

HOUSE BILL NO. 4471

March 09, 2021, Introduced by Reps. Allor, Eisen, Rendon, Borton, Markkanen, Slagh, Maddock, Bezotte, Reilly, Yaroch, Outman, Carra, Damoose, Bellino, Lightner, Griffin and Whitsett and referred to the Committee on Commerce and Tourism.

A bill to prohibit employers from discriminating against an individual because the individual has not received or declines to receive certain vaccinations; to prohibit retaliation; 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 "informed consent in the workplace act".
- 3 Sec. 3. As used in this act:
- 4 (a) "Employer" means a person that allows 1 or more qualified

1 individuals to work for the employer, accepts applications for
 2 employment, or is an agent of an employer. Employer includes this
 3 state or a political subdivision of this state.

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

7 (c) "Qualified individual" means an individual who performs
 8 services, with or without compensation, for an employer.

9 (d) "Specified vaccination" means any of the following:

10 (i) An influenza vaccination.

11 (ii) A Tdap vaccination.

12 (iii) A COVID-19 vaccination.

13 (e) "Tdap" means tetanus, diphtheria, and pertussis.

14 Sec. 5. (1) An employer shall not do any of the following:

15 (a) Discharge, fail or refuse to hire or recruit, or otherwise
 16 discriminate against a qualified individual with respect to
 17 employment, compensation, or a term, condition, or privilege of
 18 employment, or threaten to do any of these things, because the
 19 individual has not received or declines to receive, for any reason,
 20 a specified vaccination.

21 (b) Require a qualified individual who has not received or
 22 declines to receive a specified vaccination to do either of the
 23 following:

24 (i) Wear a surgical face mask as a consequence of not receiving
 25 or declining to receive a specified vaccination.

26 (ii) Display on the qualified individual's person a mark that
 27 distinguishes the qualified individual from qualified individuals
 28 who have received or not declined to receive a specified
 29 vaccination.

1 (c) Disclose to the public that the qualified individual has
2 not received or declines to receive a specified vaccination.

3 (d) Retaliate or discriminate against a person because the
4 person has done or is about to do any of the following:

5 (i) File a complaint under this act.

6 (ii) Testify, assist, or participate in an investigation,
7 proceeding, or action concerning a violation of this act.

8 (iii) Oppose a violation of this act.

9 (2) An employer that offers a specified vaccination to its
10 qualified individuals must inform its qualified individuals, in
11 writing, of their rights under this act. A qualified individual may
12 decline a specified vaccination offered by his or her employer by
13 providing his or her employer with a written statement. A qualified
14 individual is not required to state, in his or her written
15 statement or otherwise, the reason he or she declines to receive
16 the specified vaccination. An employer shall not inquire about the
17 reason a qualified individual declines to receive a specified
18 vaccination.

19 Sec. 9. An employer shall not require an applicant or
20 qualified individual to waive any right under this act. An
21 agreement by an applicant or qualified individual to waive any
22 right under this act is invalid and unenforceable.

23 Sec. 11. A person who is aggrieved by a violation of this act
24 may bring a civil suit in a court of competent jurisdiction to
25 obtain injunctive relief and damages. A court shall award costs and
26 reasonable attorney fees and may award treble damages to a person
27 who prevails as a plaintiff in a suit authorized under this act.

28 Sec. 13. This act applies to a collective bargaining agreement
29 entered into, renewed, or extended on or after the effective date

1 of this act.

2 Enacting section 1. This act takes effect 90 days after the

3 date it is enacted into law.