

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 2981

By: Olsen

AS INTRODUCED

An Act relating to public health; preempting field of legislation relating to employment-related vaccination mandates; nullifying any federal statute, rule, or executive order relating to employment-related vaccination mandates; defining terms; creating employer liability for adverse events caused by vaccinations when such vaccinations are a condition of employment; providing for damages, costs, and attorney fees; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-502.5 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The State Legislature hereby occupies and preempts the entire field of legislation in this state touching in any way federal or state employment-related vaccination mandates against or upon a citizen of Oklahoma to the complete exclusion of any order, ordinance or regulation by any municipality or other political subdivision of this state.

1 B. Any federal statute, rule or executive order, federal or
2 state judicial order or judicial findings that would have the effect
3 of forcing a vaccination mandate as a condition of employment
4 against or upon a citizen of Oklahoma, which would infringe upon a
5 citizen's Constitutionally-protected rights, shall be null, void,
6 unenforceable and of no effect in the state of Oklahoma.

7 C. As used in this section,

8 1. "Adverse event" means any untoward medical occurrence
9 associated with the use of a drug in humans, provided that an
10 adverse event resulting from vaccination shall not be considered a
11 compensable injury as defined in and for purposes of Section 2 of
12 Title 85A of the Oklahoma Statutes;

13 2. "Private employer" means any individual, partnership, firm,
14 association, corporation or nonprofit organization that employs or
15 offers to employ one or more persons in this state;

16 3. "Public employer" means the State of Oklahoma or any
17 political subdivision thereof, including any department, agency,
18 board, commission, institution, authority, public trust,
19 municipality, county, district, or instrumentalities thereof;

20 4. "Vaccine" means a product that stimulates a person's immune
21 system to produce immunity to a specific disease, protecting the
22 person from that disease, whether administered through needle
23 injection, orally, or through nasal spray, provided that vaccines
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1 shall not be considered qualified products as defined in Section 112
2 of Title 76 of the Oklahoma Statutes; and

3 5. "Vaccination" means the act of introducing a vaccine into
4 the body to produce immunity to a specific disease.

5 D. Any public or private employer who requires employees to be
6 vaccinated as a condition of their employment shall be liable for
7 any adverse events suffered by employees as a result of such
8 vaccination.

9 E. 1. Employees who suffer adverse events from any
10 vaccinations mandated by their employers as a condition of
11 employment shall have actual and punitive damages available as
12 remedies.

13 2. The prevailing party in a cause of action brought pursuant
14 to this section may be awarded costs and reasonable attorney fees.

15 SECTION 2. This act shall become effective November 1, 2022.
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