

HOUSE BILL NO. 175

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES CARPENTER, Vance, Kurka, Gillham, McCarty, McCabe, Rasmussen, Kaufman, Rauscher, Tilton, McKay

Introduced: 4/14/21

Referred: Community and Regional Affairs, Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to COVID-19 immunization rights."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 18.09 is amended by adding new sections to read:

4 **Article 2A. COVID-19 Immunization Rights.**

5 **Sec. 18.09.270. Access to areas and services.** Notwithstanding a disaster
6 emergency declared by the governor under AS 26.23.020(c), a business, a state
7 agency, the University of Alaska, or a municipality, school district, or other unit of
8 local government may not require an individual to undergo medical vaccination
9 against COVID-19, or prove that the individual has been vaccinated against
10 COVID-19, to access an area or service that is open to the public. In this subsection,
11 "business" has the meaning given in AS 18.35.399.

12 **Sec. 18.09.280. Exercise of rights and access to benefits.** Notwithstanding a
13 disaster emergency declared by the governor under AS 26.23.020(c), a state agency or
14 a municipality, school district, or other unit of local government may not adopt or
15 issue a regulation, ordinance, order, or similar policy that requires an individual to

1 undergo medical vaccination against COVID-19, or prove that the individual has been
 2 vaccinated against COVID-19, to exercise a lawful right or receive a benefit that is
 3 available to the public.

4 **Sec. 18.09.290. Definitions.** In AS 18.09.270 - 18.09.290,

5 (1) "COVID-19" means the novel coronavirus disease caused by the
 6 severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

7 (2) "school district" means a borough school district, a city school
 8 district, a regional educational attendance area, a state boarding school, and the state
 9 centralized correspondence study program;

10 (3) "state agency" has the meaning given in AS 40.21.150.

11 * **Sec. 2.** AS 23.10 is amended by adding new sections to article 7 to read:

12 **Sec. 23.10.445. Prohibiting virus vaccination as condition of employment.**

13 (a) Unless authorized by federal law, an employer may not require an employee or
 14 applicant for employment to undergo or prove receipt of a medical vaccination against
 15 COVID-19 as a condition of employment.

16 (b) An employee or applicant for employment may refuse to undergo a
 17 vaccination against COVID-19 required by an employer if

18 (1) the employer's vaccination requirement violates (a) of this section;

19 (2) the vaccination is medically contraindicated for the employee or
 20 applicant; or

21 (3) undergoing the vaccination would be contrary to a sincerely held
 22 religious belief of the employee or applicant.

23 (c) An employer may not discriminate against an employee or applicant for
 24 employment regarding tenure, compensation, employee benefits, or other terms and
 25 conditions of employment because the employee or applicant

26 (1) refuses to undergo or prove receipt of a vaccination against
 27 COVID-19 for a reason under (b) of this section; or

28 (2) brings a civil action under (d) of this section.

29 (d) An employee or applicant for employment may bring against an employer
 30 who violates a provision of this section a civil action in the superior court for relief,
 31 including injunctive relief, actual damages, and punitive damages.

1 (e) In this section, "COVID-19" means the novel coronavirus disease caused
2 by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

3 **Sec. 23.10.450. Definitions.** In AS 23.10.430 - 23.10.450,

4 (1) "employer" includes

5 (A) a person who employs one or more other persons;

6 (B) the state;

7 (C) the University of Alaska;

8 (D) the Alaska Railroad; and

9 (E) a municipality, school district, or other unit of local
10 government;

11 (2) "school district" means a borough school district, a city school
12 district, a regional educational attendance area, a state boarding school, and the state
13 centralized correspondence study program;

14 (3) "state agency" has the meaning given in AS 40.21.150.

15 * **Sec. 3.** AS 23.10.430(c)(2) is repealed.