

**Senate File 193 - Introduced**

SENATE FILE 193

BY GUTH, JOHNSON, SCHULTZ,  
WHITING, and CARLIN

**A BILL FOR**

1 An Act relating to requirements and prohibitions relating to  
2 vaccines and immunizations, and providing civil remedies.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

DIVISION I

PROHIBITION OF VACCINE MANDATES BY EMPLOYERS

Section 1. NEW SECTION. 94.1 Definitions.

As used in this chapter, unless the context otherwise requires:

- 1. "*Applicant*" means a natural person who applies to be an employee.
- 2. "*Employee*" means a natural person who is employed in this state for wages by an employer.
- 3. "*Employer*" means a person, as defined in chapter 4, who in this state employs for wages, natural persons.

Sec. 2. NEW SECTION. 94.2 Vaccination requirements or history — prohibited acts by employer.

An employer shall not fail or refuse to hire, discharge, penalize, or otherwise discriminate against an employee with respect to compensation or the terms, conditions, or privileges of employment based on either of the following:

- 1. The employee's vaccination history.
- 2. The refusal of the employee to receive a vaccine or provide proof of immunity.

Sec. 3. NEW SECTION. 94.3 Civil remedies.

An employee whose rights are violated under this chapter may bring an action against an employer in the district court in the county where the employer is located for injunctive relief, actual damages, admission or reinstatement of the employee with back pay plus ten percent interest, or any other appropriate relief necessary to ensure compliance with this chapter.

DIVISION II

PROHIBITION AGAINST VACCINE MANDATES RELATIVE TO FACILITIES, PROVIDERS, AND INSURERS

Sec. 4. NEW SECTION. 135Q.1 Definitions.

As used in this chapter, unless the content otherwise requires:

- 1. "*Assisted living program*" means the same as defined in section 231C.2.

1 2. "*Communicable disease*" means the same as defined in  
2 section 139A.2.

3 3. "*Health care facility*" means the same as defined in  
4 section 135C.1.

5 4. "*Health care provider*" means a person licensed or  
6 certified by and subject to the authority of a board as defined  
7 in section 147.2 who provides professional health care services  
8 to a patient during that patient's medical care, treatment, or  
9 confinement.

10 5. "*Hospital*" means the same as defined in section 135B.1.

11 6. "*Insurer*" means an entity providing a plan of health  
12 insurance, health care benefits, or health care services, or  
13 an entity subject to the jurisdiction of the commissioner  
14 of insurance performing utilization review, including an  
15 insurance company offering sickness and accident plans, a  
16 health maintenance organization, a nonprofit health service  
17 corporation, a plan established pursuant to chapter 509A  
18 for public employees, or any other entity providing a plan  
19 of health insurance, health care benefits, or health care  
20 services.

21 7. "*Patient*" means a person who has received or is receiving  
22 professional health care services from a health care facility,  
23 health care provider, or hospital.

24 8. "*Resident*" means a resident of a health care facility.

25 9. "*Tenant*" means a tenant of an assisted living program.

26 Sec. 5. NEW SECTION. 135Q.2 **Immunizations — prohibited**  
27 **discrimination — civil remedies.**

28 1. A hospital or health care facility shall not do any of  
29 the following:

30 a. Require a health care provider, staff member, employee,  
31 or applicant for one of these positions to be immunized.

32 b. Discriminate against or terminate the employment of a  
33 health care provider, staff member, employee, or applicant for  
34 one of these positions based on the person's refusal to receive  
35 an immunization.

1 2. A hospital, health care facility, or a health care  
2 provider, staff member, or employee of a hospital or health  
3 care facility shall not discriminate against or terminate  
4 treatment of a patient based upon the patient's refusal to  
5 receive an immunization.

6 3. A health care facility or assisted living program shall  
7 not discriminate against or terminate treatment of a resident  
8 or tenant solely on the basis of the resident or tenant not  
9 having received, or refusing to receive, an immunization for a  
10 specific communicable disease.

