

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 115

By: Bullard

AS INTRODUCED

An Act relating to vaccinations and immunizations; amending 25 O.S. 2021, Section 1101, which relates to discrimination in employment; modifying language to include disclosure of vaccination and immunity status; requiring exemption; requiring a certification of disclosure exemption be provided; providing for certain requirements; providing for submittal time frame; requiring certain acceptance; providing for vaccination disclosure exemption; providing for policy or regulation inclusions; providing form; amending 40 O.S. 2021, Section 192, which relates to violation of act; adding jurisdiction for enforcement of violations; updating statutory references; providing for noncodification; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Privacy and Conscience Protection Act".

SECTION 2. AMENDATORY 25 O.S. 2021, Section 1101, is amended to read as follows:

1 Section 1101. A. ~~This act~~ Section 1101 et seq. of this title  
2 provides for exclusive remedies within the state of the policies for  
3 individuals alleging discrimination in employment on the basis of  
4 race, color, national origin, sex, religion, creed, age, disability  
5 ~~or~~, genetic information, or disclosure of medical privacy.

6 B. ~~This act~~ Section 1101 et seq. of this title shall be  
7 construed according to the fair import of its terms to further the  
8 general purposes stated in this section and the special purposes of  
9 the particular provision involved.

10 SECTION 3. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 191.1 of Title 40, unless there  
12 is created a duplication in numbering, reads as follows:

13 A. Any public or private employer operating in this state who  
14 requires an employee or contractor to participate in vaccination or  
15 immunization for COVID-19, as defined in Section 111 of Title 76 of  
16 the Oklahoma Statutes, any variant, or future variants thereof as  
17 part of an employer's policy, whether written or verbal, shall allow  
18 for a privacy exemption for an employee or contractor to refuse  
19 disclosure of his or her vaccination or immunization status. The  
20 requirement of this subsection shall not be required of an employee  
21 who can provide proof of natural immunity by presenting a positive  
22 antibody test to his or her employer.

23 B. Every employee or contractor employed by a public or private  
24 employer operating in this state shall be provided a certification

1 of disclosure exemption, which shall release the employee or  
2 contractor from disclosing his or her vaccination or immunization  
3 status due to an employer-mandated policy or regulation, whether  
4 written or verbal, that involves or governs the vaccination or  
5 immunization status for COVID-19, any variant, or future variants  
6 thereof for employees or contractors. The certification of  
7 disclosure exemption provided to an employee or contractor by the  
8 employer, as required by this section, shall meet the following  
9 requirements:

10 1. Upon adoption of any policy or regulation by a public or  
11 private employer operating in this state, the employer shall provide  
12 immediate notice to all employees or contractors of the policy  
13 adopted by the employer. Such notice shall include a certification  
14 of disclosure exemption for the employee or contractor. An employee  
15 seeking to refuse disclosure shall complete the employer-provided  
16 certification of disclosure exemption;

17 2. Upon receipt of the certification of disclosure exemption,  
18 the employee or contractor shall be given thirty (30) calendar days  
19 to complete and submit the certification to the employer;

20 3. Upon submission of the completed certification of disclosure  
21 exemption by the employee or contractor, the employer shall accept,  
22 without question, the certification of exemption and shall sign the  
23 document acknowledging receipt;

1 4. Upon submission of the completed certification of disclosure  
2 exemption, the employer shall not disclose employees or contractors  
3 who refused to disclose their vaccination or immunizations statuses  
4 for COVID-19, any variant, or future variants thereof; and

5 5. All public or private employers operating in this state  
6 shall maintain a signed copy of an employee's or contractor's  
7 completed certification of disclosure exemption in the employee's or  
8 contractor's employment file and shall provide a signed copy to the  
9 employee or contractor upon request.

