

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 765

By: Bullard

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5  
6 AS INTRODUCED

7 An Act relating to conditions of employment; amending  
8 40 O.S. 2011, Section 191, which relates to  
9 restrictions on examinations; prohibiting  
10 vaccinations as a condition of employment; modifying  
11 references; allowing voluntary compliance with  
12 employer recommendation for vaccinations; requiring  
13 employer pay costs; prohibiting payment from certain  
14 persons; prohibiting termination and disciplinary  
15 action for refusal to take vaccination; construing  
16 provision; amending 40 O.S. 2011, Section 192, which  
17 relates to penalties; updating reference; and  
18 declaring an emergency.

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

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

22 Section 191. A. It shall be unlawful for any person,  
23 partnership, association, or corporation, either for himself,  
24 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

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

13 B. 1. It shall be unlawful for any person, partnership,  
14 association or corporation, either for himself, herself or itself,  
15 or in a representative or fiduciary capacity, to require any  
16 employee or applicant for employment, as a condition of employment  
17 or continued employment, to submit to or take any vaccination,  
18 injection, shot or medication for any virus, disease or condition.

19 2. Any person, partnership, association or corporation, either  
20 for himself, herself or itself, or in a representative or fiduciary  
21 capacity, recommending an employee or applicant for employment,  
22 submit to or take any vaccination, injection, shot or medication for  
23 any virus, disease or condition shall offer such vaccination,  
24 injection, shot or medication at no cost to the employee or

1 applicant for employment and shall be prohibited from seeking any  
2 payment, either directly or indirectly, for any part of the cost of  
3 such vaccination, injection, shot or medication from the employee or  
4 applicant for employment or their insurance provider.

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

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

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

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

21 Section 192. Each and every violation of any provision of  
22 Section ~~191~~ 191 of this ~~act~~ title shall constitute a misdemeanor,  
23 punishable by a fine in any amount not exceeding One Hundred Dollars  
24 (\$100.00).

1           SECTION 3. It being immediately necessary for the preservation  
2 of the public peace, health or safety, an emergency is hereby  
3 declared to exist, by reason whereof this act shall take effect and  
4 be in full force from and after its passage and approval.

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