11 4. A hospital, health care facility, or educational  
12 institution providing clinical experience to satisfy the  
13 professional degree requirements of a student, intern, or  
14 resident shall not discriminate against the student, intern, or  
15 resident, or prohibit admission, enrollment, or employment as a  
16 student, intern, or resident based on the immunization status  
17 of the student, intern, or resident.

18 5. A person aggrieved under this section may petition the  
19 district court in the county where the hospital, health care  
20 facility, assisted living program, or educational institution  
21 is located for any of the following:

- 22 a. Injunctive relief against any further violation.  
23 b. Affirmative relief, including reinstatement of employment  
24 with back pay and interest, or any other equitable relief the  
25 court deems appropriate.  
26 c. Other appropriate relief necessary to ensure compliance  
27 with this section.

28 6. A hospital, health care facility, health care provider,  
29 educational institution, or assisted living program that  
30 violates this section is not eligible to receive state funding  
31 for reimbursement of services provided to patients, residents,  
32 or tenants.

33 Sec. 6. NEW SECTION. 135Q.3 Immunization — health care  
34 providers — prohibited discrimination.

35 The licensing authority for a health care provider shall not

1 deny an applicant for a license or suspend, revoke, or refuse  
2 to renew a license, and shall not take disciplinary action  
3 against a licensee based on the applicant's or licensee's  
4 immunization history or refusal to submit to an immunization.

5     **Sec. 7. NEW SECTION. 135Q.4 Immunizations — prohibited**  
6 **actions — insurers and insurer ratings — cease and desist**  
7 **orders and penalties.**

8     1. An insurer providing a group policy, contract, or plan  
9 for health insurance shall not use the immunization status of  
10 a person as a basis to reject; deny; limit; cancel; refuse to  
11 renew; increase the premiums for; limit the amount, extent, or  
12 kind of coverage available to; or otherwise adversely affect  
13 eligibility or coverage for the group health policy, contract,  
14 or plan for health insurance.

15     2. An insurer providing a group policy, contract, or plan  
16 for health insurance shall not use the immunization status of a  
17 person as a qualification or requirement for contracting with  
18 the person's health care provider or as a basis for terminating  
19 a contract with the person's health care provider.

20     3. An insurer providing a group policy, contract, or  
21 plan for health insurance shall not do any of the following  
22 regarding the administration of immunizations to covered  
23 persons:

24     *a.* Provide financial or other incentives to a participating  
25 health care provider based upon attaining a certain  
26 immunization administration rate.

27     *b.* Impose a financial or other penalty on a participating  
28 health care provider who does not attain a certain immunization  
29 administration rate.

30     4. The immunization status of a person covered by a group  
31 policy, contract, or plan for health insurance shall not be  
32 used as a factor in the rating of a group policy, contract, or  
33 plan for health insurance in this state.

34     5. An insurer issuing a group policy, contract, or plan for  
35 health insurance who violates this section is subject to the

1 summary cease and desist order, cease and desist order, and  
2 penalty provisions pursuant to chapter 507B.

3

DIVISION III

4

CHILDREN AND STUDENTS — VACCINE MANDATES

5

Sec. 8. Section 139A.8, subsection 4, Code 2021, is amended  
6 to read as follows:

7

4. a. Immunization is not required for a person's  
8 enrollment in any elementary or secondary school or licensed  
9 child care center if ~~either~~ any of the following applies:

10

(1) The applicant, or if the applicant is a minor, the  
11 applicant's parent or legal guardian, submits to the admitting  
12 official a statement signed by a physician, advanced registered  
13 nurse practitioner, or physician assistant who is licensed by  
14 the board of medicine, board of nursing, or board of physician  
15 assistants that the immunizations required would be injurious  
16 to the health and well-being of the applicant or any member of  
17 the applicant's family.

