

By: Representative Yancey

To: Public Health and Human
Services

HOUSE BILL NO. 231

1 AN ACT TO AUTHORIZE PUBLIC AND PRIVATE EMPLOYEE EXEMPTIONS
2 FROM COVID-19 VACCINE MANDATES; AND FOR RELATED PURPOSES.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

4 **SECTION 1.** Legislative findings and intent. (1) The
5 Legislature finds that:

6 (a) The United States government is mandating that
7 employers take actions related to coronavirus 2019 (COVID-19)
8 vaccinations, including forcing an employee to be vaccinated
9 against the employee's will;

10 (b) Vaccination mandates are an overreach of authority;

11 (c) Many employers and employees in Mississippi will
12 soon be subject to this vaccination mandate; and

13 (d) Mississippi employees need to be protected from
14 this type of overreach.

15 (2) The Legislature intends for this act to:

16 (a) Protect public and private employees in Mississippi
17 from impending terminations due to vaccination mandates; and



18 (b) Create the ability for funding to be available to
19 assist employees in Mississippi with the costs associated with
20 testing related to the vaccination mandate through the methods
21 provided in this act, including, without limitation, COVID-19
22 relief funds distributed from the American Rescue Plan Act of
23 2021, Pub. L. No. 117-2.

24 **SECTION 2.** (1) A public or private employer that requires
25 or is mandated to require vaccination or immunization for
26 coronavirus 2019 (COVID-19) or its variants for its employees
27 shall provide an exemption process.

28 (2) The exemption process shall include options to allow the
29 employee to produce either:

30 (a) A negative antigen detection test result or
31 molecular diagnostic test result no more than one (1) time per
32 week showing that the employee is not positive for COVID-19; or

33 (b) Proof of immunity for the virus that causes
34 COVID-19 or its variants, including, without limitation, the
35 presence of antibodies, T cell response, or proof of a positive
36 COVID-19 or its variants test, on a basis of two (2) times per
37 year, not to exceed one (1) time every six (6) months, from a
38 licensed healthcare provider.

39 (3) If multiple proven test processes are available to an
40 employee under subsection (2) of this section, the employee may
41 choose which test to take.



42 (4) The employee may provide test results obtained
43 outside of the employer or a licensed healthcare provider if the
44 test meets the guidelines contained within the Policy for
45 Coronavirus Disease-2019 Tests During the Public Health Emergency
46 (Revised) issued by the United States Department of Health and
47 Human Services Food and Drug Administration Center for Devices and
48 Radiological Health.

49 (a) The cost of the testing shall be covered through
50 any state or federal funding made available, including without
51 limitation, COVID-19 relief funds distributed from the American
52 Rescue Plan Act of 2021, Pub. L. No. 117-2, if the employee's
53 health benefit plan does not provide coverage for the testing.

54 (b) In the event that the cost of testing under
55 subsection (3) of this section is not available, the cost of the
56 testing shall be covered by the employee.

57 (5) An employer shall provide the exemption process required
58 under this section in addition to any other exemptions offered by
59 the employer.

60 (6) If an employee complies with the requirements of the
61 exemption process related to COVID-19 as required by this
62 section, the employee shall not be terminated for mandates related
63 to COVID-19.

64 (7) Nothing in this section should be interpreted to modify
65 any other agreements between the employer and employee or to amend



66 or affect the employment-at-will doctrine, whether written or
67 otherwise.

68 (8) The Department of Finance and Administration shall
69 establish rules regarding the method of distribution of COVID-19
70 relief funds from the American Rescue Plan Act of 2021, Pub. L.
71 No. 117-2, to employees and employers to cover the cost of
72 testing, to include without limitation the:

73 (a) Timely distribution of funds to recipients within
74 thirty (30) days;

75 (b) Establishment of an option for distribution to an
76 employer that chooses to receive funds for disbursement to
77 employees; and

78 (c) Verification and method of authentication of
79 receipts that shall meet legislative auditing requirements,
80 including without limitation the development of forms.

81 (9) If an employee is terminated due to the employer's
82 violation of this section, the employee may be eligible for
83 unemployment benefits in addition to any other remedy available to
84 the employee.

85 (10) This section shall be repealed July 31, 2023, unless
86 extended by the Legislature.

87 **SECTION 3.** The Legislature of the State of Mississippi finds
88 and determines that mandates that force actions related to
89 coronavirus 2019 (COVID-19) vaccinations are an overreach of
90 authority; COVID-19 vaccination mandates will be imposed on many



91 public and private employers and employees in Mississippi; public
92 and private employees are facing impending terminations related to
93 exercising their rights to refuse a COVID-19 vaccination; and that
94 this act is immediately necessary to protect the people of
95 Mississippi from this type of overreach.

96 **SECTION 4.** This act shall take effect and be in force from
97 and after its passage.

