

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 846

By: Dahm

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6 AS INTRODUCED

7 An Act relating to conditions of employment; amending
8 40 O.S. 2011, Sections 191 and 192, which relate to
9 restrictions on examinations and penalty; prohibiting
10 certain vaccinations as a condition of employment;
11 prohibiting termination and disciplinary action for
12 refusal to take certain vaccination for certain
13 reason; prohibiting discrimination against person,
14 church or business who refuses to take certain
15 vaccination or medicine developed using fetal cells;
16 protecting certain religious beliefs; modifying
17 language; providing for codification; and declaring
18 an emergency.

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

20 SECTION 1. AMENDATORY 40 O.S. 2011, Section 191, is
21 amended to read as follows:

22 Section 191. A. It shall be unlawful for any person,
23 partnership, association, or corporation, either for himself,
24 herself, or itself, or in a representative or fiduciary capacity, to
require any employee or applicant for employment, as a condition of
employment or continued employment, to submit to, or take, a
physical or medical examination, without providing such examination
at no cost therefor to such employee or applicant for employment, or

1 without furnishing, upon the request of the employee or applicant
2 for employment within thirty (30) days after such examination, free
3 of charge, to such employee or applicant for employment, a true and
4 correct copy, either original or duplicate original, of the
5 examiner's report of such examination. It shall further be unlawful
6 for any such person, partnership, association or corporation to
7 require any employee or applicant for employment to pay, either
8 directly or indirectly, any part of the cost of any such
9 examination, report, or copy of report. Provided that the report of
10 any physical examination furnished in accordance with this section
11 shall not be made the basis or predicate for any action in damages
12 against the physician and surgeon making and furnishing such report.

13 B. 1. It shall be unlawful for any person, partnership,
14 association or corporation, either for himself, herself or itself,
15 or in a representative or fiduciary capacity, to require any
16 employee, volunteer or applicant for employment, as a condition of
17 employment, volunteer service or continued employment, to submit to
18 or take any vaccination, injection, shot or medication for any
19 virus, disease or condition if fetal cells were used in the
20 development of such vaccine or medicine and such practice is a
21 violation of a sincerely held religious belief of the employee,
22 volunteer or applicant for employment.

23 2. No employee, volunteer or applicant for employment shall be
24 terminated, disciplined or refused employment based upon a refusal

1 to submit to or take any vaccination, injection, shot or medication
2 where fetal cells were used in the development of the vaccine or
3 medicine and such practice is a violation of a sincerely held
4 religious beliefs of such person.

5 SECTION 2. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 191.1 of Title 40, unless there
7 is created a duplication in numbering, reads as follows:

8 No business shall discriminate in any manner against, or refuse
9 services to, any person, church or business because such person or
10 entity advocates against or refuses to take a vaccination,
11 injection, shot or medication for any virus, disease or condition
12 where fetal cells were used in the development of such vaccine or
13 medicine and such practice violates a sincerely held religious
14 belief of such person, church or business. Violators of the
15 provisions of this section, upon conviction, shall be punished as
16 provided in Section 192 of Title 40 of the Oklahoma Statutes. The
17 provisions of this section shall be construed to protect a person's
18 deeply held religious beliefs against using fetal cells in research
19 and development.

20 SECTION 3. AMENDATORY 40 O.S. 2011, Section 192, is
21 amended to read as follows:

22 Section 192. Each and every violation of any provision of
23 Section ~~1~~ 191 of this title or Section 2 of this act shall
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1 constitute a misdemeanor, punishable by a fine in any amount not
2 exceeding One Hundred Dollars (\$100.00).

3 SECTION 4. It being immediately necessary for the preservation
4 of the public peace, health or safety, an emergency is hereby
5 declared to exist, by reason whereof this act shall take effect and
6 be in full force from and after its passage and approval.

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