

# SENATE BILL No. 330

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 22-9-2.5.

**Synopsis:** Vaccine status discrimination. Provides that certain acts by a person, an employer, or a governmental entity concerning an individual's vaccination status or whether an individual has an immunization passport are against public policy. Provides that the Indiana department of labor may investigate and issue administrative orders for violations or threatened violations.

**Effective:** July 1, 2022.

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January 11, 2022, read first time and referred to Committee on Health and Provider Services.

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Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

# SENATE BILL No. 330



A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 22-9-2.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2022]:

4 **Chapter 2.5. Vaccination Discrimination**

5 **Sec. 1. This chapter does not apply to vaccination requirements**  
6 **set forth in:**

- 7 (1) IC 12-17.2-6-11;
- 8 (2) IC 20-34-4-2; and
- 9 (3) IC 21-40-5-2.

10 **Sec. 2. This chapter does not apply to a comprehensive care**  
11 **health facility, as defined in IC 16-28-2.5-3, a long term care**  
12 **facility, or an assisted living facility during any period of time that**  
13 **would result in a violation of regulations or guidelines issued by the**  
14 **United States Centers for Medicare and Medicaid Services or the**  
15 **United States Centers for Disease Control and Prevention.**

16 **Sec. 3. The following definitions apply throughout this chapter:**

- 17 (1) "Health care facility" means an institution, building, or



1 agency that is:

2 (A) private or public; and

3 (B) operated or designed to provide health services,  
4 medical treatment, or nursing, rehabilitative, or preventive  
5 care.

6 This term does not apply to a federal facility.

7 (2) "Immunization passport" means written, electronic, or  
8 printed information regarding an individual's immunization  
9 status.

10 (3) "Long term care facility" means any of the following:

11 (A) A facility licensed under or subject to IC 16-28-2.

12 (B) An adult care home as a residential care facility.

13 (C) A facility certified as a Medicaid waiver facility for the  
14 aged and disabled population.

15 (4) "Vaccination status" means an indication of whether an  
16 individual has received one (1) or more doses of a vaccine.

17 Sec. 4. A person recommending that an employee receive a  
18 vaccine does not constitute a violation of this chapter.

19 Sec. 5. A health care facility does not violate this chapter if the  
20 health care facility:

21 (1) asks an employee to volunteer the employee's vaccination  
22 status or immunization status for the purpose of determining  
23 whether the health care facility should implement reasonable  
24 accommodation measures to protect the health and safety of  
25 employees, patients, visitors, and other individuals from  
26 communicable diseases; and

27 (2) implements reasonable accommodation measures to  
28 employees, visitors, and other individuals who are not  
29 vaccinated or not immune to protect the health and safety of  
30 employees, patients, visitors, and other individuals from  
31 communicable diseases.

32 Sec. 6. It is declared to be an unfair employment practice and to  
33 be against public policy for a person to:

34 (1) dismiss an individual from employment;

35 (2) refuse to employ an individual;

36 (3) refuse to rehire an individual; or

37 (4) discriminate against an individual in compensation or in  
38 a term, condition, or privilege of employment;

39 based on the individual's vaccination status or whether the  
40 individual has an immunization passport.

41 Sec. 7. It is declared to be against public policy for a person or  
42 a governmental entity to refuse, withhold from, or deny to any



- 1 **individual:**  
 2 (1) any local or state services;  
 3 (2) goods;  
 4 (3) facilities;  
 5 (4) advantages;  
 6 (5) privileges;  
 7 (6) educational opportunities;  
 8 (7) health care access; or  
 9 (8) employment opportunities;  
 10 based on the individual's vaccination status or whether the  
 11 individual has an immunization passport.
- 12 **Sec. 8. It is declared to be against public policy if a person:**  
 13 (1) excludes an individual from;  
 14 (2) limits an individual's access to;  
 15 (3) segregates individuals in; or  
 16 (4) refuses to serve an individual in;  
 17 a public accommodation because of the individual's vaccination  
 18 status or whether the individual has an immunization passport.
- 19 **Sec. 9. (a) An individual may file a complaint regarding an act**  
 20 **or a threatened act described in sections 6 through 8 of this chapter**  
 21 **with the department of labor.**
- 22 (b) The department of labor shall investigate all complaints filed  
 23 under subsection (a).
- 24 (c) If the department of labor determines that a violation or a  
 25 threatened violation of this chapter has occurred, the department  
 26 of labor may issue an administrative order providing for any of the  
 27 following civil remedies:
- 28 (1) The greater of:  
 29 (A) actual and consequential damages resulting from the  
 30 violation or threatened violation; or  
 31 (B) liquidated damages of not more than one thousand  
 32 dollars (\$1,000).  
 33 (2) Reasonable attorney's fees, litigation expenses, and costs.

