

SENATE BILL No. 286

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-5-4.5.

Synopsis: Prohibition on employer immunization requirements. Prohibits an employer from requiring an employee or prospective employee to inject, ingest, inhale, or otherwise incorporate an immunization in the employee's or prospective employee's body as a condition of employment or as a condition of receiving additional compensation or benefits. Allows for a civil action against an employer for a violation.

Effective: Upon passage.

Kruse

January 10, 2022, read first time and referred to Committee on Health and Provider Services.



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. 286

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 Immunization Requirement**
5 **for Employment**

6 **Sec. 1. As used in this chapter, "employee" means an individual**
7 **who is employed by an employer on a full-time or part-time basis,**
8 **either paid or unpaid. The term includes:**

- 9 (1) an apprentice;
10 (2) an independent contractor;
11 (3) an intern; or
12 (4) a student who works as a trainee or an intern.

13 **Sec. 2. As used in this chapter, "employer" means:**

- 14 (1) an individual, a partnership, an association, a limited
15 liability company, a corporation, or a business trust;
16 (2) any board, commission, department, division, bureau,
17 committee, agency, governmental subdivision, military body,



1 authority, or other instrumentality of the state;
 2 (3) the state;
 3 (4) a state educational institution (as defined in
 4 IC 21-7-13-32);
 5 (5) a political subdivision (as defined in IC 36-1-2-13); or
 6 (6) a public school corporation (as defined in IC 4-4-38.5-6.2);
 7 that has one (1) or more employees.

8 Sec. 3. As used in this chapter, "immunization" means any
 9 injectable, inhalable, or pharmacological component, such as a:

10 (1) vaccine;
 11 (2) biologic; or
 12 (3) therapeutic;
 13 utilized with the intent to produce immunity or partial immunity
 14 to a pathogen.

15 Sec. 4. (a) An employer may not require an employee or
 16 prospective employee to take any of the following actions as a
 17 condition of employment, as a condition of employment in a
 18 particular position, or as a condition of receiving additional
 19 compensation or other benefits:

20 (1) Inject, or receive an injection of, an immunization in the
 21 employee's or prospective employee's body.
 22 (2) Ingest, inhale, or otherwise incorporate an immunization
 23 in the employee's or prospective employee's body.

24 (b) An employer may not discriminate against an employee with
 25 respect to:

26 (1) an employee's tenure, compensation, and benefits;
 27 (2) terms, conditions, and privileges of employment;
 28 (3) uniform or attire;
 29 (4) use of areas in the workplace that are open to employees
 30 who have received an immunization; or
 31 (5) testing requirements for an employee who is not
 32 demonstrating symptoms if similar testing requirements are
 33 not imposed on an employee who has received an
 34 immunization;

35 based on the employee's failure or refusal to take an action
 36 described in subsection (a).

37 Sec. 5. (a) An employee or prospective employee may bring a
 38 civil action against an employer to enforce section 4 of this chapter.

39 (b) If an employer violates section 4 of this chapter, the court
 40 may do the following:

41 (1) Award:
 42 (A) actual damages; and



1 **(B) court costs and reasonable attorney's fees;**
 2 **to the prevailing employee or prospective employee.**
 3 **(2) Enjoin further violation of this chapter.**
 4 **Sec. 6. This chapter does not limit an employee's or prospective**
 5 **employee's rights or remedies under any other state or federal law.**
 6 **SECTION 2. An emergency is declared for this act.**

