

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on **Public Health and Welfare** recommends **SB 212** be amended on page 1, following line 7, by inserting:

"New Section 1. (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 immunization against such infectious or contagious disease;
- (2) decision not to require employees to be immunized against such infectious disease;

or

(3) decision to permit another who lacks immunization 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) Immunizations required by federal law or regulation; or
- (B) immunizations 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 Sec. 2. (a) It is an unlawful employment practice to engage in any adverse employment action against a person because of such person's decision to either receive or not

receive a particular immunization.

(b) As used in this section:

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

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

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

And by renumbering sections accordingly;

Also on page 1, in the title, in line 1, by striking "public health" and inserting "immunizations; granting immunity from civil liability for exposure to disease resulting from lack of immunization; prohibiting an employer from taking adverse employment actions based upon an employee's immunization status"; and the bill be passed as amended.

Chairperson