

1 **SENATE FLOOR VERSION**

2 March 3, 2022

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1128

6 By: Stephens, Dahm, Rogers,
7 Bergstrom, Jett, and
8 Merrick

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

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

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

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

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

24 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
employment or continued employment, to submit to, or take, a

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

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

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

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

11 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
12 March 3, 2022 - DO PASS AS AMENDED
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