

# Senate Bill 199

Sponsored by Senator BATES (Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires certain employers to offer annual vaccinations at no cost to health care employees and to require vaccinations as condition of employment. Provides exemptions. Authorizes Oregon Patient Safety Commission to adopt rules necessary for administration of provisions.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to immunization of health care workers; creating new provisions; amending ORS 433.416;  
3 and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

### **SECTION 1. (1) For purposes of this section:**

5  
6 (a) **"Employer" means:**

7 (A) **An entity that employs at least 25 persons; or**

8 (B) **A health care facility.**

9 (b) **"Health care employee" means:**

10 (A) **A licensed health care professional employed by an employer; or**

11 (B) **A person employed by an employer to work in a health care facility.**

12 (c) **"Health care facility" has the meaning given that term in ORS 442.015.**

13 (d) **"Licensed health care professional" means an individual licensed by:**

14 (A) **A health professional regulatory board, as defined in ORS 676.160; or**

15 (B) **The Oregon Health Licensing Agency to practice denture technology under ORS**  
16 **680.500 to 680.565, direct entry midwifery under ORS 687.405 to 687.495 or respiratory care**  
17 **under ORS 688.800 to 688.840.**

18 (e) **"Required vaccinations" means vaccinations against the following diseases:**

19 (A) **Influenza;**

20 (B) **Varicella zoster;**

21 (C) **Pertussis;**

22 (D) **Hepatitis B;**

23 (E) **Measles;**

24 (F) **Mumps; and**

25 (G) **Rubella.**

26 (2)(a) **An employer shall offer required vaccinations annually to health care employees.**

27 **The employer shall provide the required vaccinations at no cost to the health care employee.**

28 (b) **An employer shall require, as a condition of employment, each health care employee**  
29 **employed by the employer to provide, for each required vaccination:**

30 (A) **Documentation showing that:**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (i) The health care employee has received the required vaccination within the time re-  
2 commended by the Centers for Disease Control and Prevention; or

3 (ii) The health care employee is immune to the disease;

4 (B) A statement signed by a physician or a representative of the local health department  
5 that the health care employee should be exempted from receiving the required vaccination  
6 because of indicated medical diagnosis; or

7 (C) A statement signed by the health care employee that the health care employee has  
8 not received the required vaccination because the health care employee is an adherent to a  
9 religion the teachings of which are opposed to the vaccination.

10 (3) The Oregon Patient Safety Commission may adopt rules necessary for the adminis-  
11 tration of this section.

12 **SECTION 2.** ORS 433.416 is amended to read:

13 433.416. (1) An employer of a health care worker at risk of contracting an infectious disease in  
14 the course of employment shall provide to the worker preventive immunization for infectious disease  
15 if such preventive immunization is available and is medically appropriate.

16 (2) Such preventive immunization shall be provided by the employer at no cost to the worker.

17 (3) **Except as provided in section 1 of this 2011 Act or as otherwise required by federal**  
18 **or state law, rule or regulation,** a worker [*shall*] **may** not be required as a condition of work to  
19 be immunized under this section[, *unless such immunization is otherwise required by federal or state*  
20 *law, rule or regulation*].

21 **SECTION 3.** This 2011 Act being necessary for the immediate preservation of the public  
22 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect  
23 on its passage.