

SB0208S01 compared with SB0208

~~text~~ shows text that was in SB0208 but was deleted in SB0208S01.

text shows text that was not in SB0208 but was inserted into SB0208S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Michael S. Kennedy proposes the following substitute bill:

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~~receive a ~~medical procedure~~vaccine;
- ▶ 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

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- ▶ 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

34A-12-102, Utah Code Annotated 1953

34A-12-201, Utah Code Annotated 1953

34A-12-202, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 34A-12-101 is enacted to read:

CHAPTER 12. EMPLOYEE MEDICAL ~~{PROCEDURE}~~ PROTECTION ACT

34A-12-101. Title.

This chapter is known as the "Employee Medical ~~{Procedure}~~ Protection Act."

Section 2. Section 34A-12-102 is enacted to read:

34A-12-102. Definitions.

As used in this chapter:

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

(b) "Employer" does not include a person who:

(i) employs an individual who works:

(~~{i}~~)A) at a health care facility ~~{, as defined in Section 26-21-2}~~; or

(~~{i}~~)B) in a position within the health care industry in which there is ~~{a significant risk of exposure to bodily fluids or communicable disease, as defined in Section 26-6-2}~~ physical interaction with patients; or

(ii) is under contract with the United States Department of Defense.

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

(3) "~~{Medical procedure}~~" means a treatment, procedure, therapy, medicine, drug,

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~~immunization, or other action intended to affect or alter the physical or mental health of the individual}~~ Health care facility" means the same as that term is defined in Section 26-21-2.

(4) "Vaccine" means a substance that is:

(a) (i) licensed 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 the individual against a disease or illness.

Section 3. Section 34A-12-201 is enacted to read:

34A-12-201. Employer prohibitions.

~~{An}~~ (1) Except as provided in Subsection (2), an employer may not require any of the following to ~~{accept or decline}~~ receive a ~~{medical procedure}~~ vaccine:

~~{1}~~ a) an employee;

~~{2}~~ b) a prospective employee; or

~~{3}~~ c) a blood relative of an employee or prospective employee.

(2) Subsection (1) does not apply if the employee or the prospective employee works or will work:

(a) for the Department of Health created in Section 26-1-4; and

(b) directly with a health care facility.

Section 4. Section 34A-12-202 is enacted to read:

34A-12-202. Employer liability.

(1) In a civil action seeking enforcement or claiming a violation of this chapter ~~{~~ ~~(a) }~~, an employer is liable for any and all injury and damage caused by the employer's violation of this chapter ~~{, and~~

~~{~~ ~~(b) the court may award costs and attorney fees to the prevailing party }~~.

(2) An employer is not liable under this chapter for an employee, a prospective employee, or a blood relative of an employee or prospective employee's injury or damage arising from the employer's compliance with this chapter.