

HB 1301

Rep. Ben Koppelman- Testimony

Mr. Chairman and Members of the Committee,

Thank you for the opportunity to introduce HB 1301 to you today.

HB 1301 will protect employers by providing much needed liability protection against claims by employees relating to contracting a communicable disease. The bill also will protect the medical privacy of employees by prohibiting most employers from mandating vaccination as a condition of employment.

As you may know, most viruses, bacteria, and other contagious causes of illness are tough to contain, and we rarely know for certain where transmission occurs. During the Covid-19 outbreak, employers went to extraordinary length trying to preserve the jobs of their employees while at the same time maintaining a safe working environment. They continued to follow OSHA regulations and took other measures to keep their employees and customers safe. However, as we have learned, no amount of effort on the employer's part could stop all transmission of this illness. We also know that we live in a litigious society.

Thus, I believe that employers could still be vulnerable to lawsuits claiming they just didn't do enough. Section 1 of this bill would limit that liability to willful misconduct on the part of the employer and would not allow any civil action if that legal burden is not met. This liability protection will apply to all communicable diseases rather than just applying to Covid-19, so that this protection will apply to future illnesses as well.

Since we are providing liability protection for employers relating to communicable diseases, I don't believe there would be a reason for businesses to require vaccinations. Vaccinating should be a personal

choice made based on information provided, and vaccination records should be part of an individual's confidential medical history. However, due to the unique proximity to disease and infection that is likely in healthcare facilities there is a narrow exception in Section 2 of the bill where healthcare employers could require certain vaccinations if they meet certain criteria. Also in section 2, there is an opt-out provision for employees who wish to not take that particular vaccine.

Mr. Chairman and Members of the Committee, I am comfortable with the bill in its current form. However, I have been on numerous video conference calls with a representative of the Long-term Care Assn., the Hospital Assn., and the Medical Assn., and after discussion about some concerns that they had, I drafted an amendment that I think would solve those concerns and be a reasonable compromise. Prior to this hearing I shared the proposed amendment with these interested groups. If these groups are each in support of the bill with the amendment, then I would ask that you adopt the amendment.

I request that you give this bill a Do-Pass recommendation. I would be happy to answer any questions that you may have.