SENATE FILE 622
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 1280)

(COMpanion TO HF 902 BY
COMMITTEE ON STATE GOVERNMENT)

A BILL FOR

1 An Act relating to COVID-19 vaccination requirements by
2 employers and unemployment insurance and including effective
3 date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
Section 1. NEW SECTION. 94.1 Definitions.

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

1. "COVID-19" means the same as defined in section 686D.2.

2. "Employee" means an individual who is employed in this state for wages by an employer. "Employee" includes an applicant for employment.

3. "Employer" means a person, as defined in chapter 4, who employs an individual in this state for wages.

Sec. 2. NEW SECTION. 94.2 COVID-19 vaccination requirements by employers — waiver.

An employer that requires an employee to receive a COVID-19 vaccine shall waive the requirement if the employee, or, if the employee is a minor, the employee's parent or legal guardian, requests a waiver and submits either of the following to the employer:

1. A statement that receiving the vaccine would be injurious to the health and well-being of the employee or an individual residing with the employee.

2. A statement that receiving the vaccine would conflict with the tenets and practices of a religion of which the employee is an adherent or member.

Sec. 3. NEW SECTION. 96.5A Refusal of COVID-19 vaccination — no disqualification.

Notwithstanding any other provision of this chapter to the contrary, an individual who is discharged from employment for refusing to receive a vaccination against COVID-19, as defined in section 686D.2, shall not be disqualified for benefits on account of such discharge.

Sec. 4. Section 96.7, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 12. Discharge for refusal of COVID-19 vaccination — effect on experience and rating — limitation on actions. If an employee is discharged from employment for refusing to receive a vaccination against...
COVID-19, as defined in section 686D.2, the contribution rate and unemployment experience of any employer employing the employee, or an employer that previously employed the employee other than the employer that so discharged the employee, shall be unaffected by such discharge. The department shall not impose any penalty on, or take any other action otherwise permitted under this chapter against, any employer employing the employee, or an employer that previously employed the employee other than the employer that so discharged the employee, as a result of such discharge.

Sec. 5. 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 provides that an employer that requires an employee, including an applicant for employment, to receive a COVID-19 vaccine must waive the requirement if the employee, or, if the employee is a minor, the employee’s parent or legal guardian, requests a waiver and makes either of two submissions to the employer. The first submission is a statement that receiving the vaccine would be injurious to the health and well-being of the employee or an individual residing with the employee. The second submission is a statement that receiving the vaccine would conflict with the tenets and practices of a religion of which the employee is an adherent or member.

The bill provides that an individual who is discharged from employment for refusing to receive a vaccination against COVID-19 shall not be disqualified for unemployment benefits on account of such discharge.

The bill provides that if an employee is discharged from employment for refusing to receive a vaccination against COVID-19, the contribution rate and unemployment experience of any employer employing the employee, or an employer that previously employed the employee other than the employer
that so discharged the employee, shall be unaffected by such discharge. The bill prohibits the department of workforce development from imposing any penalty on, or taking any other action otherwise permitted under Code chapter 96 against, any employer employing the employee, or an employer that previously employed the employee other than the employer that so discharged the employee, as a result of such discharge. The bill takes effect upon enactment.