

EMPLOYEE MEDICAL PROCEDURE PROTECTION ACT

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael S. Kennedy

House Sponsor: _____

LONG TITLE

General Description:

This bill enacts the Employee Medical Procedure Protection Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits an employer from requiring an employee, a prospective employee, or a blood relative of an employee or prospective employee to accept or decline a medical procedure;
- ▶ establishes liability for an employer violation of the Employee Medical Procedure Protection Act;
- ▶ limits an employer's liability for compliance with the Employee Medical Procedure Protection Act; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

34A-12-101, Utah Code Annotated 1953



28 [34A-12-102](#), Utah Code Annotated 1953
 29 [34A-12-201](#), Utah Code Annotated 1953
 30 [34A-12-202](#), Utah Code Annotated 1953



31
32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section [34A-12-101](#) is enacted to read:

34 **CHAPTER 12. EMPLOYEE MEDICAL PROCEDURE PROTECTION ACT**

35 **[34A-12-101](#). Title.**

36 This chapter is known as the "Employee Medical Procedure Protection Act."

37 Section 2. Section [34A-12-102](#) is enacted to read:

38 **[34A-12-102](#). Definitions.**

39 As used in this chapter:

40 (1) (a) "Employer" means, except as provided in Subsection (1)(b), the same as that
41 term is defined in Section [34A-2-103](#).

42 (b) "Employer" does not include a person who employs an individual who works:

43 (i) at a health care facility, as defined in Section [26-21-2](#); or

44 (ii) in a position within the health care industry in which there is a significant risk of
45 exposure to bodily fluids or communicable disease, as defined in Section [26-6-2](#).

46 (2) "Blood relative" means the same as that term is defined Section [26-45-102](#).

47 (3) "Medical procedure" means a treatment, procedure, therapy, medicine, drug,
48 immunization, or other action intended to affect or alter the physical or mental health of the
49 individual.

50 Section 3. Section [34A-12-201](#) is enacted to read:

51 **[34A-12-201](#). Employer prohibitions.**

52 ~~Ŝ~~→ ~~[An]~~ **(1) Except as provided in Subsection (2), an** ←Ŝ employer may not require any
52a of the following to accept or decline a medical
53 procedure:

54 ~~Ŝ~~→ ~~[(1)]~~ **(a)** ←Ŝ an employee;

55 ~~Ŝ~~→ ~~[(2)]~~ **(b)** ←Ŝ a prospective employee; or

56 ~~Ŝ~~→ ~~[(3)]~~ **(c)** ←Ŝ a blood relative of an employee or prospective employee.

56a ~~Ŝ~~→ **(2) A governmental entity, as defined in [63D-2-102](#), may require an employee to receive a**
56b **vaccine, if the employee is:**

56c **(a) acting in a public health or medical setting; and**

56d **(b) required to receive a vaccine in order to perform the employee's assigned duties and**
56e **responsibilities.** ←Ŝ

57 Section 4. Section [34A-12-202](#) is enacted to read:

58 **[34A-12-202](#). Employer liability.**

- 59 (1) In a civil action seeking enforcement or claiming a violation of this chapter:
60 (a) an employer is liable for any and all injury and damage caused by the employer's
61 violation of this chapter; and
62 (b) the court may award costs and attorney fees to the prevailing party.
63 (2) An employer is not liable under this chapter for an employee, a prospective
64 employee, or a blood relative of an employee or prospective employee's injury or damage
65 arising from the employer's compliance with this chapter.