An Act to Allow an Exception to Immunization Requirements for Health Care Workers for Vaccines Approved Under Emergency Use Authorization

Reference to the Committee on Health Coverage, Insurance and Financial Services suggested and ordered printed.

Presented by Senator STEWART of Aroostook.
Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §802, sub-$4-B, ¶D is enacted to read:

    D. An exemption is available if the only available vaccine for a disease is one that is approved by the federal Food and Drug Administration under an emergency use authorization.

Sec. 2. 26 MRSA §600-B is enacted to read:

§600-B. Prohibition on certain required vaccinations

1. Definitions. As used in this section, "employee" has the same meaning as in Title 22, section 802.

2. Prohibition. An employer or an agent of an employer may not:

   A. Require, as a condition of employment, that any employee or prospective employee obtain a vaccine that is approved by the federal Food and Drug Administration under an emergency use authorization; or

   B. Retaliate against an employee for refusing to obtain a vaccine that is approved by the federal Food and Drug Administration under an emergency use authorization.

SUMMARY

This bill allows an exemption from immunization requirements for health care workers if the only available vaccine for a disease is one that is approved by the federal Food and Drug Administration under an emergency use authorization and provides that an employer of health care workers may not require a vaccine approved under an emergency use authorization or retaliate against an employee for refusing to obtain a vaccine that is approved by the federal Food and Drug Administration under an emergency use authorization.