18

(2) The applicant, or if the applicant is a minor, the  
19 applicant's parent or legal guardian, submits an affidavit  
20 signed by the applicant, or if the applicant is a minor,  
21 the applicant's parent or legal guardian, stating that the  
22 immunization conflicts with the ~~tenets and practices of a~~  
23 ~~recognized religious denomination of which the applicant is~~  
24 ~~an adherent or member~~ sincerely held religious beliefs of the  
25 applicant, or if the applicant is a minor, of the applicant's  
26 parent or legal guardian.

27

(3) The applicant, or if the applicant is a minor, the  
28 applicant's parent or legal guardian, submits an affidavit  
29 signed by the applicant, or if the applicant is a minor, signed  
30 by the applicant's parent or legal guardian, stating that the  
31 immunization conflicts with the conscientiously held beliefs  
32 of the applicant, or if the applicant is a minor, of the  
33 applicant's parent or legal guardian.

34

b. The exemptions under this subsection ~~do not~~ also apply in  
35 times of emergency or epidemic as determined by the state board

1 of health and as declared by the director of public health.

2 DIVISION IV

3 PROHIBITING DISCRIMINATION AND RIGHT-OF-ACCESS RESTRICTIONS  
4 BASED ON VACCINE STATUS OR PROOF OF IMMUNITY

5 Sec. 9. Section 216.2, subsection 15, Code 2021, is amended  
6 to read as follows:

7 15. *“Unfair practice”* or *“discriminatory practice”* means  
8 those practices specified as unfair or discriminatory in  
9 sections 216.6, 216.6A, 216.7, 216.7A, 216.8, 216.8A, 216.8B,  
10 216.9, 216.10, 216.11, and 216.11A.

11 Sec. 10. NEW SECTION. 216.7A **Unfair practices — public**  
12 **accommodations — vaccination status.**

13 It shall be an unfair or discriminatory practice for  
14 any owner, lessee, sublessee, proprietor, manager, or  
15 superintendent of any public accommodation or any agent or  
16 employee thereof to do any of the following on the basis of a  
17 person’s vaccination or immunity status:

18 1. Provide any disposition, service, financial aid, or  
19 benefit to the person which is different, or is provided in a  
20 different manner, from that provided to other members of the  
21 general public.

22 2. Subject the person to segregation or separate treatment  
23 in any matter related to that person’s receipt of any  
24 disposition, service, financial aid, or benefit provided to  
25 other members of the general public.

26 3. Restrict the person in any way in the enjoyment of any  
27 advantage or privilege enjoyed by other persons receiving any  
28 disposition, service, financial aid, or benefit provided to  
29 other members of the general public.

30 4. Treat the person differently from other persons in  
31 determining whether that person satisfies any admission,  
32 enrollment, quota, eligibility, membership, or other  
33 requirement or condition which a person must meet in order to  
34 be provided any disposition, service, financial aid, function,  
35 or benefit available to other members of the general public.

1 5. Deny the person an opportunity to participate in a  
2 program through the provision of service or otherwise afford  
3 that person an opportunity to do so which is different from  
4 that afforded to other members of the general public.

5 DIVISION V

6 PROHIBITING THE CONNECTION OF VACCINATION OR IMMUNITY STATUS TO  
7 A STATE-ISSUED DRIVER'S LICENSE

8 Sec. 11. Section 321.189, subsection 2, Code 2021, is  
9 amended by adding the following new paragraph:

10 NEW PARAGRAPH. e. A driver's license shall not include the  
11 vaccination or immunization status, immunity status, or test  
12 results relating to a communicable disease of the holder of any  
13 class of driver's license.

