

It is the policy of the State of \_\_\_\_\_ to safeguard medical privacy and liberty, which includes protecting the public from coercive COVID-19 vaccination. It is the policy of the State of \_\_\_\_\_ to prohibit all forms of wrongful discrimination. This section is intended to further these policies. The State of \_\_\_\_\_ and all of its government entities and business affiliations are prohibited from requiring any person to receive the COVID-19 vaccine or to possess a COVID-19 immunity passport, immunity pass, or other evidence certifying vaccination or immunity status. The persons and entities subject to this section are prohibited from discriminating against any person based on non-receipt of the COVID-19 vaccine or failure to possess a COVID-19 immunity passport, immunity pass, or other evidence certifying vaccination or immunity status.

### **1. Definitions.**

(a) "Governmental entity" means any unit of state or local government including, but not limited to, the governor, state agencies, counties, cities, towns, political subdivisions, boards, departments, commissions, and special districts, as well as their agents, contractors, and employees.

(b) "Business affiliation" means any company contracting with or doing business with the State of \_\_\_\_\_ or a government entity or receiving public funds through any means including contracts, grants, loans, or other disbursements of taxpayer money from the State of \_\_\_\_\_ or a government entity and includes all agents, contractors, and employees of any company.

(c) "Company" means any corporation, limited liability corporation, nonprofit corporation, partnership, limited partnership, limited liability partnership, business trust, joint venture, domestic or foreign sole proprietorship, other domestic or foreign entity or business association, or any other business organization, including any subsidiary or parent company of any business organization.

(d) "Discrimination" means a government entity or business affiliation subjecting any person to refusal to hire, failure to promote, reassignment with significantly different responsibilities, reduction in pay, significant change in benefits, or employment termination and also means refusal to allow any person to enter or patronize a government establishment or an establishment of a business affiliation on the basis of such person's vaccination or immunity status or failure to prove vaccination or immunity status or because the person declined to be vaccinated against COVID-19 for religious, philosophical, medical, or other reason or as a matter of individual medical privacy.

(e) "Direct threat" means a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation. The determination that an individual poses a "direct threat" shall be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job. This assessment shall be based on a reasonable medical judgment that relies on the most current medical knowledge and/or on the best available objective evidence. In determining whether an individual would pose a direct threat, the factors to be considered include: (1) The duration of the risk; (2) The nature

and severity of the potential harm; (3) The likelihood that the potential harm will occur; and (4) The imminence of the potential harm.<sup>1</sup>

**2. Applicability.**

(a) The State of \_\_\_\_\_ and all of its government entities and business affiliations may not require any person to receive the COVID-19 vaccine or to possess a COVID-19 immunity passport, immunity pass, or other evidence certifying vaccination or immunity status and further may not discriminate against any person based on non-receipt of the COVID-19 vaccine or failure to possess a COVID-19 immunity passport, immunity pass, or other evidence certifying vaccination or immunity status.

(b) The State of \_\_\_\_\_ and all of its government entities may not enter into a contract or give a loan, grant, or any other disbursement of taxpayer money to a business affiliation that requires a person to receive the COVID-19 vaccine or to possess a COVID-19 immunity passport, immunity pass, or other evidence certifying vaccination or immunity status.

(c) A business affiliation that violates this section is in breach of its contract with the State of \_\_\_\_\_ or government entity, rendering the contract voidable by the State of \_\_\_\_\_ or government entity.

**3. Exemption.** Professional healthcare facilities treating COVID-19 patients may be exempt from this section where a direct threat exists that cannot be eliminated or reduced by reasonable accommodation.

**4. Construction and severability.** The provisions of this section shall be construed liberally to accomplish the policies expressed herein. The provisions of this section are severable. If any provision of this section or the application thereof is held invalid, the invalidity does not affect other provisions or applications of the section, which remain enforceable.

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<sup>1</sup> This language is derived from 29 CFR 1630.2 (r).