10 C. Any policy or regulation adopted by an employer to implement  
11 the provisions of this section shall not:

12 1. Disclose an employee's or contractor's vaccination or  
13 immunization status for COVID-19, any variant, or future variants  
14 thereof;

15 2. Provide incentives, bonuses, or any other reward for  
16 disclosing an employee's or contractor's vaccination or immunization  
17 status for COVID-19, any variant, or future variants thereof;

18 3. Discriminate against an employee or contractor due to his or  
19 her refusal to disclose his or her immunization or vaccination  
20 status for COVID-19, any variant, or future variants thereof.

21 Discrimination includes, but is not limited to, harassment,  
22 different treatment, denial of benefits, or retaliation against an  
23 employee or contractor;

1 4. Terminate, discipline, deny employment benefits to, or  
2 otherwise penalize an employee or contractor by a reduction in pay  
3 or benefits based on the employee's refusal to disclose immunization  
4 or vaccination status for COVID-19, any variant, or future variants  
5 thereof;

6 5. Segregate employees or contractors based on immunization or  
7 vaccination status for COVID-19, any variant, or future variants  
8 thereof; or

9 6. Require an employee or contractor to wear or display any  
10 insignia or mark, or otherwise directly or indirectly disclose his  
11 or her refusal to disclose vaccination or immunization status for  
12 COVID-19, any variant, or future variants thereof.

13 An employer may offer reasonable accommodations for those who  
14 refuse to disclose and provide an exemption from disclosure of  
15 vaccination status. For the purposes of this section, "reasonable  
16 accommodation" shall mean requiring the wearing of a mask when  
17 interacting with or in close proximity of others or requiring  
18 periodic testing not to exceed more than once weekly. Any costs  
19 incurred by the implementation of these accommodations shall be paid  
20 for by the employer.

21 D. An employee or contractor seeking an exemption from  
22 disclosure of his or her vaccination or immunization status shall  
23 complete the certification of exemption form included in this  
24 subsection and deliver it to his or her employer.

1 CERTIFICATION OF DISCLOSURE EXEMPTION FOR VACCINATION STATUS

2 Please read and complete for requesting an employer exemption for  
3 disclosing immunization or vaccination status.

4 All entries must be legible or form will be returned. Please print  
5 unless signature is required.

_____		_____	_____	
Name (Last,		Birth	Name of Employer	
8 First, MI)		Date		
_____		_____		
Phone Number				
_____	_____	_____		_____
Address	County	City		Zip

13 1. PERSONAL OBJECTION:

14 I hereby certify that the employer with whom I am affiliated as  
15 an employee or contractor has implemented policies governing  
16 immunization or vaccination requirements that are contrary to my  
17 beliefs and/or conscience and/or my privacy rights. I request an  
18 exemption from disclosing my immunization or vaccination status  
19 pursuant to my relationship with the above-stated employer. [CITE  
20 NEW LAW]

_____	_____	_____
Printed name	Signature	Date

23 2. EMPLOYER RECEIPT:

1 I hereby certify that I have received and documented the  
2 employee's or contractor's certification of disclosure exemption  
3 involving the employee's or contractor's immunization or vaccination  
4 status. As an agent of the employer, I hereby approve the  
5 employee's or contractor's request to be exempt from disclosing  
6 their immunization or vaccination status, pursuant to [CITE NEW  
7 LAW].

8 \_\_\_\_\_  
9 Printed name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

10 ATTENTION: - This form is to be submitted to the Employer,  
11 Owner, or HR Department.

12 The Employer, Owner, or HR Department shall keep a copy of this  
13 form in the employee's or contractor's employment file.

14 SECTION 4. AMENDATORY 40 O.S. 2021, Section 192, is  
15 amended to read as follows:

16 Section 192. A. Each and every violation of any provision of  
17 Section ~~4 of this act~~ 191 of this title shall constitute a  
18 misdemeanor, punishable by a fine in any amount not exceeding One  
19 Hundred Dollars (\$100.00).

20 B. Any and every violation by the employer in subsection A of  
21 Section 4 of this act shall be under the jurisdiction of the Office  
22 of the Attorney General.

23 SECTION 5. It being immediately necessary for the preservation  
24 of the public peace, health, or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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