

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 HOUSE BILL 3838

By: Gann

6 AS INTRODUCED

7 An Act relating to vaccine discrimination; providing
8 for legislative findings; providing for legislative
9 intent; defining terms; prohibiting discriminatory
practice; providing exemptions; providing 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 1550 of Title 25, unless there
15 is created a duplication in numbering, reads as follows:

16 A. The Legislature of the State of Oklahoma finds and declares
17 the following:

18 1. Medical privacy is a fundamental right inherent in the
19 guarantees of liberty, due process, and personal autonomy contained
20 in Article II of the Oklahoma Constitution, including Sections 2, 7,
21 and 22. An individual's vaccination status constitutes sensitive
22 medical information that may not be compelled, disclosed, or used as
23 a condition of participation in civic life;

1 2. Discrimination based on vaccination status or the possession
2 of an immunity passport undermines equal access to employment,
3 education, public services, and public accommodations, creating a
4 two-tiered system of rights contrary to Oklahoma's commitment to
5 equal treatment under the law;

6 3. The Montana Supreme Court recently affirmed that state
7 legislatures possess full constitutional authority to prohibit
8 discrimination on the basis of vaccination status, ruling
9 unanimously that such a policy is a legitimate legislative
10 determination reasonably connected to the protection of medical
11 privacy and civil liberties. The Oklahoma Legislature recognizes
12 this persuasive authority and affirms that the same rationale
13 applies within the framework of Oklahoma law;

14 4. Throughout the COVID-19 pandemic and subsequent federal
15 policy shifts, Oklahomans were subjected to coercive pressure,
16 workplace exclusion, and conditional access to public services based
17 solely on vaccination status. These practices conflict with
18 Oklahoma's longstanding tradition of respect for individual liberty,
19 bodily integrity, and freedom of conscience;

20 5. The Legislature further finds that no individual should be
21 compelled to receive a medical product authorized only under an
22 Emergency Use Authorization or still undergoing safety trials,
23 consistent with federal law recognizing such products as
24 investigational and therefore requiring voluntary consent;

1 6. Immunity passports, digital health passes, and similar
2 credentialing systems represent an unprecedented expansion of
3 surveillance into private medical matters and pose a substantial
4 risk of creating permanent barriers to employment, travel,
5 education, and public participation; and

6 7. Preventing vaccine-based discrimination is essential to
7 protecting the rights of Oklahomans to pursue their livelihoods,
8 access public services, and maintain control over their personal
9 medical decisions without fear of reprisal, exclusion, or
10 governmental pressure.

11 B. Accordingly, it is the intent of the Legislature to:

12 1. Prohibit discrimination by employers, state and local
13 governmental entities, public accommodations, and other institutions
14 based upon an individual's vaccination status or possession of an
15 immunity passport;

16 2. Protect the right of every Oklahoman to decline any medical
17 procedure without facing adverse employment actions or denial of
18 access to services;

19 3. Ensure that no system of immunity passports or digital
20 medical identification is adopted, mandated, or used to restrict the
21 freedom of any individual;

22 4. Preserve Oklahoma's existing school immunization framework
23 while preventing the expansion of discriminatory practices beyond
24 those limited statutory requirements;

1 5. Protect health care facilities from conflict with federal
2 Centers for Medicare and Medicaid Services (CMS) or the Centers for
3 Disease Control and Prevention (CDC) conditions of participation
4 while ensuring that employees maintain the right not to disclose
5 private medical information;

6 6. Affirm that the protection of medical privacy, bodily
7 autonomy, and equal access to public life is a compelling state
8 interest, fully within the Legislature's authority to preserve; and

9 7. Establish clear statutory safeguards that ensure Oklahomans
10 cannot be denied employment, government services, educational
11 opportunities, health care access, or other essential rights based
12 on his or her private medical decisions.

13 SECTION 2. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1551 of Title 25, unless there
15 is created a duplication in numbering, reads as follows:

16 As used in this section:

17 1. "Immunity passport" means any written, digital, or
18 electronic record showing that a person is immune to a disease
19 through vaccination or prior infection; and

20 2. "Vaccination status" means indication of whether a person
21 has received one or more doses of any vaccine.

22 SECTION 3. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1552 of Title 25, unless there
24 is created a duplication in numbering, reads as follows:

1 A. Except as provided in subsection C of this section, it shall
2 be an unlawful discriminatory practice for:

3 1. Any person or governmental entity to refuse, withhold from,
4 or deny to any individual any state or local government service,
5 goods, facilities, advantages, privileges, licensing, educational
6 opportunities, health care access, or other benefits on the basis of
7 the individual's vaccination status or possession or lack of
8 possession of an immunity passport;

9 2. Any employer to refuse to hire, to discharge, to bar from
10 employment, or otherwise discriminate in compensation, terms,
11 conditions, or privileges of employment, on the basis of an
12 individual's vaccination status or immunity passport; or

13 3. Any place of public accommodation to exclude, segregate,
14 refuse service to, or otherwise discriminate against a person based
15 on vaccination status or immunity passport.

16 B. Nothing in this section shall prohibit a person,
17 governmental entity, or employer from recommending that an
18 individual receive a vaccine.

19 C. This section shall not apply to:

20 1. Immunization requirements already established in Oklahoma
21 law for school admission under Title 70 of the Oklahoma Statutes;

22 2. Health care facilities acting pursuant to federal
23 regulations, guidance, or conditions of participation issued by the
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1 Centers for Medicare and Medicaid Services (CMS) or the Centers for
2 Disease Control and Prevention (CDC);

3 3. A health care facility requesting an employee to voluntarily
4 disclose vaccination status solely for the purpose of implementing
5 reasonable safety accommodations, and treating the employee as
6 unvaccinated if the employee declines to answer.

7 D. No individual shall be required to receive any vaccine that
8 is:

9 1. Authorized only under an Emergency Use Authorization; or
10 2. Undergoing clinical safety trials.

11 SECTION 4. This act shall become effective November 1, 2026.

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