14 Sec. 12. Section 321.190, subsection 1, paragraph a, Code  
15 2021, is amended to read as follows:

16 a. The department shall, upon application and payment  
17 of the required fee, issue to an applicant a nonoperator's  
18 identification card. To be valid the card shall bear a  
19 distinguishing number other than a social security number  
20 assigned to the cardholder, the full name, date of birth,  
21 sex, residence address, a physical description and a color  
22 photograph of the cardholder, the usual signature of the  
23 cardholder, and such other information as the department  
24 may require by rule. An applicant for a nonoperator's  
25 identification card shall apply for the card in the manner  
26 provided in [section 321.182, subsections 1 through 3](#). The card  
27 shall be issued to the applicant at the time of application  
28 pursuant to procedures established by rule. An applicant for a  
29 nonoperator's identification card who is required by 50 U.S.C.  
30 app. §451 et seq. to register with the United States selective  
31 service system shall be registered by the department with the  
32 selective service system as provided in [section 321.183](#). An  
33 applicant for a nonoperator's identification card shall not  
34 be required to receive the SARS-CoV-2 vaccine in order to be  
35 issued a card and the card shall not include the vaccination or



1 immunization status, immunity status, or test results relating  
2 to a communicable disease of the holder of the card.

3 DIVISION VI

4 STATEWIDE IMMUNIZATION REGISTRY AND IOWA HEALTH INFORMATION  
5 NETWORK — INFORMED CONSENT

6 Sec. 13. NEW SECTION. 139A.8B **Statewide immunization**  
7 **registry and Iowa health information network — informed consent.**

8 The department shall require that a health care provider  
9 who administers vaccines and immunizations and is required to  
10 consult and review or report the administration of vaccines  
11 or immunizations to the statewide immunization registry or  
12 Iowa health information network obtain written, informed  
13 consent from a patient, or if the patient is a minor, the  
14 patient's parent or legal guardian, prior to reporting the  
15 administration of the vaccine or immunization to the statewide  
16 immunization registry or Iowa health information network.  
17 The written, informed consent shall also provide the patient  
18 with the option of consenting to the sharing of the patient's  
19 information with any entity with access to the information  
20 contained in the statewide immunization registry or Iowa  
21 health information network. The health care provider shall  
22 submit a copy of the completed written, informed consent  
23 form to the statewide immunization registry or Iowa health  
24 information network. A patient, or if the patient is a minor,  
25 the patient's parent or legal guardian, may withdraw or amend  
26 the written, informed consent at any time. If informed consent  
27 is subsequently withdrawn, the patient's information shall be  
28 deleted from the statewide immunization registry or Iowa health  
29 information network database. Only the information regarding  
30 the administration of vaccines or immunizations of a patient  
31 from whom written, informed consent has been obtained shall be  
32 reported to and included in the statewide immunization registry  
33 or Iowa health information network. No information, report, or  
34 record relating to a person from whom written, informed consent  
35 has not been obtained shall be maintained by the department or

1 included in the statewide immunization registry or Iowa health  
2 information network.

3

EXPLANATION

4

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

5

6 This bill relates to vaccinations and immunizations. The  
7 bill is drafted in divisions.

8 DIVISION I. Division I of the bill relates to prohibitions  
9 against vaccine mandates by employers. Division I prohibits an  
10 employer from failing or refusing to hire, discharge, penalize,  
11 or otherwise discriminate against an employee with respect  
12 to compensation or the terms, conditions, or privileges of  
13 employment based on the employee's vaccination history or the  
14 refusal of the employee to receive a vaccine or provide proof  
15 of immunity. An employee whose rights are violated under the  
16 division of the bill may bring an action against an employer  
17 in the district court in the county where the employer is  
18 located for injunctive relief, actual damages, admission or  
19 reinstatement of the employee with back pay plus 10 percent  
20 interest, or any other appropriate relief necessary to ensure  
21 compliance with the division of the bill.

