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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 4046

03/07/2022 Authored by Mekeland, Lucero, Green, Davids, Koznick and others
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 discrimination based on vaccination status or
1.3 immunity passport; proposing coding for new law in Minnesota Statutes, chapter
1.4 144.

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

1.6 Section 1. [144.2931] VACCINATION STATUS; IMMUNITY PASSPORT.

1.7 Subdivision 1. Findings. The legislature finds that health care information is personal
1.8 and sensitive information that if improperly used or released may significantly harm a
1.9 person's interest in privacy and health care. Medical records are within the zone of privacy
1.10 that is protected under law and the Minnesota and United States Constitution.

1.11 Subd. 2. Prohibiting discrimination based on vaccination status or possession of
1.12 immunity passport. (a) Except as provided in subdivision 3, it is an unlawful discriminatory
1.13 practice for:

1.14 (1) a person or governmental entity to refuse, withhold from, or deny to a person any
1.15 local or state services, goods, facilities, advantages, privileges, licensing, educational
1.16 opportunities, health care access, or employment opportunities based on the person's
1.17 vaccination status or whether the person has an immunity passport;

1.18 (2) an employer to refuse employment to a person, bar a person from employment, or
1.19 discriminate against a person in compensation or in any term, condition, or privilege of
1.20 employment based on the person's vaccination status or whether the person has an immunity
1.21 passport; or

2.1 (3) a public accommodation to exclude, limit, segregate, refuse to serve, or otherwise
2.2 discriminate against a person based on the person's vaccination status or whether the person
2.3 has an immunity passport.

2.4 (b) For purposes of this section, "vaccination status" means an indication of whether a
2.5 person has received one or more doses of a vaccine, and "immunity passport" means a
2.6 document, digital record, or software application indicating that a person is immune to a
2.7 disease either through vaccination or infection and recovery.

2.8 (c) This section does not apply to vaccination requirements for schools or child care
2.9 facilities in section 121A.15.

2.10 (d) A person, a governmental entity, or an employer does not unlawfully discriminate
2.11 under this section if the person, governmental entity, or employer recommends that an
2.12 employee receive a vaccine.

2.13 (e) A health care facility under chapter 144A or 144G does not unlawfully discriminate
2.14 under this section if the facility complies with the following:

2.15 (1) requests an employee to volunteer the employee's vaccination or immunization status
2.16 for the purpose of determining whether the health care facility should implement reasonable
2.17 accommodation measures to protect the safety and health of employees, patients, visitors,
2.18 and other persons from communicable diseases. A health care facility may consider an
2.19 employee to be nonvaccinated or nonimmune if the employee declines to provide the
2.20 employee's vaccination or immunization status to the health care facility for purposes of
2.21 determining whether reasonable accommodation measures must be implemented; and

2.22 (2) implements reasonable accommodation measures for employees, patients, visitors,
2.23 and other persons who are not vaccinated or not immune to protect the safety and health of
2.24 employees, patients, visitors, and other persons from communicable diseases.

2.25 (f) An individual shall not be required to receive any vaccine whose use is allowed under
2.26 an emergency use authorization or any vaccine undergoing safety trials.

2.27 Subd. 3. **Exemption.** A licensed nursing home, long-term care facility, or assisted living
2.28 facility is exempt from compliance with this section during any period of time that
2.29 compliance would result in a violation of regulations or guidance issued by the Centers for
2.30 Medicare and Medicaid Services or the Centers for Disease Control and Prevention.

2.31 **EFFECTIVE DATE.** This section is effective the day following final enactment.