

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3111

By: Gann

AS INTRODUCED

An Act relating to vaccination mandates; providing definitions; prohibiting vaccinations as a condition of employment; prohibiting adverse action against employees for refusal of vaccination; providing remedies; providing complaint requirements; Attorney General enforcement actions; providing for fines; 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 192.1 of Title 40, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Adverse action" means an action taken by an employer that a reasonable person would consider was for the purpose of punishing, alienating, or otherwise adversely affecting an employee, contractor, applicant for employment, or applicant for a contract position;

1 2. "Commission" means the Oklahoma Employment Security

2 Commission;

3 3. "COVID-19" means the 2019 novel coronavirus disease and any
4 variants of the disease;

5 4. "Employer" means a person who employs one or more employees.

6 SECTION 2. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 192.2 of Title 40, unless there
8 is created a duplication in numbering, reads as follows:

9 An employer may not adopt or enforce a mandate requiring an
10 employee, contractor, applicant for employment, or applicant for a
11 contract position to be vaccinated against COVID-19 as a condition
12 of employment or a contract position.

13 SECTION 3. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 192.3 of Title 40, unless there
15 is created a duplication in numbering, reads as follows:

16 An employer may not take an adverse action against an employee,
17 contractor, applicant for employment, or applicant for a contract
18 position for his or her refusal to be vaccinated against COVID-19.

19 SECTION 4. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 192.4 of Title 40, unless there
21 is created a duplication in numbering, reads as follows:

22 A. An employee, contractor, applicant for employment, or
23 applicant for a contract position against whom an employer took an
24 adverse action in violation of this act may file a complaint with
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1 the Commission in the form and manner prescribed by Commission
2 rules.

3 B. A complaint filed with the Commission must include the
4 following information:

- 5 1. The name of the complainant;
- 6 2. The name of the employer; and
- 7 3. The nature and description of any alleged adverse action the
8 employer took against the complainant.

9 C. On receipt of a complaint under this section, the Commission
10 shall conduct an investigation to determine whether the employer
11 took an adverse action against the complainant because of the
12 complainant's refusal to be vaccinated against COVID-19.

13 D. The Commission shall adopt rules prescribing the procedures
14 for accepting complaints and conducting investigations under this
15 section.

16 SECTION 5. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 192.5 of Title 40, unless there
18 is created a duplication in numbering, reads as follows:

19 A. The Attorney General may bring an action for injunctive
20 relief against the employer to prevent further violations of this
21 act by the employer. The action must be filed in a district court
22 in the county in which the alleged adverse action occurred.
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1 B. In an injunction issued under subsection A of this section,
2 a court may include reasonable requirements to prevent further
3 violations of this act.

4 SECTION 6. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 192.6 of Title 40, unless there
6 is created a duplication in numbering, reads as follows:

7 The Commission may impose on an employer who violates this act
8 an administrative penalty of not more than One Thousand Dollars
9 (\$1,000.00) for each violation, unless the employer, as applicable:

10 1. Hires the applicant for employment or offers a contract to
11 the applicant for a contract position; or

12 2. Reinstates the employee or contractor and provides the
13 employee or contractor with back pay from the date the employer took
14 the adverse action and makes every reasonable effort to reverse the
15 effects of the adverse action, including reestablishing employee
16 benefits for which the employee or contractor otherwise would have
17 been eligible if the adverse action had not been taken.

18 SECTION 7. This act shall become effective November 1, 2024.
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