

SENATE BILL No. 211

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-23.5; IC 34-30-32-1.

Synopsis: COVID-19 vaccine or mask mandate cause of action. Provides a cause of action for an individual who experiences an adverse medical condition due to a COVID-19 vaccine mandate or mask mandate.

Effective: Upon passage.

Tomes

January 6, 2022, read first time and referred to Committee on Judiciary.



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. 211

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

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

1 SECTION 1. IC 34-23.5 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON
3 PASSAGE]:

4 **ARTICLE 23.5. CAUSES OF ACTION: PHYSICAL HARM**
5 **DUE TO COVID-19 VACCINE MANDATE OR MASK**
6 **MANDATE**

7 **Chapter 1. Definitions**

8 **Sec. 1. The following definitions apply throughout this article:**

9 (1) "COVID-19" means:

10 (A) severe acute respiratory syndrome coronavirus 2 or a
11 mutated form of severe acute respiratory syndrome
12 coronavirus 2; or

13 (B) the disease caused by severe acute respiratory
14 syndrome coronavirus 2 or a mutated form of severe acute
15 respiratory syndrome coronavirus.

16 (2) "COVID-19 vaccine mandate" means a policy that
17 imposes an adverse consequence (including an adverse



1 employment action, a fine, or denial of access to services,
2 transportation, events, housing, hotels, or venues) against an
3 individual who refuses to be vaccinated against COVID-19,
4 even if the policy grants exemptions to certain individuals.
5 However, the term does not include a policy required by
6 federal law.

7 (3) "Mask mandate" means a policy that imposes an adverse
8 consequence (including an adverse employment action, a fine,
9 or denial of access to services, transportation, events, housing,
10 hotels, or venues) against an individual who refuses to wear a
11 mask on his or her face to prevent the spread of COVID-19,
12 even if the policy grants exemptions to certain individuals.
13 However, the term does not include a policy required by
14 federal law.

15 **Chapter 2. Adverse Medical Condition Due to a COVID-19**
16 **Vaccine Mandate or Mask Mandate Action**

17 **Sec. 1. A person who subjects an individual to a COVID-19**
18 **vaccine mandate or a mask mandate is subject to liability for**
19 **physical harm caused by the mandate if the individual has**
20 **experienced an adverse medical condition due to being required to**
21 **comply with the mandate.**

22 **Chapter 3. Damages**

23 **Sec. 1. An individual who prevails in an action brought under**
24 **this article may:**

- 25 (1) seek injunctive relief; and
26 (2) recover economic and noneconomic damages proximately
27 caused by the person's mandate, including damages to cover
28 medical expenses and lost wages.

29 SECTION 2. IC 34-30-32-1, AS ADDED BY P.L.1-2021,
30 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 UPON PASSAGE]: Sec. 1. (a) This chapter applies only to a tort
32 action.

33 (b) This chapter applies to a cause of action that accrues on or after
34 March 1, 2020.

35 (c) **This chapter does not apply to a cause of action under**
36 **IC 34-23.5.**

37 SECTION 3. **An emergency is declared for this act.**

