

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 3051

By: Hardin (Tommy)

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6 AS INTRODUCED

7 An Act relating to public health; defining terms;
8 creating employer liability for mandated experimental
9 medical procedures; providing for damages; providing
10 for codification; and providing an effective date.

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

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 178.1 of Title 40, unless there
15 is created a duplication in numbering, reads as follows:

16 A. As used in this section:

17 1. "Adverse event" means an untoward medical occurrence
18 associated with procedures on humans; provided, the adverse event
19 resulting from the medical procedure shall not be considered a
20 compensable injury as defined in Section 2 of Title 85A of the
21 Oklahoma Statutes;

22 2. "Experimental" means a drug or procedure which has not yet
23 been approved for routine use by a governmental regulatory agency;

24 3. "FDA" means the U.S. Food and Drug Administration;

1 4. "FDA approval" means drugs and certain biologics have been
2 proven safe and effective to the FDA's satisfaction;

3 5. "Medical procedure" means a medical treatment or operation,
4 including, but not limited to, biopsies, surgeries and vaccinations;
5 and

6 6. "Private employer" means any individual, partnership, firm,
7 association, corporation or nonprofit organization that employs or
8 offers to employ one or more persons in this state.

9 B. Any private employer who requires employees to undergo
10 medical procedures which are experimental and not fully FDA approved
11 as a condition of employment shall be liable for any adverse events
12 suffered by the employee as a result of such experimental medical
13 procedure.

14 C. Damages available to employees who suffer adverse events
15 from any mandated experimental medical procedure as a condition of
16 employment shall be limited to actual damages.

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

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19 58-2-8400 KN 10/14/21

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