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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2832

01/31/2022 Authored by Freiberg
The bill was read for the first time and referred to the Committee on Health Finance and Policy

1.1 A bill for an act
1.2 relating to health; establishing COVID-19 vaccine requirements for school staff;
1.3 proposing coding for new law in Minnesota Statutes, chapter 123B.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. [123B.33] COVID-19 VACCINE REQUIREMENTS FOR SCHOOL
1.6 STAFF.

1.7 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have
1.8 the meanings given.

1.9 (b) "Contract employee" means an individual who is an employee of an organization
1.10 that provides student-related services during the school year to a school and who is providing
1.11 student-related services at a school.

1.12 (c) "Fully vaccinated" or "full vaccination" means:

1.13 (1) a person's status two weeks after completing primary vaccination with a COVID-19
1.14 vaccine with, if applicable, at least the minimum recommended interval between doses in
1.15 accordance with the vaccine's approval, authorization, or listing that is:

1.16 (i) approved or authorized for emergency use by the federal Food and Drug
1.17 Administration (FDA);

1.18 (ii) listed for emergency use by the World Health Organization (WHO); or

1.19 (iii) administered as part of a clinical trial at a site in the United States, if:

2.1 (A) the clinical trial participant is documented to have primary vaccination with the  
2.2 active COVID-19 vaccine candidate and for which vaccine efficacy has been independently  
2.3 confirmed; or

2.4 (B) the clinical trial participant received a COVID-19 vaccine that is neither approved  
2.5 nor authorized by the FDA but is listed for emergency use by the WHO; or

2.6 (2) a person's status two weeks after receiving the second dose of any combination of  
2.7 two doses of a COVID-19 vaccine that is approved or authorized by the FDA or listed as a  
2.8 two-dose series by the WHO, in which the person received doses of different COVID-19  
2.9 vaccines as part of one primary series. The second dose of the series must not be received  
2.10 earlier than 17 days after the first dose.

2.11 (d) "School" means a public school as defined in section 120A.05, subdivisions 9, 11,  
2.12 13, and 17, or a nonpublic school. School does not include a home school in which a child  
2.13 is provided instruction in compliance with sections 120A.22 and 120A.24.

2.14 (e) "School administrator" means a school superintendent, principal, assistant principal,  
2.15 or other person having general control and supervision of a school.

2.16 (f) "School staff" means school administrators, teachers, and other school employees,  
2.17 including contract employees.

2.18 (g) "Teacher" means a classroom teacher at a school or other school employee required  
2.19 to hold a license from the Professional Educator Licensing and Standards Board.

2.20 **Subd. 2. Required COVID-19 vaccination.** (a) Except as otherwise provided by law,  
2.21 all school staff must submit to the school, in a time and manner specified by the school,  
2.22 acceptable proof of full vaccination against COVID-19.

2.23 (b) A school must have a process that addresses school staff requests for an exemption  
2.24 from the vaccine requirement in paragraph (a) as an accommodation only as required under  
2.25 federal law.

2.26 (c) The following constitute acceptable proof of full vaccination:

2.27 (1) a record of immunization from a health care provider or pharmacy;

2.28 (2) a copy of the person's COVID-19 vaccination record card;

2.29 (3) a copy of medical records documenting vaccination;

2.30 (4) a copy of immunization records from a public health, state, or Tribal immunization  
2.31 information system;

3.1 (5) a copy of any other official documentation that specifies the type of vaccine  
3.2 administered, the dates of administration, and the names of the health care professionals or  
3.3 clinic sites administering the vaccines; or

3.4 (6) if a school staff person is unable to produce any of the forms of proof of full  
3.5 vaccination specified in clauses (1) to (5), a statement that is signed and dated by the school  
3.6 staff person in which the staff person attests to being fully vaccinated and attests to having  
3.7 lost and being otherwise unable to produce any of the forms of proof of full vaccination  
3.8 specified in clauses (1) to (5), and that includes the following language: "I declare that this  
3.9 statement that I am fully vaccinated is true and accurate." A school staff person may also  
3.10 provide with this statement, if able to do so, the type of vaccine administered, the dates of  
3.11 administration, and the names of the health care professionals or clinic sites administering  
3.12 the vaccines.

3.13 (d) A school must treat school staff who do not provide acceptable proof of full  
3.14 vaccination as not fully vaccinated.

3.15 Subd. 3. **Time for vaccination and recovery.** (a) A school must provide a reasonable  
3.16 amount of time for school staff to obtain the primary doses of a COVID-19 vaccine and  
3.17 must provide paid time for this purpose at the employee's regular rate of pay.

3.18 (b) A school must provide a reasonable amount of time and paid leave for school staff  
3.19 to recover from any side effects experienced following each primary dose of a COVID-19  
3.20 vaccine.

3.21 Subd. 4. **Maintenance and sharing of data.** Any data held by a school related to  
3.22 compliance with this section must be maintained and shared in accordance with state and  
3.23 federal law and the school's policies.

3.24 Subd. 5. **Enforcement.** The commissioner of labor and industry shall enforce this section  
3.25 under sections 182.66 and 182.661. A violation of this section is subject to the penalties  
3.26 provided under section 182.666.