

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1296

By: Bullard

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5
6 AS INTRODUCED

7 An Act relating to vaccinations and immunizations;
8 amending 25 O.S. 2021, Section 1101, which relates to
9 discrimination in employment; modifying language to
10 include disclosure of vaccination and immunity
11 status; amending 25 O.S. 2021, Section 1302, which
12 relates to discriminatory practices; adding the
13 disclosure of vaccination and immunity status to
14 discriminatory practices; requiring exemption;
15 requiring a certification of disclosure exemption be
16 provided; providing for certain requirements;
17 providing for submittal time frame; requiring certain
18 acceptance; providing for vaccination disclosure
19 exemption; providing for policy or regulation
20 inclusions; providing form; amending 40 O.S. 2021,
21 Section 192, which relates to violation of act;
22 adding jurisdiction for enforcement of violations;
23 providing for noncodification; providing for
24 codification; and declaring an emergency.

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

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

21 This act shall be known as the "Privacy and Conscience
22 Protection Act".

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

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

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

9 SECTION 3. AMENDATORY 25 O.S. 2021, Section 1302, is
10 amended to read as follows:

11 Section 1302. A. It is a discriminatory practice for an
12 employer:

13 1. To fail or refuse to hire, to discharge, or otherwise to
14 discriminate against an individual with respect to compensation or
15 the terms, conditions, privileges or responsibilities of employment,
16 because of race, color, religion, sex, national origin, age, genetic
17 information, disclosure of vaccination or immunization status, or
18 disability, unless the employer can demonstrate that accommodation
19 for the disability would impose an undue hardship on the operation
20 of the business of such employer; or

21 2. To limit, segregate, or classify an employee or applicant
22 for employment in a way which would deprive or tend to deprive an
23 individual of employment opportunities or otherwise adversely affect
24 the status of an employee, because of race, color, religion, sex,

1 national origin, age, genetic information, disclosure of vaccination
2 or immunization status or disability, unless the employer can
3 demonstrate that accommodation for the disability would impose an
4 undue hardship on the operation of the business of such employer.

5 B. This section does not apply to the employment of an
6 individual by his or her parents, spouse, or child or to employment
7 in the domestic service of the employer.

8 SECTION 4. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 191.1 of Title 40, unless there
10 is created a duplication in numbering, reads as follows:

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

21 B. Every employee or contractor employed by a public or private
22 employer operating in this state shall be provided a certification
23 of disclosure exemption, which shall release the employee or
24 contractor from disclosing their vaccination or immunization status

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

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

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

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

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

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

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

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

11 2. Provide incentives, bonuses or any other reward for
12 disclosing employee's or contractor's vaccination or immunization
13 status for COVID-19, any variant or future variants thereof;

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

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

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

4 6. Require an employee or contractor to wear or display any
5 insignia or mark, or otherwise directly or indirectly disclose their
6 refusal to disclose vaccination or immunization status for COVID-19,
7 any variant or future variants thereof.

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

16 D. An employee or contractor seeking an exemption from
17 disclosure of their vaccination or immunization status shall
18 complete the certification of exemption form included in this
19 subsection and deliver it to his or her employer.

20 CERTIFICATION OF DISCLOSURE EXEMPTION FOR VACCINATION STATUS
21
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24
25

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

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

5 _____
6 Name (Last, Birth Name of Employer
7 First, MI) Date
8 _____
9 Phone Number
10 _____
11 Address County City Zip

11 1. PERSONAL OBJECTION:

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

19 _____
20 Printed name Signature Date

21 2. EMPLOYER RECEIPT:

22 I hereby certify that I have received and documented the
23 employee's or contractor's certification of disclosure
24 exemption involving the employee's or contractor's

1 immunization or vaccination status. As an agent of the
2 employer, I hereby approve the employee's or contractor's
3 request to be exempt from disclosing their immunization
4 or vaccination status, pursuant to [CITE NEW LAW].

5 _____
6 Printed name

Signature

Date

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

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

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

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

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

20 SECTION 6. It being immediately necessary for the preservation
21 of the public peace, health, or safety, an emergency is hereby
22 declared to exist, by reason whereof this act shall take effect and
23 be in full force from and after its passage and approval.

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