MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1112

H.P. 816

House of Representatives, March 5, 2019

An Act To Provide Employee Vaccination Compensation

Reference to the Committee on Labor and Housing suggested and ordered printed.

ROBERT B. HUNT

R(+ B. Hunt

Presented by Representative FECTEAU of Augusta.

Cosponsored by Representatives: O'CONNOR of Berwick, SAMPSON of Alfred, Senator: POULIOT of Kennebec.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 26 MRSA §592-A is enacted to read:

§592-A. Employee vaccinations

- 1. Right of refusal. Notwithstanding any other provision of law, an employee has the right to refuse any or all vaccines or other immunizing agents required or recommended by the employee's employer without coercion, consequence or retaliation by the employer.
- 2. Workplace; expense of employer. An employee who elects to receive a vaccine or other immunizing agent required or recommended by the employer has the right to receive the vaccine or other immunizing agent at the employee's workplace and at the expense of the employer.
- 3. Documentation. An employee who elects to receive a vaccine or other immunizing agent pursuant to subsection 2 must be given documentation at the time of immunization that describes the vaccine or other immunizing agent and includes information about possible side effects.
- 4. Injury or adverse medical reaction. An employee must be compensated by the employer for medical expenses for any injury or adverse medical reaction suffered by the employee as a result of the vaccine or immunizing agent received under subsection 2 and the employee must be provided paid time off for the employee's necessary absence from work. Paid time off provided pursuant to this subsection may not be counted against the employee's sick time, vacation time or other benefits. This subsection applies in addition to any remedy available under Title 39-A.
- <u>5. Notice. An employer shall provide employees with written notice of the employee's rights under this section on an annual basis. The Department of Labor may prescribe the form and format of this written notice.</u>

26 SUMMARY

This bill establishes the right of an employee to refuse any vaccine required or recommended by the employer without coercion, consequence or retaliation by the employer and the employee's right to receive the vaccination at the employee's workplace and at the expense of the employer. It also requires the employer to compensate the employee for any medical expenses incurred by the employee due to an injury or adverse reaction to a vaccine and to provide any necessary paid time off to the employee, in addition to any sick time, vacation time or other benefit offered by the employer. Compensation for the employee's injury or adverse reaction to a vaccine is provided in addition to any remedy available under the workers' compensation laws.