



PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1229 be amended to read as follows:

- 1 Page 2, after line 26, begin a new paragraph and insert:
- 2 "SECTION 4. IC 16-28-14.5-5, AS ADDED BY P.L.29-2009,
- 3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2021]: Sec. 5. **(a)** Notwithstanding any other provision of this
- 5 chapter, a health facility shall not require an employee to receive an
- 6 immunization under this chapter if:
- 7 (1) the health facility:
- 8 (A) has written documentation from the employee's physician
- 9 or other health care provider indicating the date and place that
- 10 the individual received an immunization required under this
- 11 chapter; and
- 12 (B) determines that no additional immunization is required;
- 13 (2) the immunization is medically contraindicated for the
- 14 employee;
- 15 (3) receiving the immunization is against the employee's religious
- 16 beliefs; or
- 17 (4) the employee refuses to permit the immunization after being
- 18 fully informed of the health risks.
- 19 **(b) A health facility may not discharge, penalize, or otherwise**
- 20 **discriminate against an employee because of the employee's refusal**
- 21 **to receive an immunization under this chapter as provided in**

1 **IC 22-5-9-4.**

2 SECTION 5. IC 22-5-9 IS ADDED TO THE INDIANA CODE AS
3 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2021]:

5 **Chapter 9. Vaccination Against the Influenza Virus**

6 **Sec. 1. As used in this chapter, "discrimination" means:**

- 7 (1) any direct or indirect act or practice of exclusion,
8 distinction, restriction, segregation, limitation, refusal, or
9 denial;
10 (2) any other act or practice of differentiation or preference
11 in the treatment of a person; or
12 (3) the aiding, abetting, inciting, coercing, or compelling of an
13 act in violation of this chapter.

14 **Sec. 2. As used in this chapter, "employer" means any**
15 **individual, partnership, association, limited liability company,**
16 **corporation, business trust, the state, or other governmental entity**
17 **or political subdivision that has one (1) or more employees. The**
18 **term includes a health care facility (as defined in**
19 **IC 16-18-2-161(a)).**

20 **Sec. 3. As used in this chapter, "vaccination" means the**
21 **treatment of an individual with a vaccine to produce immunity**
22 **against a disease.**

23 **Sec. 4. It is an unlawful employment practice for an employer**
24 **to:**

- 25 (1) require, as a condition of employment, an employee or
26 prospective employee to receive a vaccination against the
27 influenza virus; or
28 (2) fail or refuse to hire, discharge, penalize, or otherwise
29 discriminate against an employee or prospective employee
30 with respect to the employee's or prospective employee's
31 compensation and benefits or the terms, conditions, or
32 privileges of employment based on the refusal of the employee
33 or prospective employee to receive a vaccination against the
34 influenza virus if:
35 (A) the employer has written documentation from the
36 employee's physician or other health care provider
37 indicating the date and place that the individual received
38 a vaccination against the influenza virus and determines
39 that no additional vaccination is required;
40 (B) the vaccination against the influenza virus is medically
41 contraindicated for the employee;
42 (C) receiving the vaccination against the influenza virus is
43 against the employee's religious beliefs; or
44 (D) the employee refuses to permit the vaccination against
45 the influenza virus after being fully informed of the health
46 risks.

47 **Sec. 5. (a) An individual who is subject to a violation of this**

1 **chapter may bring a civil action against the employer in the county**
2 **of employment.**

3 **(b) A court may order an award of any or all of the following to**
4 **an individual who prevails in an action under subsection (a):**

5 **(1) Declaratory or equitable relief, including injunctive relief.**

6 **(2) Payment of back wages with interest at ten percent (10%).**

7 **(3) Reinstatement to the employee's former position.**

8 **(4) Any other relief that the court considers proper."**

9 Renumber all SECTIONS consecutively.

(Reference is to HB 1229 as printed February 1, 2021.)

Representative Nisly