

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1954

By: Jett

AS INTRODUCED

An Act relating to labor; defining terms; preventing adoption and enforcement of vaccine mandates by employers for employees or applicants; prohibiting adverse action by employer for refusal to mandate; providing for complaint to be filed if in violation; allowing the Attorney General to seek certain relief; prescribing penalties for violation; allowing for employer to remedy violation; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 191.1 of Title 40, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Adverse action" means an action taken by an employer that a reasonable person would consider was for the purpose of punishing, alienating, or otherwise adversely affecting an employee, contractor, applicant for employment, or applicant for a contract position;

1 2. "COVID-19" means the 2019 novel coronavirus disease and any
2 variants of disease;

3 3. "Department" means the Department of Labor; and

4 4. "Employer" means a person who employs one or more employees.

5 SECTION 2. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 191.2 of Title 40, unless there
7 is created a duplication in numbering, reads as follows:

8 A. An employer may not adopt or enforce a mandate requiring an
9 employee, contractor, applicant for employment, or applicant for a
10 contract position to be vaccinated against COVID-19 as a condition
11 of employment or a contract position.

12 B. An employer may not take an adverse action against an
13 employee, contractor, applicant for employment, or applicant for a
14 contract position for a refusal to be vaccinated against COVID-19.

15 C. 1. An employee, contractor, applicant for employment, or
16 applicant for a contract position against whom an employer took an
17 adverse action in violation of this act may file a complaint with
18 the labor commissioner in the form and manner prescribed by the
19 Department of Labor rules.

20 2. A complaint filed with the Department shall include the
21 following information:

22 a. the name of the complainant,

23 b. the name of the employer, and

1 c. the nature and description of any alleged adverse
2 action the employer took against the complainant.

3 3. Upon receipt of a complaint as provided in paragraph 1 of
4 this subsection, the Department shall conduct an investigation to
5 determine whether the employer took an adverse action against the
6 complainant because of the complainant's refusal to be vaccinated
7 against COVID-19.

8 4. The Department shall promulgate rules necessary to accept
9 complaints and conduct investigations for violations in this act.

10 D. 1. The Attorney General may bring an action for injunctive
11 relief against the employer to prevent further violations of this
12 act by the employer. The action shall be filed in a district court
13 in:

14 a. Oklahoma County, or

15 b. the county in which the alleged adverse action
16 occurred.

17 2. In an injunction issued under paragraph 1 of this
18 subsection, a court may include reasonable requirements to prevent
19 further violations of this act.

20 E. The Department may impose on an employer who violates this
21 act an administrative penalty not more than One Thousand Dollars
22 (\$1,000.00) for each violation, unless the employer:

23 1. Hires the applicant for employment or offers a contract to
24 the applicant for a contract position; or

1 2. Reinstates with back pay from the date the employer took the
2 adverse action and makes every reasonable effort to reverse the
3 effects of the adverse action, including reestablishing employee
4 benefits for which the employee or contractor otherwise would have
5 been eligible if the adverse action had not been taken.

6 SECTION 3. This act shall become effective November 1, 2024.

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