



**Neutral Testimony on 22rs2356
Mr. Daniel Murray
Kansas State Director, National Federation of Independent Business**

**2021 Special Committee on Government Overreach &
The Impact of COVID-19 Mandates
November 12, 2021**

Madam Chair and members of the committee, NFIB Kansas has strong concerns about 22rs2356 which creates a new civil action against small business owners. NFIB Kansas is the leading small business organization in Kansas representing small and independent businesses. A non-profit, nonpartisan organization founded in 1943, NFIB Kansas represents the consensus views of its over 3,000 members in Kansas.

The proposed measure allows for an aggrieved employee to bring a civil action against a small business owner which does not allow a religious exemption from the vaccine mandate for that employee. NFIB Kansas does not oppose nor have a position on the matter of religious exemptions. But we do have concerns this bill could put employers in the unenviable position of choosing compliance with the Biden mandate or opening themselves up to civil litigation from employees. However well-intended, this proposal does not create a fail-safe shelter from federal overreach, and instead introduces new liability challenges at the state level.

NFIB stands against ANY mandate that restricts the freedom of small businesses, including the Biden Administration's OSHA rule mandating vaccines. In fact, NFIB on Tuesday filed a [legal challenge](#) to the administration's emergency temporary standard. The small business economy is fragile, and owners continue to manage several business challenges regarding staffing and supply chain disruptions. This Biden mandate only increases those challenges and threatens to cause an enormous financial loss. Ultimately, the mandate restricts the freedom small business owners depend on to run their businesses and is a clear example of administrative overreach. So, NFIB appreciates the scrutiny that this committee has given to the federal mandates which threaten the small business economic recovery. But we must be vigilant that the problems created by the federal mandates are not exacerbated by responding state action.

The challenges facing many employers and workers created by the Biden administration's vaccine mandates are real and troubling. But state solutions to the federal mandates should not include ones that place additional burdens on the many small business owners who never asked for the mandates. The civil action provisions of this measure could make the liability climate in Kansas worse, introducing yet another cost and hurdle for Kansas businesses. While Kansas long boasted a favorable business liability climate, the recent Kansas Supreme Court decision tossing out the statutory caps on non-economic damages firmly puts that reality in doubt. We fear the proposed new civil action could chum the waters even more for Kansas trial attorneys.

Thank you for the opportunity to provide comments today and we respectfully ask that you remove the civil actions provisions of 22rs2356.