

HOUSE BILL NO. 4791

May 05, 2021, Introduced by Reps. Carra, LaFave, Markkanen, Brann, Damoose, Maddock, Roth, Wozniak, Bellino, Yaroch and Thanedar and referred to the Committee on Oversight.

A bill to prohibit employment discrimination based on vaccination or immunity status; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "prohibition of employment-related vaccine passports act".

3 Sec. 3. As used in this act:

4 (a) "Employee" means any individual who performs services,
5 with or without compensation, for an employer.

6 (b) "Employer" means a person that has 1 or more employees,

1 accepts applications for employment, or is an agent of that person.
2 Employer includes this state or a political subdivision of this
3 state.

4 (c) "Person" means an individual, corporation, limited
5 liability company, partnership, firm, organization, association,
6 governmental entity, or other legal entity.

7 Sec. 5. Except as otherwise provided by a law of this state or
8 the United States, an employer shall not require or coerce,
9 directly or indirectly, any employee or applicant for employment to
10 disclose his or her vaccination or immunity status, including, but
11 not limited to, vaccination or immunity status for COVID-19.
12 Actions prohibited by this section include, but are not limited to,
13 any of the following:

14 (a) Discharging, failing or refusing to hire or recruit, or
15 otherwise discriminating against an employee or applicant for
16 employment with respect to employment, compensation, or a term,
17 condition, or privilege of employment, or threatening to do any of
18 these things, on the basis of the employee's or applicant's
19 vaccination or immunity status or his or her nonreceipt of any
20 vaccine, including the COVID-19 vaccine, or failure to possess any
21 form of immunity passport, immunity pass, or other evidence
22 certifying vaccination or immunity status.

23 (b) Limiting, segregating, or classifying an employee or
24 applicant for employment in a way that deprives or tends to deprive
25 the employee or applicant of an employment opportunity, or
26 otherwise adversely affects the status of an employee or applicant,
27 on the basis of his or her vaccination or immunity status or his or
28 her nonreceipt of any vaccine, including the COVID-19 vaccine, or
29 failure to possess any form of immunity passport, immunity pass, or

1 other evidence certifying vaccination or immunity status.

2 Sec. 7. (1) An individual may bring a civil action against an
3 employer that violates this act to recover damages as follows:

4 (a) If there is no previous judgment for a violation of this
5 act against the employer, \$1,000.00.

6 (b) If there is 1 previous judgment for a violation of this
7 act against the employer, \$10,000.00.

8 (c) If there are 2 previous judgments for a violation of this
9 act against the employer, \$100,000.00.

10 (d) If there are 3 or more previous judgments for a violation
11 of this act against the employer, \$1,000,000.00.

12 (2) In an action under subsection (1), the court shall award
13 reasonable attorney fees to an individual who prevails against an
14 employer.