

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 765

By: Bullard, Jett, Rogers, and  
6 Bergstrom

7  
8 COMMITTEE SUBSTITUTE

9 An Act relating to vaccinations and immunizations;  
10 requiring exemption; requiring a certification of  
11 disclosure exemption be provided; providing for  
12 certain requirements; providing for submittal time  
13 frame; requiring certain acceptance; providing for  
14 vaccination disclosure exemption; providing for  
15 policy or regulation inclusions; providing form;  
16 amending 40 O.S. 2021, Section 192, which relates to  
17 violation of act; adding jurisdiction for enforcement  
18 of violations; providing for noncodification;  
19 providing for codification; and declaring an  
20 emergency.

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

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

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

SECTION 2. 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:

1       A. Any public or private employer operating in this state who  
2 requires an employee or contractor to participate in vaccination or  
3 immunization for COVID-19, as defined in Section 111 of Title 76 of  
4 the Oklahoma Statutes, any variant, or future variants thereof as  
5 part of an employer's policy, whether written or verbal, shall allow  
6 for a privacy exemption for their employee or contractor to refuse  
7 disclosure of his or her vaccination or immunization status. The  
8 requirement of this subsection shall not be required of an employee  
9 who can provide proof of natural immunity by presenting a positive  
10 antibody test to his or her employer.

11       B. Every employee or contractor employed by a public or private  
12 employer operating in this state shall be provided a certification  
13 of disclosure exemption, which shall release the employee or  
14 contractor from disclosing his or her vaccination or immunization  
15 status due to an employer-mandated policy or regulation, whether  
16 written or verbal, that involves or governs the vaccination or  
17 immunization status for COVID-19, any variant, or future variants  
18 thereof for employees or contractors. The certification of  
19 disclosure exemption provided to an employee or contractor by the  
20 employer, as required by this section, shall meet the following  
21 requirements:

22       1. Upon adoption of any policy or regulation by a public or  
23 private employer operating in this state, the employer shall provide  
24 immediate notice to all employees or contractors of the policy

1 adopted by the employer. Such notice shall include a certification  
2 of disclosure exemption for the employee or contractor. An employee  
3 seeking to refuse disclosure shall complete the employer-provided  
4 certification of disclosure exemption;

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

8 3. Upon submission of the completed certification of disclosure  
9 exemption by the employee or contractor, the employer shall accept,  
10 without question, the certification of exemption and shall sign the  
11 document acknowledging receipt;

12 4. Upon submission of the completed certification of disclosure  
13 exemption, the employer shall not disclose employees or contractors  
14 who refused to disclose their vaccination or immunization status for  
15 COVID-19, any variant, or future variants thereof; and

16 5. All public or private employers operating in this state  
17 shall maintain a signed copy of an employee's or contractor's  
18 completed certification of disclosure exemption in the employee's or  
19 contractor's employment file and shall provide a signed copy to the  
20 employee or contractor upon request.

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

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1 1. Disclose their employee's or contractor's vaccination or  
2 immunization status for COVID-19, any variant, or future variants  
3 thereof;

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

7 3. Discriminate against employees or contractors on their  
8 refusal to disclose their immunization or vaccination status for  
9 COVID-19, any variant, or future variants thereof. Discrimination  
10 includes, but is not limited to, harassment, different treatment,  
11 denial of benefits, or retaliation against an employee or  
12 contractor;

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

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

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

1 An employer may offer reasonable accommodations for those who  
2 refuse to disclose and provide an exemption from disclosure of  
3 vaccination status. For the purposes of this section, "reasonable  
4 accommodation" shall mean requiring the wearing of a mask when  
5 interacting with or in close proximity of others or requiring  
6 periodic testing not to exceed more than once weekly. Any costs  
7 incurred by the implementation of these accommodations shall be paid  
8 for by the employer.

9 D. An employee or contractor seeking an exemption from  
10 disclosure of his or her vaccination or immunization status shall  
11 complete the certification of exemption form included in this  
12 subsection and deliver it to his or her employer.

13 CERTIFICATION OF DISCLOSURE EXEMPTION FOR VACCINATION STATUS

14 Please read and complete to request an employer exemption for  
15 disclosing immunization or vaccination status.

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

18 \_\_\_\_\_

19 _____	_____	_____	
Name (Last,	Birth	Name of Employer	
20 First, MI)	Date		
21 _____	_____		
Phone Number			
22 _____	_____	_____	_____
Address	County	City	Zip
23			
24			

1 1. PERSONAL OBJECTION:

2 I hereby certify that the employer with whom I am affiliated as  
3 an employee or contractor has implemented policies governing  
4 immunization or vaccination requirements that are contrary to my  
5 beliefs and/or conscience and/or my privacy rights. I request an  
6 exemption from disclosing my immunization or vaccination status  
7 pursuant to my relationship with the above-stated employer. [CITE  
8 NEW LAW ]

9 \_\_\_\_\_  
10 Printed name Signature Date

11 2. EMPLOYER RECEIPT:

12 I hereby certify that I have received and documented the  
13 employee's or contractor's certification of disclosure  
14 exemption involving the employee's or contractor's  
15 immunization or vaccination status. As an agent of the  
16 employer, I hereby approve the employee's or contractor's  
17 request to be exempt from disclosing his or her  
18 immunization or vaccination status, pursuant to [CITE NEW  
19 LAW].

20 \_\_\_\_\_  
21 Printed name Signature Date

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

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

1 SECTION 3. AMENDATORY 40 O.S. 2021, Section 192, is  
2 amended to read as follows:

3 Section 192. A. Each and every violation of any provision of  
4 ~~Section 1 of this act~~ 191 of this title shall constitute a  
5 misdemeanor, punishable by a fine in any amount not exceeding One  
6 Hundred Dollars (\$100.00).

7 B. Each and every violation by an employer of any provision of  
8 Section 2 of this act shall be under the jurisdiction of the Office  
9 of the Attorney General.

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

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