

By: Representative Gunn

To: Public Health and Human Services

HOUSE BILL NO. 1509
(As Sent to Governor)

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.

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

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.

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

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

66 (ii) Implements reasonable accommodation measures
67 for employees, patients, visitors, and other persons who are not
68 vaccinated for COVID-19 to protect the safety and health of
69 employees, patients, visitors, and other persons from COVID-19.



70 (5) An employee of any public or private employer who has a
71 sincerely held religious objection to receiving a vaccine for
72 COVID-19 shall not be required to receive a vaccine for COVID-19.

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

78 **SECTION 3.** If a part of this act is invalid, all valid parts
79 that are severable from the invalid part remain in effect. If a
80 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 its passage.

