

WORKPLACE COVID-19 AMENDMENTS

2021 SECOND SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Kirk A. Cullimore

House Sponsor: Mike Schultz

LONG TITLE

General Description:

This bill enacts provisions related to COVID-19 vaccination and testing in the workplace.

Highlighted Provisions:

This bill:

- ▶ requires an employer to relieve an employee of a COVID-19 vaccination mandate under certain conditions;
- ▶ requires an employer to pay for COVID-19 workplace testing; and
- ▶ prohibits an adverse action against an employee who claims relief.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

ENACTS:

26-68-201, Utah Code Annotated 1953

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

Section 1. Section **26-68-201** is enacted to read:

26-68-201. Employee COVID-19 vaccination and testing.



- 28 (1) As used in this section:
- 29 (a) (i) "Adverse action" means an action that results in:
- 30 (A) the refusal to hire a potential employee; or
- 31 (B) the termination of employment, demotion, or reduction of wages of an employee.
- 32 (ii) "Adverse action" does not include an employer's reassignment of an employee.
- 33 (b) "COVID-19 vaccine" means a substance that is:
- 34 (i) approved by the United States Food and Drug Administration;
- 35 (ii) injected into or otherwise administered to an individual; and
- 36 (iii) intended to immunize an individual against COVID-19 as defined in Section
- 37 [78B-4-517](#).
- 38 (c) "Employee" means the same as that term is defined in Section [34A-6-103](#).
- 39 (d) "Employer" means the same as that term is defined in Section [34A-6-103](#).
- 40 (e) "Workplace" means the same as that term is defined in Section [34A-6-103](#).
- 41 (2) Except as provided in Subsection (5), an employer who requires an employee or
- 42 prospective employee to receive or show proof that the employee or prospective employee has
- 43 received a COVID-19 vaccine shall relieve the employee or prospective employee of the
- 44 requirement if the employee or prospective employee submits to the employer a statement that
- 45 receiving a COVID-19 vaccine would:
- 46 (a) be injurious to the health and well-being of the employee or prospective employee;
- 47 (b) conflict with a sincerely held religious belief, practice, or observance of the
- 48 employee or prospective employee; or
- 49 (c) conflict with a sincerely held personal belief of the employee or prospective
- 50 employee.
- 51 (3) Except as provided in Subsection (5), an employer shall pay for all COVID-19
- 52 testing an employee receives in relation to or as a condition of the employee's presence at the
- 53 workplace.
- 54 (4) Except as provided in Subsection (5), an employer may not take an adverse action
- 55 against an employee because of an act the employee makes in accordance with this section.
- 56 (5) (a) Except as provided in Subsection (5)(b), the provisions of this section do not
- 57 apply to a contract entered into before November 5, 2021.
- 58 (b) This section applies to a contract between an employer and the employer's

59 employee regardless of when the parties entered into the agreement.

60 Section 2. **Effective date.**

61 If approved by two-thirds of all the members elected to each house, this bill takes effect

62 upon approval by the governor, or the day following the constitutional time limit of Utah

63 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,

64 the date of veto override.