose vaccination status; or
- (3) possess an immunity passport.

(b) An individual is free to refuse or accept any health or medical intervention, treatment, or vaccines.

Sec. 4. It is declared to be against public policy for a person or a government entity to refuse, withhold from, or deny to any individual:

- (1) any local or state services;
- (2) goods;
- (3) facilities;
- (4) advantages;
- (5) privileges;
- (6) access;
- (7) transportation;
- (8) freedom of movement;
- (9) licensing;
- (10) educational opportunities; or
- (11) health care access;

based on the individual's vaccination status or whether the individual has an immunity passport.

Sec. 5. It is declared to be against public policy if a person or government entity provides or disallows an incentive based on an individual's vaccination status or whether the individual has an immunity passport.

Sec. 6. It is declared to be against public policy if a government entity imposes a tax or fine based on an individual's vaccination status or whether the individual has an immunity passport.

Sec. 7. It is declared to be against public policy if a person or



government entity:

- (1) refuses to hire or employ an individual;
- (2) bars or discharges an individual from employment;
- (3) imposes a surcharge or reduces an employee's pay; or
- (4) discriminates against an individual;

based on an individual's vaccination status or whether the individual has an immunity passport. Discrimination under this section includes if a person or government entity creates a condition of employment or a privilege for an employee because of an individual's vaccination status or whether the individual has an immunity passport.

Sec. 8. It is declared to be against public policy for a person or government entity to:

- (1) exclude;
- (2) limit;
- (3) segregate;
- (4) refuse to serve;
- (5) require a facial covering or other vaccination status label;
- (6) require testing; or
- (7) discriminate;

based on an individual's vaccination status or whether the individual has an immunity passport.

Sec. 9. (a) A person or government entity may not disclose or make public an individual's vaccination status.

(b) A person or government entity may not inquire about an individual's vaccination status unless the person or government entity is providing medical or treatment advice.

(c) A person or government entity may only maintain and keep records of an individual's vaccination status if the individual has provided consent.

Sec. 10. (a) An individual may file a complaint regarding an act or a threatened act described in sections 4 through 9 of this chapter with the department of labor.

(b) The department of labor shall investigate all complaints filed under subsection (a).

(c) If the department of labor determines that a violation or a threatened violation of this chapter has occurred, the department of labor may issue an administrative order providing for any of the civil remedies described in section 11 of this chapter. The department of labor may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to carry out its responsibilities under this chapter.



1       **Sec. 11. (a) If an individual suffers an injury:**

2           **(1) as the result of any act or practice that violates this**  
3           **chapter; or**

4           **(2) from a threatened violation of this chapter;**  
5       **the individual may bring a civil action.**

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

8           **(1) Actual consequential damages resulting from the violation**  
9           **or threatened violation.**

10          **(2) Reasonable attorney's fees, litigation expenses, and costs.**

11          **(3) Declaratory or equitable relief, including injunctive relief.**

12          **(4) Other relief the court considers proper.**

13          **(5) Liquidated damages of not more than ten thousand dollars**  
14          **(\$10,000).**

15       **(c) The remedies and penalties set forth in subsection (b) are:**

16           **(1) cumulative; and**

17           **(2) in addition to other remedies and penalties imposed for a**  
18           **violation of this chapter.**

