

## **Senate Amendments to House Bill No. 1509**

**TO THE CLERK OF THE HOUSE:**

**THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:**

### **AMENDMENT NO. 1**

**Amend by striking all after the enacting clause and inserting in lieu thereof the following:**

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

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

19                (b) "COVID-19 vaccination status" means an indication  
20 of whether a person has received one or more doses of a vaccine  
21 for COVID-19.

22                (2) Except as provided in subsection (3) of this section, it  
23 is an unlawful discriminatory practice for:

24                (a) A state agency, public official, state institution  
25 of higher learning, public community or junior college, county,  
26 municipality or other political subdivision of the state to  
27 refuse, withhold from, or deny to a person any local or state  
28 services, goods, facilities, advantages, privileges, licensing,

29 educational opportunities, health care access, or employment  
30 opportunities based on the person's COVID-19 vaccination status or  
31 whether the person has an immunity passport;

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

40 (c) A state agency, public official, state institution  
41 of higher learning, public community or junior college, county,  
42 municipality or other political subdivision of the state to  
43 exclude, limit, segregate, refuse to serve, or otherwise  
44 discriminate against a person based on the person's COVID-19  
45 vaccination status or whether the person has an immunity passport.

46 (3) Children attending any school, kindergarten or similar  
47 type of facility intended for the instruction of children, either  
48 public or private, shall not be required to receive a vaccine for  
49 COVID-19 as a condition of attendance.

50 (4) (a) A state agency, public official, state institution  
51 of higher learning, public community or junior college, county,  
52 municipality or other political subdivision of the state does not  
53 unlawfully discriminate under this section if they recommend that  
54 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.

(5) 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,

81 the part remains in effect in all valid applications that are  
82 severable from the invalid applications.

83 **SECTION 4.** This act shall take effect and be in force from  
84 and after July 1, 2022, and shall stand repealed on June 30, 2022.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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

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Eugene S. Clarke  
Secretary of the Senate