

<p>Proposed Amendments  Punitive action prohibited  November 12, 2021  Prepared by: Jason Thompson  Office of Revisor of Statutes</p>
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AN ACT concerning employer COVID-19 vaccine requirements; requiring exemptions; providing for waiver requests and a civil action for violations related to exemptions.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. (a) Notwithstanding any provision of law to the contrary, if an employer implements a COVID-19 vaccine requirement, the employer shall exempt an employee from such requirement if the employee submits a written waiver request to the employer stating that complying with such requirement would:

, without punitive action,

(1) Endanger the life or health of the employee or an individual who resides with the employee, as evidenced by an accompanying written statement signed by a physician licensed by the state board of healing arts or an advanced practice registered nurse licensed by the board of nursing; or

(2) violate sincerely held religious beliefs of the employee, as evidenced by an accompanying written statement signed by the employee.

(b) An employer shall grant an exemption requested in accordance with this section based on sincerely held religious beliefs without inquiring into the sincerity of the request.

(c) (1) An employee aggrieved by a violation of this section may bring a civil action in an appropriate district court against an employer for injunctive relief and actual damages caused by such violation.

(2) In an action under this section, the court shall award a prevailing plaintiff the cost of the suit, including reasonable attorney fees.

(d) As used in this section:

(1) "COVID-19 vaccine" means an immunization, vaccination or injection against

disease caused by the novel coronavirus identified as SARS-CoV-2 or disease caused by a variant of the virus;

(2) "COVID-19 vaccine requirement" means that an employer:

(A) Requires an employee to receive a COVID-19 vaccine;

(B) requires an employee to provide documentation certifying receipt of a COVID-19 vaccine; or

(C) enforces a requirement described in subparagraph (A) or (B) that is imposed by the federal government or any other entity;

(3) "employee" means an individual who is employed in this state for wages by an employer and includes an applicant for employment;

(4) "employer" means any person in this state who employs one or more persons and includes the state of Kansas and all political subdivisions of the state;

(5) "person" means an individual, partnership, association, organization, corporation, legal representative, trustee, trustee in bankruptcy or receiver; ~~and~~

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(6) "physician" means an individual licensed to practice medicine and surgery;

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

; and  
(7) "punitive action" means any dismissal, demotion, transfer, reassignment, suspension, reprimand, warning of possible dismissal or withholding of work