SENATE FILE 471
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A BILL FOR

1 An Act relating to occupational safety and health standards,
2 employment matters, reporting requirements, and civil
3 liability concerning COVID-19, providing penalties and
4 remedies, and including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
Section 1. Section 88.3, subsection 3, Code 2021, is amended to read as follows:

3. “Emergency temporary standards” means any occupational safety and health standard or modification thereof which has been adopted and promulgated by a nationally recognized standards-producing organization under procedures whereby it can be determined by the commissioner that persons interested and affected by the scope or provisions of the standard have reached substantial agreement on its adoption, and was formulated in a manner which afforded an opportunity for diverse views to be considered or is an emergency temporary standard provided by the secretary pursuant to and in conformance with the provisions of the federal law. “Emergency temporary standards” includes guidance related to COVID-19, as defined in section 94.1, provided by the centers for disease control and prevention of the federal department of health and human services or by the federal occupational safety and health administration.

Sec. 2. Section 88.5, subsection 5, Code 2021, is amended to read as follows:

5. Emergency temporary standards. The commissioner shall provide for an emergency temporary standard to take immediate effect if the commissioner determines that employees are exposed to COVID-19, as defined in section 94.1, or are exposed to grave danger from exposure from substances or agents determined to be toxic or physically harmful or from new hazards and if such emergency temporary standard is necessary to protect the employees from such danger. Such emergency standard shall cease to be effective and shall no longer be applicable after the lapse of six months following the effective date thereof unless the commissioner has initiated the procedures provided for under this chapter, for the purpose of promulgating a permanent standard as provided in subsection 1 of this section in which case the emergency temporary standard will remain in effect until the permanent standard is
1 adopted and becomes effective. Abandonment of the procedure
2 for such promulgation by the commissioner shall terminate the
3 effectiveness and applicability of the emergency temporary
4 standard.
5 Sec. 3. NEW SECTION. 94.1 Definitions.
6 As used in this chapter, unless the context otherwise
7 requires:
8 1. "COVID-19" means the novel coronavirus identified
9 as SARS-CoV-2, the disease caused by the novel coronavirus
10 SARS-CoV-2 or a virus mutating therefrom, and conditions
11 associated with the disease caused by the novel coronavirus
12 SARS-CoV-2 or a virus mutating therefrom.
13 2. "Employee" means a natural person who is employed in this
14 state for wages by an employer.
15 3. "Employer" means a person, as defined in chapter 4, who
16 in this state employs for wages a natural person.
17 Sec. 4. NEW SECTION. 94.2 Employee reporting of COVID-19 —
18 right to avoid exposure.
19 1. An employer shall not discharge or in any manner
20 discriminate against an employee because the employee has
21 filed a complaint or instituted or caused to be instituted a
22 proceeding under or related to any condition of employment
23 that the employee believes to pose an undue risk of a COVID-19
24 infection or has testified or is about to testify in any such
25 proceeding or because of the exercise by the employee on behalf
26 of the employee or others of a right afforded by this chapter.
27 2. An employer shall not discharge or in any manner
28 discriminate against an employee because the employee, with no
29 reasonable alternative, refuses in good faith to be exposed to
30 COVID-19, provided that all of the following apply:
31 a. The employee, where possible, has first sought a
32 correction of the dangerous condition through resort to
33 regular statutory enforcement channels, unless there has been
34 insufficient time due to the urgency of the situation.
35 b. The employee has sought a correction of the dangerous
condition from the employer and been unable to obtain such a correction.

Sec. 5. NEW SECTION. 94.3 Mandatory employer reporting — confidentiality.

1. An employer shall do all of the following:
   a. Report every positive case of COVID-19 of an employee to all other employees who work on the premises and all other individuals directly or indirectly invited onto the premises.
   b. Report every positive case of COVID-19 of an employee to the local health department and the Iowa department of public health.

2. Reports pursuant to this section shall not include identifying information about an employee. Reports pursuant to this section shall not include health information about an employee except as specifically provided in subsection 1.

Sec. 6. NEW SECTION. 94.4 Mandatory school reporting.

A school district or accredited nonpublic school shall report every student’s positive case of COVID-19 to the local health department and the Iowa department of public health. Any records provided by a school district or accredited nonpublic school pursuant to this subsection shall be kept confidential and shall not contain any personally identifying information.

Sec. 7. NEW SECTION. 94.5 Civil penalty.

An employer violating section 94.2 or 94.3 shall be assessed a civil penalty of one thousand dollars per violation and, if applicable, shall reinstate the employee with back pay, pay the employee front pay equal to the total amount of back pay, and reimburse the employee for the employee’s court costs and attorney fees.

Sec. 8. REPEAL. Chapter 686D, Code 2021, is repealed.

Sec. 9. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

EXPLANATION

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

This bill requires the labor commissioner to provide for emergency temporary standards for occupational safety and health if the commissioner determines that employees are exposed to COVID-19.

The bill prohibits an employer from discharging or in any manner discriminating against an employee because the employee has filed a complaint or instituted or caused to be instituted a proceeding under or related to any condition of employment that the employee believes to pose an undue risk of a COVID-19 infection or has testified or is about to testify in any such proceeding or because of the exercise by the employee on behalf of the employee or others of a right afforded by the bill.

The bill prohibits an employer from discharging or in any manner discriminating against an employee because the employee, with no reasonable alternative, refuses in good faith to be exposed to COVID-19. The bill requires an employee to first seek a correction to a dangerous condition in certain circumstances.

The bill requires an employer to report every positive case of COVID-19 of an employee to all other employees who work on the premises, all other individuals directly or indirectly invited onto the premises, the local health department, and the Iowa department of public health. Such reports shall not include identifying information about an employee or health information not required by the bill.

An employer violating the applicable requirements of the bill shall be assessed a civil penalty of $1,000 per violation and, if applicable, shall reinstate the employee with back pay, pay the employee front pay equal to the total amount of back pay, and reimburse the employee for the employee's court costs and attorney fees.

The bill requires a school district or accredited nonpublic school to report every positive case of COVID-19 of a student to the local health department and the Iowa department of
The bill repeals Code chapter 686D, which provides standards for civil liability relating to COVID-19 for premises owners; health care providers; persons who design, manufacture, label, sell, distribute, or donate certain materials relating to COVID-19; and persons generally. The bill takes effect upon enactment.