

**SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION**

S.F. No. 1264

(SENATE AUTHORS: DRAHEIM)

DATE
02/22/2021

D-PG

OFFICIAL STATUS
Introduction and first reading
Referred to Jobs and Economic Growth Finance and Policy

1.1 A bill for an act
1.2 relating to employment; prohibiting employers from discipline or discharge for
1.3 employee or applicant refusal to immunize; providing civil action remedies;
1.4 proposing coding for new law in Minnesota Statutes, chapter 181.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[181.9385] IMMUNIZATIONS; PROHIBITED EMPLOYER CONDUCT.**

1.7 Subdivision 1. **Definitions.** (a) For the purposes of this section, "employer" means all
1.8 persons employing one or more individuals in the state and includes the state and its
1.9 subdivisions.

1.10 (b) For the purposes of this section, "employee" means any individual, age 18 or older,
1.11 employed by an employer. The term also includes unpaid board members and other
1.12 volunteers.

1.13 (c) For the purposes of this section, "employ" means to permit an individual to work in
1.14 the state.

1.15 Subd. 2. **Prohibited practice.** An employer must not discipline or discharge an employee
1.16 or refuse to hire a job applicant when the employee or applicant refuses to receive an
1.17 immunization, provided one or more of the following conditions are met:

1.18 (1) the employee or applicant provides a written statement, signed by a physician, to the
1.19 employer stating that an immunization is contraindicated for the individual due to medical
1.20 reasons or that laboratory confirmation of the presence of adequate immunity exists; or

1.21 (2) the employee or applicant provides a statement to the employer that the employee
1.22 or applicant has not been immunized because of conscientiously held beliefs.

2.1 Subd. 3. **Reasonable policies.** An employer subject to this section may create reasonable
2.2 policies regarding the timing, form, and process for submissions under subdivision 2.

2.3 Subd. 4. **Remedy.** The sole remedy for a violation of subdivision 2 is a civil action for
2.4 damages. Damages are limited to wages and benefits lost by the individual because of the
2.5 violation. A court shall award the prevailing party in the action, whether plaintiff or
2.6 defendant, court costs and a reasonable attorney fee.