22 DIVISION II. Division II of the bill relates to vaccination  
23 safety and the right of refusal. Division II provides  
24 definitions used in the Code chapter. Division II of the bill  
25 prohibits a hospital or health care facility from requiring a  
26 health care provider, staff member, employee, or applicant for  
27 one of these positions to be immunized or from discriminating  
28 against or terminating the employment of a health care  
29 provider, staff member, employee, or applicant for one of  
30 these positions, based on the person's refusal to receive an  
31 immunization. The division prohibits a hospital, health care  
32 facility, or a health care provider, staff member, or employee  
33 of a hospital or health care facility from discriminating  
34 against or terminating treatment of a patient based upon the  
35 patient's refusal to receive an immunization, and a health

1 care facility or assisted living program is also prohibited  
2 from discriminating against or terminating treatment of a  
3 resident or tenant due to the resident or tenant failing or  
4 refusing to receive an immunization for a specific communicable  
5 disease. Under this division of the bill, a hospital, health  
6 care facility, or educational institution providing clinical  
7 experience to satisfy the professional degree requirements of a  
8 student, intern, or resident is prohibited from discriminating  
9 against the student, intern, or resident, or prohibiting  
10 admission, enrollment, or employment as a student, intern,  
11 or resident based on the immunization status of the student,  
12 intern, or resident. A person aggrieved under this portion of  
13 the bill may petition the district court in the county where  
14 the hospital, health care facility, assisted living program,  
15 or educational institution is located for injunctive relief;  
16 affirmative relief, including reinstatement of employment with  
17 back pay and interest or any other equitable relief the court  
18 deems appropriate; or other appropriate relief necessary to  
19 ensure compliance with this division of the bill. A hospital,  
20 health care facility, health care provider, educational  
21 institution, or assisted living program that violates this  
22 portion of the bill is ineligible to receive state funding for  
23 reimbursement of services.

24 Division II of the bill also prohibits a health care provider  
25 licensing authority from denying an applicant for a license  
26 or suspending, revoking, or refusing to renew a license, or  
27 from taking disciplinary action against a licensee based on an  
28 applicant's or licensee's immunization history or refusal to  
29 submit to an immunization.

30 Division II of the bill prohibits an insurer providing a  
31 group policy, contract, or plan for health insurance from  
32 using the immunization status of a person as a basis to  
33 reject; deny; limit; cancel; refuse to renew; increase the  
34 premiums for; limit the amount, extent, or kind of coverage  
35 available to; or otherwise adversely affect eligibility or

1 coverage for the group health policy, contract, or plan for  
2 health insurance. Division II also prohibits an insurer  
3 providing a group policy, contract, or plan for health  
4 insurance from using the immunization status of a person  
5 as a qualification or requirement for contracting with the  
6 person's provider or as a basis for terminating a contract  
7 with the person's provider. Division II of the bill prohibits  
8 an insurer providing a group policy, contract, or plan for  
9 health insurance from providing financial or other incentives  
10 to a participating provider based upon attaining a certain  
11 immunization administration rate or from imposing financial or  
12 other penalties on a participating provider who does not attain  
13 a certain immunization administration rate. Division II of the  
14 bill prohibits the immunization status of a person covered by a  
15 group policy, contract, or plan for health insurance from being  
16 used as a factor in the rating of a group policy, contract, or  
17 plan for health insurance in Iowa. An insurer issuing a group  
18 policy, contract, or plan for health insurance who violates  
19 any of these provisions of the bill is subject to the summary  
20 cease and desist order, cease and desist order, and penalty  
21 provisions pursuant to Code chapter 507B (insurance trade  
22 practices).

23 DIVISION III. Division III of the bill relates to exemptions  
24 from immunizations and vaccinations.

25 Division III includes as a new exemption from immunizations  
26 otherwise required for a person's enrollment in any elementary  
27 or secondary school or licensed child care center, an exemption  
28 based on the submission of a signed affidavit by the applicant,  
29 or if the applicant is a minor, by the applicant's parent  
30 or legal guardian, stating that the immunization conflicts  
31 with the conscientiously held beliefs of the applicant, or if  
32 the applicant is a minor, of the applicant's parent or legal  
33 guardian. Existing provisions direct the department of public  
34 health, in consultation with the director of the department of  
35 education, to adopt rules to implement this provision.

