House Study Bill 647 - Introduced

HOUSE FILE

BY (PROPOSED COMMITTEE ON STATE GOVERNMENT BILL BY CHAIRPERSON KAUFMANN)

A BILL FOR

- 1 An Act relating to the medical privacy and freedom Act,
- 2 providing penalties, and including effective date
- 3 provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 27C.2, Code 2022, is amended by striking
 the section and inserting in lieu thereof the following:

3 27C.2 Medical treatment status — immunity passports —
4 liability.

5 1. a. Notwithstanding any provision of law to the contrary,
6 a business, educational institution, employer, or governmental
7 entity shall not do any of the following:

8 (1) (a) Inquire into the medical treatment status of,
9 maintain a record of the medical treatment status of, or
10 require the furnishing of an immunity passport by, a person.

11 (b) Maintain an existing record of the medical treatment
12 status of a person if the person requests that the record be
13 deleted.

14 (c) This subparagraph shall not interfere with a person's 15 right to access the person's own health information under any 16 applicable state or federal law or any legal responsibility of 17 a health care professional to comply with any applicable state 18 or federal law in administering health care to a person. 19 (2) Refuse, withhold from, or deny to a person any

20 services, goods, facilities, advantages, privileges, access, 21 transportation or freedom of movement, licensing, educational 22 opportunities, or health care access based on the person's 23 medical treatment status or the furnishing of an immunity 24 passport.

(3) Provide or disallow incentives such as coupons, free goods or services, or lotteries and games of chance, or impose a monetary fine or tax or other socioeconomic disincentive based on the person's medical treatment status or the furnishing of an immunity passport.

30 (4) Refuse to hire or employ, bar or discharge from 31 employment, impose a surcharge or wage reduction, or 32 discriminate against a person in compensation or in a term, 33 condition, or privilege of employment based on the person's 34 medical treatment status or the furnishing of an immunity 35 passport.

-1-

LSB 5495YC (14) 89 pf/rh (5) Exclude, limit, segregate, refuse to serve, require a
 mask or other facial covering, require testing, or otherwise
 discriminate against a person based on the person's medical
 treatment status or the furnishing of an immunity passport.
 b. Notwithstanding any provision of law to the contrary,
 each appropriate state agency shall ensure that a business in
 this state complies with this subsection and shall require
 compliance with this subsection as a condition of obtaining a

9 license, permit, or other state authorization as necessary to 10 conduct business in this state.

11 2. Notwithstanding any provision of law to the contrary, a 12 business, educational institution, employer, or governmental 13 entity that violates subsection 1 is liable for any adverse 14 reaction, injury, disability, or death that is or may be 15 related to a person receiving forced medical treatment in 16 response to such violation. Relative to a person who is 17 an employee, it shall be presumed, in the absence of any 18 substantial evidence to the contrary, that such adverse 19 reaction, injury, disability, or death arose in the course of 20 such person's employment.

21 3. For the purposes of this section:

a. "Business" means a sole proprietorship, partnership,
joint venture, corporation, association, or other business
entity, either for-profit or not-for-profit, including retail
establishments where goods or services are sold.

b. Educational institution includes any preschool,
elementary or secondary school, community college, area
education agency, or postsecondary college or university and
their governing boards.

30 *c.* "*Employer*" means a person, as defined in chapter 4, who 31 in this state employs for wages a natural person.

32 *d.* "*Governmental entity*" means the state or any political 33 subdivision of the state that owns, leases, or operates 34 buildings under the control of the state or a political 35 subdivision of the state.

-2-

LSB 5495YC (14) 89 pf/rh

2/5

e. "Health care professional" means a person who is
 licensed, certified, or otherwise authorized or permitted by
 the law of this state to administer health care in the ordinary
 course of business or in the practice of a profession.

5 f. "Immunity passport" means a document, digital record, or 6 software application indicating that a person has received a 7 vaccination or has gained natural immunity through infection 8 and recovery.

9 g. "Medical treatment" means a health care treatment, 10 service, or procedure designed to maintain or treat a person's 11 physical or mental condition, and includes preventive care, 12 medical devices, and vaccinations.

13 Sec. 2. CODE EDITOR DIRECTIVE. The Code editor shall amend 14 the title of chapter 27C, Code 2022, to read "MEDICAL PRIVACY 15 AND FREEDOM ACT".

16 Sec. 3. SEVERABILITY. The provisions of this Act are 17 severable pursuant to section 4.12.

18 Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate 19 importance, takes effect upon enactment.

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EXPLANATION

21The inclusion of this explanation does not constitute agreement with22the explanation's substance by the members of the general assembly.

This bill relates to the prohibited required disclosure and discrimination based on, a person's medical treatment status or the furnishing of an immunity passport.

The bill amends Code chapter 27C (proof of vaccination for COVID-19). The bill strikes current provisions prohibiting the required furnishing of proof of a vaccination for COVID-19 and the prohibition against the awarding or renewal of grants or contracts funded by state revenue to a business or governmental entity that violates this provision.

32 The bill instead amends the Code chapter to include 33 prohibitions relating to a person's medical treatment status 34 including vaccination status or the furnishing of an immunity 35 passport. The bill provides that notwithstanding any provision

-3-

LSB 5495YC (14) 89 pf/rh

1 of law to the contrary, a business, educational institution, 2 employer, or governmental entity shall not: inquire into 3 the medical treatment status of, maintain a record including 4 an existing record of the medical treatment status of, or 5 require the furnishing of an immunity passport by, a person; 6 refuse, withhold from, or deny to a person any services, goods, 7 facilities, advantages, privileges, access, transportation or 8 freedom of movement, licensing, educational opportunities, 9 or health care access based on a person's medical treatment 10 status or the furnishing of an immunity passport; provide or 11 disallow incentives such as coupons, free goods or services, or 12 lotteries and games of chance, or impose a monetary fine or tax 13 or other socioeconomic disincentive based on a person's medical 14 treatment status or the furnishing of an immunity passport; 15 refuse to hire or employ, bar or discharge from employment, 16 impose a surcharge or wage reduction, or discriminate against a 17 person in compensation or in a term, condition, or privilege 18 of employment based on the person's medical treatment status 19 or the furnishing of an immunity passport; or exclude, limit, 20 segregate, refuse to serve, require a mask or other facial 21 covering, require testing, or otherwise discriminate against a 22 person based on the person's medical treatment status or the 23 furnishing of an immunity passport.

The bill requires each appropriate state agency to ensure that a business in this state complies with the provisions of the bill and requires compliance with the provisions of the bill as a condition of obtaining a license, permit, or other state authorization as necessary to conduct business in this y state.

A business, educational institution, employer, or governmental entity that violates the provisions of the bill is 2 liable for any adverse reaction, injury, disability, or death 33 that is or may be related to a person receiving forced medical 34 treatment in response to such violation. For purposes of a 35 person who is an employee, it shall be presumed, in the absence

-4-

LSB 5495YC (14) 89 pf/rh

4/5

1 of any substantial evidence to the contrary, that such adverse 2 reaction, injury, disability, or death arose in the course of 3 the person's employment.

4 The bill includes a directive to the Code editor to amend the 5 title of Code chapter 27C to be titled the medical privacy and 6 freedom Act. Provisions of the bill are severable pursuant to 7 Code section 4.12. The bill takes effect upon enactment.

-5-