STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

SENATE BILL 765  By: Bullard

AS INTRODUCED

An Act relating to conditions of employment; amending 40 O.S. 2011, Section 191, which relates to restrictions on examinations; prohibiting vaccinations as a condition of employment; modifying references; allowing voluntary compliance with employer recommendation for vaccinations; requiring employer pay costs; prohibiting payment from certain persons; prohibiting termination and disciplinary action for refusal to take vaccination; construing provision; amending 40 O.S. 2011, Section 192, which relates to penalties; updating reference; and declaring an emergency.

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

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

Section 191. A. It shall be unlawful for any person, partnership, association or corporation, either for himself, 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
without furnishing, upon the request of the employee or applicant for employment within thirty (30) days after such examination, free of charge, to such employee or applicant for employment, a true and correct copy, either original or duplicate original, of the examiner's report of such examination. It shall further be unlawful for any such person, partnership, association or corporation to require any employee or applicant for employment to pay, either directly or indirectly, any part of the cost of any such examination, report or copy of report. Provided that the report of any physical examination furnished in accordance with this section shall not be made the basis or predicate for any action in damages against the physician and surgeon making and furnishing such report.

B. 1. It shall be unlawful for any person, partnership, association or corporation, either for himself, 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 any vaccination, injection, shot or medication for any virus, disease or condition.

2. Any person, partnership, association or corporation, either for himself, herself or itself, or in a representative or fiduciary capacity, recommending an employee or applicant for employment, submit to or take any vaccination, injection, shot or medication for any virus, disease or condition shall offer such vaccination, injection, shot or medication at no cost to the employee or
applicant for employment and shall be prohibited from seeking any payment, either directly or indirectly, for any part of the cost of such vaccination, injection, shot or medication from the employee or applicant for employment or their insurance provider.

3. An employee or applicant for employment may voluntarily submit to and take a vaccination, injection, shot or medication as recommended by an employer provided such person has first received, read and signed a written statement explaining the person’s right to refuse without retaliation or discrimination and the right to read a detailed explanation of the side effects and contra-indications of such vaccination, injection, shot or medication.

4. No employee or applicant for employment shall be terminated, disciplined or refused employment based upon a refusal to submit to or take any vaccination, injection, shot or medication recommended by an employer.

5. Nothing in this section shall be interpreted to prohibit health or safety requirements that do not include a vaccination, injection, shot or medication.

SECTION 2. AMENDATORY 40 O.S. 2011, Section 192, is amended to read as follows:

Section 192. Each and every violation of any provision of Section 191 of this act title shall constitute a misdemeanor, punishable by a fine in any amount not exceeding One Hundred Dollars ($100.00).
SECTION 3. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.