

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 628

By: Stephens

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6 AS INTRODUCED

7 An Act relating to conditions of employment; creating  
8 the Grandfathered Clause Act; providing short title;  
9 amending 40 O.S. 2021, Section 191, which relates to  
10 restrictions on examinations; prohibiting medication  
11 or vaccinations as a condition of continued  
employment by a business entity prior to certain  
date; providing an exception for certain entities;  
providing for noncodification; and declaring an  
emergency.

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13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. NEW LAW A new section of law not to be  
15 codified in the Oklahoma Statutes reads as follows:

16 This act shall be known and may be cited as the "Grandfathered  
17 Clause Act".

18 SECTION 2. AMENDATORY 40 O.S. 2021, Section 191, is  
19 amended to read as follows:

20 Section 191. A. It shall be unlawful for any person,  
21 partnership, association, or corporation, either for himself,  
22 herself, or itself, or in a representative or fiduciary capacity, to  
23 require any employee or applicant for employment, as a condition of  
24 employment or continued employment, to submit to, or take, a  
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1 physical or medical examination, without providing such examination  
2 at no cost therefor to such employee or applicant for employment, or  
3 without furnishing, upon the request of the employee or applicant  
4 for employment within thirty (30) days after such examination, free  
5 of charge, to such employee or applicant for employment, a true and  
6 correct copy, either original or duplicate original, of the  
7 examiner's report of such examination. It shall further be unlawful  
8 for any such person, partnership, association, or corporation to  
9 require any employee or applicant for employment to pay, either  
10 directly or indirectly, any part of the cost of any such  
11 examination, report, or copy of report. Provided, that the report  
12 of any physical examination furnished in accordance with this  
13 section shall not be made the basis or predicate for any action in  
14 damages against the physician and surgeon making and furnishing such  
15 report.

16 B. It shall be unlawful for any person, partnership,  
17 association, or corporation, either for himself, herself, or itself,  
18 or in a representative or fiduciary capacity, to mandate any  
19 employee as a condition of continued employment to submit to or take  
20 any vaccination or medication that has received accelerated approval  
21 from the United States Food and Drug Administration under 21 C.F.R.,  
22 Part 314, Subpart H or has been approved by the United States Food  
23 and Drug Administration for less than five (5) years for the  
24 prevention of COVID-19 and any variant or future variants thereof;

1 provided, that the provisions of this subsection shall not apply to  
2 any person, partnership, association, or corporation that is  
3 required to mandate such vaccination or medication for the  
4 prevention of COVID-19 and any variant or future variants thereof as  
5 a condition of receipt of federal funds or as a condition of  
6 participation in a federal program.

7 SECTION 3. It being immediately necessary for the preservation  
8 of the public peace, health or safety, an emergency is hereby  
9 declared to exist, by reason whereof this act shall take effect and  
10 be in full force from and after its passage and approval.

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12 59-1-676 MR 1/18/2023 8:54:52 AM  
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