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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2899

01/31/2022 Authored by Mortensen
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; prohibiting COVID-19 and influenza vaccine requirements;
1.3 prohibiting vaccine passports; establishing civil and criminal penalties; establishing
1.4 civil causes of action; proposing coding for new law in Minnesota Statutes, chapter
1.5 145.

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

1.7 Section 1. [145.661] VACCINE REQUIREMENTS FOR COVID-19 AND
1.8 INFLUENZA PROHIBITED.

1.9 Subdivision 1. Prohibited acts. (a) The state, a state agency or entity, a political
1.10 subdivision, a state or local official, a business, an educational institution, or a medical
1.11 facility shall not:

- 1.12 (1) require an individual to receive a vaccine for COVID-19 or influenza; or
1.13 (2) discriminate against or coerce an individual for refusing to receive a vaccine for
1.14 COVID-19 or influenza, including:
1.15 (i) coercing an employee into consenting to receive a vaccine for COVID-19 or influenza;
1.16 (ii) withholding the opportunity for career advancement from an employee who does
1.17 not consent to receive a vaccine for COVID-19 or influenza; or
1.18 (iii) withholding a salary, wage increase, insurance coverage, or insurance discounts
1.19 from an employee who does not consent to receive a vaccine for COVID-19 or influenza.
1.20 (b) Receiving a vaccine for COVID-19 or influenza shall not be a condition of receiving
1.21 education, employment, entry into a business or facility, receiving services from the state

2.1 or a state agency or entity, or obtaining a license, certificate, or permit from a state agency
 2.2 or entity.

2.3 Subd. 2. **Required notice with vaccine recommendation.** If the state, a state agency
 2.4 or entity, a political subdivision, a state or local official, a business, an educational institution,
 2.5 or a medical facility recommends that an individual in this state receive a vaccine for
 2.6 COVID-19 or influenza, the individual or entity recommending the vaccine for COVID-19
 2.7 or influenza must also provide a notice that this vaccine is not mandatory.

2.8 **EFFECTIVE DATE.** This section is effective retroactively from June 1, 2021.

2.9 Sec. 2. **[145.662] PROHIBITION ON VACCINE PASSPORTS, VACCINE PASSES,**
 2.10 **AND VACCINE CREDENTIALS FOR IMMUNIZATION STATUS.**

2.11 Subdivision 1. **Definitions.** (a) For purposes of this section and sections 145.663 and
 2.12 145.664, the following terms have the meanings given.

2.13 (b) "Local unit of government" has the meaning given in section 4A.07, subdivision 1.

2.14 (c) "Vaccine passport," "vaccine pass," or "vaccine credential" means proof that an
 2.15 individual has tested negative for a contagious disease, received a vaccine against a
 2.16 contagious disease, or is in post-transmission recovery from a contagious disease.

2.17 Subd. 2. **Government-issued vaccine passport, vaccine pass, or vaccine credential.** (a)
 2.18 In order to protect the fundamental rights and privacies of Minnesotans and because
 2.19 vaccination status is protected health information, no government entity or its subdivisions,
 2.20 agents, designees, or assigns are permitted to issue or require use of vaccine passports,
 2.21 vaccine passes, or vaccine credentials in any format, including in electronic format, digital
 2.22 format such as a cell phone application, or physical format such as a paper card.

2.23 (b) Funds from the state treasury, federal funds, funds from a local political subdivision,
 2.24 or funds from their agents, designees, or assigns shall not be used to fund a database,
 2.25 infrastructure, or any supporting technology pertaining to vaccine passports, vaccine passes,
 2.26 or vaccine credentials.

2.27 Subd. 3. **Businesses.** In order to protect the fundamental rights and privacies of
 2.28 Minnesotans and because vaccination status is protected health information, no entity doing
 2.29 business in Minnesota, including a nonprofit organization, shall require patrons, customers,
 2.30 employees, contractors, or staff to provide a vaccine passport, vaccine pass, or vaccine
 2.31 credential to gain access to, entry upon, or service from the business. This prohibition also
 2.32 applies to travel by air, train, water, or rental car.

3.1 Subd. 4. Study of vaccine passports, vaccine passes, or vaccine credentials. The
 3.2 governor, state agencies, local units of government, local political subdivisions, and their
 3.3 agents, designees, and assigns are prohibited from taking any action to study, plan for, or
 3.4 implement vaccine passports, vaccine passes, or vaccine credentials.

3.5 Subd. 5. Penalties; damages. (a) A violation of this section is a misdemeanor. A business
 3.6 that violates this section shall be subject to a penalty of \$10,000 for each violation.

3.7 (b) An individual injured by a violation of this section may bring an action for damages
 3.8 against the individual or entity who violated this section, and may recover compensatory
 3.9 damages; costs and disbursements, including the cost of investigation and attorney fees;
 3.10 and equitable relief as determined by the court, in addition to any other remedy otherwise
 3.11 available under law.

3.12 EFFECTIVE DATE. This section is effective retroactively from June 1, 2021.

3.13 **Sec. 3. [145.663] DUTY TO PROTECT THE RIGHTS OF INDIVIDUALS.**

3.14 It shall be the duty of the courts of this state to protect the rights of individuals to be free
 3.15 from enforcement in this state of vaccine passports, vaccine passes, or vaccine credentials,
 3.16 and to protect these rights from being infringed.

3.17 EFFECTIVE DATE. This section is effective retroactively from June 1, 2021.

3.18 **Sec. 4. [145.664] BAR TO ENFORCEMENT OF UNCONSTITUTIONAL FEDERAL**
 3.19 **DIRECTIVES.**

3.20 (a) No person, including a public officer or employee of this state or of a political
 3.21 subdivision, shall enforce or attempt to enforce any federal acts, laws, executive orders,
 3.22 administrative orders, court orders, rules, regulations, statutes, or ordinances that require
 3.23 the use of vaccine passports, vaccine passes, or vaccine credentials in this state.

3.24 (b) An individual injured by a violation of this section may bring an action for damages
 3.25 against an entity or individual who knowingly violated this section or otherwise knowingly
 3.26 deprived an individual in this state of rights or freedoms by enforcing a vaccine passport,
 3.27 vaccine pass, or vaccine credential requirement. In such an action, a court may award the
 3.28 prevailing party, other than the state or a political subdivision, costs and reasonable attorney
 3.29 fees. Sovereign, official, or qualified immunity shall not be an affirmative defense to an
 3.30 action brought under this paragraph.

3.31 EFFECTIVE DATE. This section is effective retroactively from June 1, 2021.