

HB 1665 -- IMMUNIZATION REQUIREMENTS

SPONSOR: Seitz

The bill prohibits hospitals or health care facilities from requiring a health care professional, staff member, employee, or applicant for a position to be immunized, or discriminating against or terminating such person, for their refusal to receive an immunization.

Hospitals, health care facilities, and their employees shall not discriminate against or terminate treatment of a patient based upon the patient's refusal to receive an immunization. Health care facilities or assisted living facilities shall not discriminate against or terminate treatment of a resident or tenant solely on the basis of the resident or tenant not having received, or refusing to receive, an immunization for a specific communicable disease.

A hospital, health care facility, or educational institution providing clinical experience to satisfy professional degree requirements of a student, intern, or resident shall not discriminate against such persons based on their immunization status.

This bill specifies that any person aggrieved under these provisions may petition the circuit court in the county where the facility is located to seek relief as outlined in the bill. A hospital, health care facility, health care professional, educational institution, or assisted living facility that violates these provisions shall not be eligible to receive state funding for reimbursement of patient, resident, or tenant services.

The bill states that the Department of Health and Senior Services shall require written, informed consent be obtained by a health care professional for any patient before information regarding the vaccination or immunization of that patient may be entered into the ShowMeVax system. Any patient who has given consent may withdraw or amend the written consent at any time.

It is unlawful for any owner, lessee, sublessee, proprietor, manager, superintendent, or employee of any place of public accommodation to provide any service, aid, or benefit, or segregate or treat differently, any person on the basis of their immunization status.

This bill specifies that no employer may refuse to hire, discharge, penalize, or discriminate against an employee on the basis of the employee's vaccination history, refusal by the employee to receive

a vaccine, or refusal to provide proof of immunity. An employee whose rights have been violated under this provision may bring civil action against the employer in the circuit court of relevant jurisdiction for relief as specified in the bill.

This bill provides that state driver's and commercial driver's licenses may not include vaccination, immunization, or immunity status, or test results relating to communicable diseases, of the holder of the license. No applicant for a nondriver's license card shall be required to prove receipt of vaccination against COVID-19 for issuance of the card, and no nondriver's license shall include vaccination, immunization, or immunity status, or test results relating to communicable diseases, of the holder of the nondriver's license.

A licensing authority, as defined in the bill, may not deny an applicant for a health care professional license; suspend, revoke, or refuse to renew a license; or take disciplinary action against a licensed health care professional based on the applicant's or licensed professional's immunization history or refusal to submit to an immunization.

The bill specifies that no insurer offering group health insurance coverage, as defined in the bill, may reject, deny, limit, cancel, or otherwise adversely affect eligibility or coverage based on the immunization status of the enrollee. No insurer may use the immunization status of a person as a basis for terminating a contract with that person's health care professional.

No insurer offering group health insurance coverage may provide financial or other incentives, or impose penalties, on a participating health care professional who does not attain a certain immunization administration rate. The immunization status of a person covered by a group health plan shall not be used as a factor in the rating of a group health plan in the state.

This bill contains penalty provisions.