

1 **SENATE FLOOR VERSION**

2 March 3, 2022

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 765

By: Bullard, Jett, Rogers,
Bergstrom, and Stephens of
the Senate

6 and

7 West (Kevin) of the House

8
9 An Act relating to vaccinations and immunizations;
10 creating the Privacy and Conscience Protection Act;
11 requiring exemption; requiring a certification of
12 disclosure exemption be provided; providing for
13 certain requirements; providing for submittal time
14 frame; requiring certain acceptance; providing for
15 vaccination disclosure exemption; providing for
16 policy or regulation inclusions; providing form;
17 amending 40 O.S. 2021, Section 192, which relates to
18 violation of act; updating statutory reference;
19 adding jurisdiction for enforcement of violations;
20 providing for noncodification; providing for
21 codification; and declaring an emergency.

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

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

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

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 191.1 of Title 40, unless there
3 is created a duplication in numbering, reads as follows:

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

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

1 1. Upon adoption of any policy or regulation by a public or
2 private employer operating in this state, the employer shall provide
3 immediate notice to all employees or contractors of the policy
4 adopted by the employer. Such notice shall include a certification
5 of disclosure exemption for the employee or contractor. An employee
6 seeking to refuse disclosure shall complete the employer-provided
7 certification of disclosure exemption;

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

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

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

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

24

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

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

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

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

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

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

23 6. Require an employee or contractor to wear or display any
24 insignia or mark, or otherwise directly or indirectly disclose his

1 or her refusal to disclose vaccination or immunization status for
2 COVID-19, any variant, or future variants thereof.

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

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

15 CERTIFICATION OF DISCLOSURE EXEMPTION FOR VACCINATION STATUS

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

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

20 _____
21 Name (Last, Birth Name of Employer
22 First, MI) Date
23 Phone Number
24 _____

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

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

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

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

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

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

18 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
19 March 3, 2022 - DO PASS AS AMENDED
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