

By: Senator(s) Wiggins

To: Accountability,  
Efficiency, Transparency;  
Public Health and Welfare

SENATE BILL NO. 2858

1 AN ACT TO AMEND SECTION 79-1-9, MISSISSIPPI CODE OF 1972,  
2 PURSUANT TO ARTICLE 7, SECTION 191 OF THE MISSISSIPPI CONSTITUTION  
3 OF 1890, TO INCREASE THE PENALTY FOR UNLAWFUL INTERFERENCE WITH  
4 THE SOCIAL, CIVIL, OR POLITICAL RIGHTS OF A CORPORATION'S AGENTS  
5 OR EMPLOYEES; TO PROVIDE THAT A CORPORATION'S ENFORCEMENT OF A  
6 VACCINE MANDATE OR THE DISCHARGE OF ANY OF ITS AGENTS OR EMPLOYEES  
7 DUE TO VACCINATION STATUS SHALL BE UNLAWFUL INTERFERENCE WITH THE  
8 SOCIAL, CIVIL, OR POLITICAL RIGHTS OF ITS AGENTS OR EMPLOYEES; TO  
9 AUTHORIZE AGENTS OR EMPLOYEES TO SEEK A PERMANENT INJUNCTION  
10 AGAINST A CORPORATION FOR UNLAWFUL INTERFERENCE; TO PROVIDE A  
11 REBUTTABLE PRESUMPTION IN FAVOR OF A CORPORATION THAT DEMONSTRATES  
12 TO A REASONABLE PERSON STANDARD THAT IT PROVIDED NOTICE TO ITS  
13 AGENTS OR EMPLOYEES; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** Section 79-1-9, Mississippi Code of 1972, is  
16 amended as follows:

17 79-1-9. (1) (a) Any corporation doing business in this  
18 state shall be liable \* \* \* for a penalty of \* \* \* Twenty-five  
19 Thousand Dollars (\$25,000.00) for every unlawful interference with  
20 the social, civil, or political rights of any of its agents or  
21 employees, and the same may be recovered by suit, to be brought by  
22 the injured party.



23           (b) A corporation's enforcement of a federal vaccine  
24 mandate or the discharge of any of its agents or employees due to  
25 vaccination status shall be unlawful interference with the social,  
26 civil or political rights of its agents or employees. Such an  
27 unlawful interference is not subject to the penalty in paragraph  
28 (a) of this subsection and shall result in a penalty of  
29 Seventy-five Thousand Dollars (\$75,000.00). Agents or employees  
30 who are discharged due to vaccination status may seek compensation  
31 for lost wages in addition to the penalty described in this  
32 paragraph (b).

33           (2) (a) Any of the employees or agents of a corporation  
34 doing business in this state may seek a permanent injunction  
35 against the corporation to restrain and prevent violations of this  
36 section.

37           (b) At the request of a party, the court may hold a  
38 preliminary hearing and may grant a temporary injunction against  
39 the corporation if the allegations of an unlawful interference are  
40 demonstrated to the satisfaction of the court.

41           (c) Whenever any court issues a permanent injunction to  
42 restrain and prevent violations of this section, the court shall  
43 award actual damages, if any, sustained by reason of a violation  
44 of this section, interest, reasonable attorney's fees and court  
45 costs and may award other equitable relief.

46           (3) Pursuant to any claim alleging a violation of this  
47 section, there shall be a rebuttable presumption that the



48 corporation has not unlawfully interfered with the social, civil,  
49 or political rights of any of its agents or employees if the  
50 corporation proves to reasonable person standard that it gave  
51 notice to its agents or employees through its standard operating  
52 procedure, employee handbook or other employment policy.

53         **SECTION 2.** This act shall take effect and be in force from  
54 and after July 1, 2022.

