

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1769

By: Jett

AS INTRODUCED

An Act relating to conditions of employment; amending 40 O.S. 2011, Section 191, which relates to restrictions on examinations; prohibiting vaccinations as a condition of employment; modifying references; allowing voluntary compliance with employer recommendation for vaccinations; requiring employer to provide notice prior to vaccination; prohibiting termination and disciplinary action for refusal to submit to medical services; construing provision; amending 40 O.S. 2011, Section 192, which relates to penalties; updating reference; and declaring an emergency.

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

SECTION 1. AMENDATORY 40 O.S. 2011, 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 employment or continued employment, to submit to, or take, a physical or medical examination, without providing such examination at no cost therefor to such employee or applicant for employment, or

1 without furnishing, upon the request of the employee or applicant
2 for employment within thirty (30) days after such examination, free
3 of charge, to such employee or applicant for employment, a true and
4 correct copy, either original or duplicate original, of the
5 examiner's report of such examination. It shall further be unlawful
6 for any such person, partnership, association or corporation to
7 require any employee or applicant for employment to pay, either
8 directly or indirectly, any part of the cost of any such
9 examination, report, or copy of report. Provided that the report of
10 any physical examination furnished in accordance with this section
11 shall not be made the basis or predicate for any action in damages
12 against the physician and surgeon making and furnishing such report.

13 B. 1. It shall be unlawful for any person, partnership,
14 association or corporation, either for himself, herself or itself,
15 or in a representative or fiduciary capacity, to require any
16 employee or applicant for employment, as a condition of employment
17 or continued employment, to submit to or take any vaccination,
18 injection, shot or medication for any virus, disease or condition.

19 2. An employee or applicant for employment may voluntarily
20 submit to and take a vaccination, injection, shot or medication as
21 recommended by an employer provided that such person has first
22 received, read, and signed a written statement explaining:
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- 1 a. the person's right to refuse for reason of health,
2 religion, or conscience without retaliation or
3 discrimination, and
4 b. the ingredients have never been disclosed and
5 therefore cannot know what is actually being put in
6 the employee's body.

7 C. An employer shall recognize the right of individual bodily
8 autonomy and the rights of individuals to make their own healthcare
9 decisions, and no employee or applicant for employment shall be
10 terminated, disciplined, or refused employment based upon a refusal
11 to submit to any health service, medical testing, medical
12 intervention, medical treatment, or vaccine based on their
13 religious, philosophical, or personal beliefs.

14 D. Nothing in this section shall be interpreted to prohibit
15 health or safety requirements that do not include a vaccination,
16 injection, shot, or medication.

17 SECTION 2. AMENDATORY 40 O.S. 2011, Section 192, is
18 amended to read as follows:

19 Section 192. Each and every violation of any provision of
20 Section ~~1~~ 191 of this ~~act~~ title shall constitute a misdemeanor,
21 punishable by a fine in any amount not exceeding One Hundred Dollars
22 (\$100.00).

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