

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1978

By: Bullard

AS INTRODUCED

An Act relating to labor; defining terms; preventing adoption and enforcement of vaccine mandates by employers for employees or applicants; prohibiting adverse action by employer for refusal to mandate; providing for complaint to be filed if in violation; allowing the Attorney General to seek certain relief; prescribing penalties for violation; allowing for employer to remedy violation; 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 191.1 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. "COVID-19" means the 2019 novel coronavirus disease and any  
2 variants of disease;

3        3. "Department" means the Department of Labor; and

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

5        SECTION 2.        NEW LAW        A new section of law to be codified  
6 in the Oklahoma Statutes as Section 191.2 of Title 40, unless there  
7 is created a duplication in numbering, reads as follows:

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

12        B. An employer may not take an adverse action against an  
13 employee, contractor, applicant for employment, or applicant for a  
14 contract position for a refusal to be vaccinated against COVID-19.

15        C. 1. An employee, contractor, applicant for employment, or  
16 applicant for a contract position against whom an employer took an  
17 adverse action in violation of this act may file a complaint with  
18 the labor commissioner in the form and manner prescribed by the  
19 Department of Labor rules.

20        2. A complaint filed with the Department shall include the  
21 following information:

22            a. the name of the complainant,

23            b. the name of the employer, and  
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1           c.     the nature and description of any alleged adverse  
2                 action the employer took against the complainant.

3           3.    Upon receipt of a complaint as provided in paragraph 1 of  
4           this subsection, the Department shall conduct an investigation to  
5           determine whether the employer took an adverse action against the  
6           complainant because of the complainant's refusal to be vaccinated  
7           against COVID-19.

8           4.    The Department shall promulgate rules necessary to accept  
9           complaints and conduct investigations for violations in this act.

10          D.    1.   The Attorney General may bring an action for injunctive  
11           relief against the employer to prevent further violations of this  
12           act by the employer. The action shall be filed in a district court  
13           in:

14               a.    Oklahoma County, or

15               b.    the county in which the alleged adverse action  
16                 occurred.

17          2.    In an injunction issued under paragraph 1 of this  
18           subsection, a court may include reasonable requirements to prevent  
19           further violations of this act.

20          E.    The Department may impose on an employer who violates this  
21           act an administrative penalty not more than One Thousand Dollars  
22           (\$1,000.00) for each violation, unless the employer:

23               1.    Hires the applicant for employment or offers a contract to  
24           the applicant for a contract position; or

1        2. Reinstates with back pay from the date the employer took the  
2 adverse action and makes every reasonable effort to reverse the  
3 effects of the adverse action, including reestablishing employee  
4 benefits for which the employee or contractor otherwise would have  
5 been eligible if the adverse action had not been taken.

6        SECTION 3. This act shall become effective November 1, 2024.

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