

**Effective 5/4/2022**

**Chapter 56**  
**Workplace Covid-19 Provisions**

**Part 1**  
**General Provisions**

**34-56-101 Definitions.**

As used in this chapter:

- (1)
  - (a) "Adverse action" means:
    - (i) an action that results in:
      - (A) the refusal to hire a potential employee; or
      - (B) the termination of employment, demotion, or reduction of wages of an employee; or
    - (ii) a governmental entity separating an employee from another employee solely because of the COVID-19 vaccination status of the employee.
  - (b) "Adverse action" does not include an employer's reassignment of an employee, if the employee's COVID-19 vaccination status is not the only reason for the reassignment.
- (2) "COVID-19 vaccine" means a substance that is:
  - (a)
    - (i) approved for use by the United States Food and Drug Administration; or
    - (ii) authorized for use by the United States Food and Drug Administration under an emergency use authorization under 21 U.S.C. Sec. 360bbb-3;
  - (b) injected into or otherwise administered to an individual; and
  - (c) intended to immunize an individual against COVID-19 as defined in Section 78B-4-517.
- (3) "COVID-19 vaccination status" means the state of whether an individual has received a COVID-19 vaccine.
- (4) "Employee" means an individual suffered or permitted to work by an employer.
- (5)
  - (a) Except as provided in Subsection (5)(c), "employer" means the same as that term is defined in Section 34A-6-103.
  - (b) Except as provided in Subsection (5)(c), "employer" includes a federal contractor.
  - (c) "Employer" does not include:
    - (i) a person that is subject to a regulation by the Centers for Medicare and Medicaid Services regarding a COVID-19 vaccine, during the period that the regulation is in effect; or
    - (ii) a health care provider, as defined in Section 78B-3-403, that is a participating provider for the Centers for Medicare and Medicaid Services.
- (6) "Governmental entity" means:
  - (a) an executive branch agency as defined in Section 63A-16-102;
  - (b) the legislative branch;
  - (c) the judicial branch;
  - (d) the State Board of Education;
  - (e) the Utah Board of Higher Education;
  - (f) an institution of higher education; and
  - (g) a political subdivision of the state:
    - (i) as defined in Section 17B-1-102; and
    - (ii) including a school district.

- (7) "Nurse practitioner" means an individual who is licensed to practice as an advanced practice registered nurse under Title 58, Chapter 31b, Nurse Practice Act.
- (8) "Physician" means an individual licensed to practice as a physician or osteopath under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.
- (9) "Physician assistant" means an individual who is licensed to practice as a physician assistant under Title 58, Chapter 70a, Utah Physician Assistant Act.
- (10) "Primary care provider" means a nurse practitioner, physician, or physician assistant.
- (11) "Workplace" means the same as that term is defined in Section 34A-6-103.

Renumbered and Amended by Chapter 119, 2022 General Session

**34-56-102 Scope.**

If a requirement imposed on an employer under this chapter substantially impairs the fulfillment of a contract entered into before May 4, 2022, to which the employer is a party, the requirement does not apply to the employer.

Enacted by Chapter 119, 2022 General Session

**Part 2**  
**Vaccinations, Recordkeeping, and Testing**

**34-56-201 Employee COVID-19 vaccination, recordkeeping, and testing provisions.**

- (1)
  - (a) Except as provided in Subsection (1)(b), an employer who requires an employee or prospective employee to receive or show proof that the employee or prospective employee has received a COVID-19 vaccine shall exempt the employee or prospective employee from the requirement if the employee or prospective employee submits to the employer:
    - (i) a statement that receiving a COVID-19 vaccine would:
      - (A) be injurious to the health and well-being of the employee or prospective employee;
      - (B) conflict with a sincerely held religious belief, practice, or observance of the employee or prospective employee; or
      - (C) conflict with a sincerely held personal belief of the employee or prospective employee; or
    - (ii) a letter from the employee or prospective employee's primary care provider stating that the employee or prospective employee was previously infected by COVID-19.
  - (b) An employer may require an employee or prospective employee to receive or show proof that the employee or prospective employee has received a COVID-19 vaccination without providing an exemption described in Subsection (1)(a), if:
    - (i)
      - (A) the employer establishes a nexus between the requirement and the employee's assigned duties and responsibilities; or
      - (B) the employer identifies an external requirement for vaccination that is not imposed by the employer and is related to the employee's duties and responsibilities; and
    - (ii) reassignment of the employee is not practical.
  - (c)

- (i) An employer may not keep or maintain a record or copy of an employee's proof of vaccination, unless:
    - (A) otherwise required by law; or
    - (B) an established business practice or industry standard requires otherwise.
  - (ii) Subsection (1)(c)(i) does not prohibit an employer from verbally asking an employee to voluntarily disclose whether the employee is vaccinated.
- (2)
- (a) An employer shall pay for all COVID-19 testing an employee receives in relation to or as a condition of the employee's presence at the workplace.
  - (b) An employer may not keep or maintain a record or copy of an employee's COVID-19 test results, unless otherwise required by law.
- (3) An employer may not take an adverse action against an employee because of an act the employee makes in accordance with this chapter.

Enacted by Chapter 119, 2022 General Session