

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3247

By: Olsen

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5
6 AS INTRODUCED

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

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

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

22 A. The State Legislature hereby occupies and preempts the
23 entire field of legislation in this state touching in any way
24 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. "Health care facility" means any nonfederal institution,
14 building, or agency or portion thereof, whether public or private or
15 for profit or nonprofit, that is used, operated, or designed to
16 provide health care services, medical treatment, or nursing,
17 rehabilitative, or preventive care to any person or persons.

18 "Health care facility" includes, but is not limited to, ambulatory
19 surgical facilities, hospitals, infirmaries, intermediate care
20 facilities, kidney dialysis centers, long-term care facilities,
21 mental health centers, outpatient facilities, public health centers,
22 rehabilitation facilities, residential treatment facilities, skilled
23 nursing facilities, special care facilities, medical laboratories,
24 and adult day care centers. "Health care facility" also includes,

1 but is not limited to, the following related facilities when used
2 for or in connection with the provision of health care:
3 laboratories; research facilities; pharmacies; laundry facilities;
4 health care personnel training and lodging facilities; patient,
5 guest, and health care personnel food service facilities; and
6 offices and office buildings for persons engaged in health care
7 professions or services;

8 3. "Health care provider" means any person or entity who
9 provides health care services including, but not limited to,
10 physicians, pharmacists, dentists, physician assistants, nurse
11 practitioners, registered and other nurses, paramedics, emergency
12 medical or laboratory technicians, and ambulance and emergency
13 medical workers;

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

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

21 6. "Vaccination" means the act of introducing a vaccine into
22 the body to produce immunity to a specific disease; and

23 7. "Vaccine" means a product that stimulates a person's immune
24 system to produce immunity to a specific disease, protecting the

1 person from that disease, whether administered through needle
2 injection, orally, or through nasal spray; provided that vaccines
3 shall not be considered qualified products as defined in Section 112
4 of Title 76 of the Oklahoma Statutes.

5 D. Any public or private employer, other than a health care
6 facility or health care provider, that requires employees to be
7 vaccinated as a condition of their employment shall be liable for
8 any adverse events suffered by employees as a result of such
9 vaccination.

10 E. 1. Damages available to employees who suffer adverse events
11 from any vaccinations mandated by their employers as a condition of
12 employment shall be limited to actual damages.

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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