1 This division of the bill also amends the current provision  
2 relating to an exemption based on religious beliefs of the  
3 applicant, or if the applicant is a minor, the applicant's  
4 parent or legal guardian.

5 DIVISION IV. Division IV of the bill relates to unfair  
6 or discriminatory practices based on a person's vaccine  
7 status. Division IV amends Code chapter 216 (civil rights  
8 commission) to provide that it is an unfair or discriminatory  
9 practice for any owner, lessee, sublessee, proprietor,  
10 manager, or superintendent of any public accommodation or  
11 any agent or employee thereof to do certain things based  
12 on the basis of a person's vaccination or immunity status.  
13 These unfair or discriminatory practices include: providing  
14 any disposition, service, financial aid, or benefit to the  
15 person which is different, or is provided in a different  
16 manner, from that provided to other members of the general  
17 public; subjecting the person to segregation or separate  
18 treatment in any matter related to that person's receipt of  
19 any disposition, service, financial aid, or benefit provided  
20 to other members of the general public; restricting the person  
21 in any way in the enjoyment of any advantage or privilege  
22 enjoyed by other persons receiving any disposition, service,  
23 financial aid, or benefit provided to other members of the  
24 general public; treating the person differently from other  
25 persons in determining whether that person satisfies any  
26 admission, enrollment, quota, eligibility, membership, or other  
27 requirement or condition which a person must meet in order to  
28 be provided any disposition, service, financial aid, function,  
29 or benefit available to other members of the general public;  
30 and denying the person an opportunity to participate in a  
31 program through the provision of service or otherwise afford  
32 that person an opportunity to do so which is different from  
33 that afforded to other members of the general public. The  
34 delineation of the actions under this division of the bill  
35 as unfair or discriminatory practices provides a basis under

1 Code chapter 216 for a person claiming to be aggrieved by the  
2 actions to file a complaint with the civil rights commission  
3 and to seek relief, judicial review, and enforcement.

4 DIVISION V. Division V of the bill relates to prohibiting  
5 the connection of a person's vaccination or immunity status  
6 to a state-issued driver's license or state identification.  
7 Division V prohibits a driver's license or a nonoperator's  
8 identification card from including the vaccination or  
9 immunization status, immunity status, or test results relating  
10 to a communicable disease of the holder of any class of  
11 driver's license or a nonoperator's identification card.

12 DIVISION VI. Division VI of the bill relates to the  
13 statewide immunization registry and the Iowa health information  
14 network (IHIN) and informed consent. Division VI requires  
15 the department of public health to require that a health care  
16 provider who administers vaccines and immunizations and is  
17 required to consult and review or report the administration  
18 of vaccines or immunizations to the statewide immunization  
19 registry or IHIN obtain written, informed consent from a  
20 patient, or if the patient is a minor, the patient's parent or  
21 legal guardian, prior to reporting the administration of the  
22 vaccine or immunization to the statewide immunization registry  
23 or IHIN. The written, informed consent shall also provide  
24 the patient with the option of consenting to the sharing of  
25 the patient's information with any entity with access to the  
26 information contained in the statewide immunization registry  
27 or IHIN. The health care provider shall submit a copy of the  
28 completed written, informed consent form to the statewide  
29 immunization registry or IHIN. A patient, or if the patient is  
30 a minor, the patient's parent or legal guardian, may withdraw  
31 or amend the informed consent at any time. If informed consent  
32 is subsequently withdrawn, the patient's information shall be  
33 deleted from the statewide immunization registry or IHIN.

34 Additionally, only the information regarding the  
35 administration of vaccines or immunizations of a patient from

1 whom written, informed consent has been obtained shall be  
2 reported to and included in the statewide immunization registry  
3 or IHIN. No other information, report, or record relating  
4 to a person from whom written, informed consent has not been  
5 obtained shall be maintained by the department or included in  
6 the statewide immunization registry or IHIN.