HOUSE BILL NO. 1509
(As Sent to Governor)

AN ACT TO PROHIBIT A STATE AGENCY, PUBLIC OFFICIAL, STATE INSTITUTION OF HIGHER LEARNING, PUBLIC COMMUNITY OR JUNIOR COLLEGE, COUNTY, MUNICIPALITY OR OTHER POLITICAL SUBDIVISION OF THE STATE FROM REFUSING SERVICES, HEALTH CARE ACCESS OR EMPLOYMENT OPPORTUNITIES TO A PERSON, OR OTHERWISE DISCRIMINATE AGAINST A PERSON, BASED UPON HIS OR HER COVID-19 VACCINATION STATUS OR POSSESSION OF A COVID-19 IMMUNITY PASSPORT; TO DEFINE THE TERMS "IMMUNITY PASSPORT" AND "COVID-19 VACCINATION STATUS"; TO PROVIDE A CERTAIN EXEMPTION FOR HEALTH CARE FACILITIES; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) As used in this act, the following words and phrases have the following meanings, unless the context clearly indicates otherwise:

(a) "Immunity passport" means a document, digital record, or software application indicating that a person has immunity to COVID-19, either through vaccination or infection and recovery.

(b) "COVID-19 vaccination status" means an indication of whether a person has received one or more doses of a vaccine for COVID-19.
(2) Except as provided in subsection (3) of this section, it is an unlawful discriminatory practice for:

(a) A state agency, public official, state institution of higher learning, public community or junior college, county, municipality or other political subdivision of the state to refuse, withhold from, or deny to a person any local or state services, goods, facilities, advantages, privileges, licensing, educational opportunities, health care access, or employment opportunities based on the person's COVID-19 vaccination status or whether the person has an immunity passport;

(b) A state agency, public official, state institution of higher learning, public community or junior college, county, municipality or other political subdivision of the state to refuse employment to a person, to bar a person from employment, or to discriminate against a person in compensation or in a term, condition, or privilege of employment based on the person's COVID-19 vaccination status or whether the person has an immunity passport; or

(c) A state agency, public official, state institution of higher learning, public community or junior college, county, municipality or other political subdivision of the state to exclude, limit, segregate, refuse to serve, or otherwise discriminate against a person based on the person's COVID-19 vaccination status or whether the person has an immunity passport.
(3) Children attending any school, kindergarten or similar type of facility intended for the instruction of children, either public or private, shall not be required to receive a vaccine for COVID-19 as a condition of attendance.

(4) (a) A state agency, public official, state institution of higher learning, public community or junior college, county, municipality or other political subdivision of the state does not unlawfully discriminate under this section if they recommend that an employee receive a vaccine for COVID-19.

(b) A health care facility does not unlawfully discriminate under this act if it:

   (i) Asks an employee to volunteer the employee's COVID-19 vaccination status for the purpose of determining whether the health care facility should implement reasonable accommodation measures to protect the safety and health of employees, patients, visitors, and other persons from COVID-19. A health care facility may consider an employee to be unvaccinated if the employee declines to provide the employee's COVID-19 vaccination status to the health care facility for purposes of determining whether reasonable accommodation measures should be implemented; or

   (ii) Implements reasonable accommodation measures for employees, patients, visitors, and other persons who are not vaccinated for COVID-19 to protect the safety and health of employees, patients, visitors, and other persons from COVID-19.
An employee of any public or private employer who has a sincerely held religious objection to receiving a vaccine for COVID-19 shall not be required to receive a vaccine for COVID-19.  

SECTION 2. A health care facility is exempt from compliance with this act during any period of time that compliance with this act would result in a violation of regulations or guidance issued by the Centers for Medicare and Medicaid Services or the Centers for Disease Control and Prevention.  

SECTION 3. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.  

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