

HOUSE BILL 1171

K3

EMERGENCY BILL

1lr2335

By: **Delegate Charles**

Introduced and read first time: February 8, 2021

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – Maryland Employee Protection Plan for Vaccine**
3 **Refusal**

4 FOR the purpose of prohibiting an employer from terminating an employee solely on the
5 basis of the employee's refusal to receive a vaccination against COVID-19; providing
6 that an employee waives the right to file a civil action against the employer if the
7 employee has refused to receive a certain vaccination and the employee contracts
8 COVID-19 in the course of employment; defining certain terms; making this Act an
9 emergency measure; providing for the termination of this Act; and generally relating
10 to vaccination refusal by employees.

11 BY adding to
12 Article – Labor and Employment
13 Section 3-718
14 Annotated Code of Maryland
15 (2016 Replacement Volume and 2020 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
17 That the Laws of Maryland read as follows:

18 **Article – Labor and Employment**

19 **3-718.**

20 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
21 **INDICATED.**

22 **(2) “COVID-19” MEANS, INTERCHANGEABLY AND COLLECTIVELY,**
23 **THE CORONAVIRUS KNOWN AS COVID-19 OR 2019-nCoV AND THE SARS-CoV-2**
24 **VIRUS.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(3) “EMPLOYER” INCLUDES:

(I) A UNIT OF STATE OR LOCAL GOVERNMENT; AND

(II) A PERSON THAT ACTS DIRECTLY OR INDIRECTLY IN THE INTEREST OF ANOTHER EMPLOYER WITH AN EMPLOYEE.

(B) AN EMPLOYER MAY NOT TERMINATE AN EMPLOYEE SOLELY ON THE BASIS OF THE EMPLOYEE’S REFUSAL TO RECEIVE A VACCINATION AGAINST COVID-19.

(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN EMPLOYEE WAIVES THE RIGHT TO FILE A CIVIL ACTION AGAINST THE EMPLOYER IF:

(1) THE EMPLOYEE HAS REFUSED TO RECEIVE A VACCINATION AGAINST COVID-19 OFFERED BY THE EMPLOYER OR OTHERWISE MADE AVAILABLE TO THE EMPLOYEE; AND

(2) THE EMPLOYEE CONTRACTS COVID-19 IN THE COURSE OF EMPLOYMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. It shall remain effective through December 31, 2023, and, at the end of December 31, 2023, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.