

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL 1128

By: Stephens and Dahm

COMMITTEE SUBSTITUTE

An Act relating to conditions of employment; creating the Employee Liberty and Freedom Act; amending 40 O.S. 2021, Section 191, which relates to restrictions on examinations; prohibiting medication or vaccinations as a condition of continued employment by a business entity prior to certain date; providing an exception for certain entities; providing for noncodification; and declaring an emergency.

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

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

This act shall be known and may be cited as the "Employee Liberty and Freedom Act".

SECTION 2. AMENDATORY 40 O.S. 2021, Section 191, is amended to read as follows:

Section 191. A. It shall be unlawful for any person, partnership, association, or corporation, either for himself, herself, or itself, or in a representative or fiduciary capacity, to require any employee or applicant for employment, as a condition of

1 employment or continued employment, to submit to, or take, a
2 physical or medical examination, without providing such examination
3 at no cost therefor to such employee or applicant for employment, or
4 without furnishing, upon the request of the employee or applicant
5 for employment within thirty (30) days after such examination, free
6 of charge, to such employee or applicant for employment, a true and
7 correct copy, either original or duplicate original, of the
8 examiner's report of such examination. It shall further be unlawful
9 for any such person, partnership, association, or corporation to
10 require any employee or applicant for employment to pay, either
11 directly or indirectly, any part of the cost of any such
12 examination, report, or copy of report. Provided, that the report
13 of any physical examination furnished in accordance with this
14 section shall not be made the basis or predicate for any action in
15 damages against the physician and surgeon making and furnishing such
16 report.

17 B. It shall be unlawful for any person, partnership,
18 association, or corporation, either for himself, herself, or itself,
19 or in a representative or fiduciary capacity, to mandate any
20 employee as a condition of continued employment to submit to or take
21 any vaccination or medication that has received accelerated approval
22 from the United States Food and Drug Administration under 21 C.F.R.,
23 Part 314, Subpart H or has been approved by the United States Food
24 and Drug Administration for less than five (5) years for the

1 prevention of COVID-19 and any variant or future variants thereof;
2 provided, that the provisions of this subsection shall not apply to
3 any person, partnership, association, or corporation that is
4 required to mandate such vaccination or medication for the
5 prevention of COVID-19 and any variant or future variants thereof as
6 a condition of receipt of federal funds or as a condition of
7 participation in a federal program.

8 SECTION 3. It being immediately necessary for the preservation
9 of the public peace, health or safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

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