

Department of Finance and Administration

Legislative Impact Statement

Bill: SB732

Amendment Number: S1

Bill Subtitle: TO PROHIBIT COERCION OF PERSONS TO RECEIVE THE VACCINE OR IMMUNIZATION FOR CORONAVIRUS 2019 (COVID-19); AND TO DECLARE AN EMERGENCY.

Basic Change :

Sponsor: Sen. B. Johnson

SB732-S1 prohibits the coercion of a person to receive the coronavirus 2019 (COVID-19) vaccine if:

- the vaccine is medically contraindicated for the person; or
- the person objects to the vaccine on religious or philosophical grounds.

The bill defines "coercion" to include the use of physical violence, threats, intimidation, retaliation, or the conditioning of a public or private benefit (including employment benefits) on the receipt of the COVID-19 vaccine. The bill does not prohibit an employer from offering an employee incentives that go above or beyond any expected compensation or benefit of employment.

If an employer takes punitive action against an employee in violation of SB732, the employee may seek lost wages (comparable to unemployment benefits) through the American Rescue Plan Act of 2021 (ARPA).

This bill contains an emergency clause.

Revenue Impact :

No impact to state General Revenue.

Taxpayer Impact :

SB732 prohibits coercion of a person to receive the COVID-19 vaccine. If an employer takes punitive action against an employee, the employee may seek lost wages.

Resources Required :

None.

Time Required :

Adequate time is provided for implementation.

Procedural Changes :

None.

Other Comments :

None.

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Legal Analysis :

On page 2, lines 22-29, it is unclear whether an employee who seeks reimbursement for lost wages may seek such reimbursement from the employer or from the state.

The state has retained a consultant, CTEH/Hagerty, to advise the state on the use and distribution of ARPA funds. To the extent that the bill contemplates reimbursement for lost wages by the state, the consultant has advised that ARPA does not authorize the use of ARPA funds to reimburse an employee for economic losses due to the employee's failure to comply with an employer's job requirements.