

Session of 2021

SENATE BILL No. 213

By Senator Steffen

2-10

~~1 AN ACT concerning employment law; relating to adverse employment
2 actions; prohibiting an employer from taking such actions based upon
3 an employee's vaccination status.~~

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5 *Be it enacted by the Legislature of the State of Kansas:*

6 **New** Section 1. (a) It is an unlawful employment practice to engage in any
7 adverse employment action against a person because of such person's
8 decision to either receive or not receive a particular vaccination.

9 (b) ~~In an action against an employer for a violation of this section, the
10 court may award to the plaintiff actual damages or \$1,000, whichever is
11 greater, for each violation.~~

12 (c) As used in this section:

13 (1) "Adverse employment action" means an ultimate employment
14 decision involving hiring, firing, compensation, benefits or the failure to
15 promote or grant leave.

16 (2) "Employer" means the same as in K.S.A. 44-1112, and
17 amendments thereto.

18 (3) "Person" means individual, partnership, association, organization,
19 corporation, legal representative, trustee, trustee in bankruptcy or receiver.

20 ~~Sec. 2. This act shall take effect and be in force from and after its
21 publication in the Kansas register.~~

(a) Notwithstanding any other provision of law, except as provided in subsection (b), a person shall be immune from civil liability for damages, administrative fines or penalties for exposing, potentially exposing or causing another to be exposed to infectious or contagious disease arising from such person's:

(1) lack of vaccination against such infectious or contagious disease;

(2) decision not to require employees to be vaccinated against such infectious disease; or

(3) decision to permit another who lacks vaccination against such disease to enter any premises under the control of such person that is operated for any religious, civic, governmental, business or commercial purpose, whether for-profit or not-for-profit.

(b) The provisions of this section shall not apply to:

(1)(A) vaccinations required by federal law or regulation; or

(B) vaccinations related to "military service" as defined in K.S.A. 48-3406, and amendments thereto; or

(2) civil liability when it is established that the act, omission or decision constituted gross negligence or willful, wanton or reckless conduct.

New Section 2.