Senate Bill 657

A BILL FOR AN ACT

Relating to claims against employers for vaccine injury.

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

SECTION 1. (1) As used in this section:

(a) “Employer” means any person or public body that in this state, directly or through an agent, engages or uses the personal service of one or more employees, reserving the right to control the means by which such service is or will be performed.

(b) “Vaccine” means a vaccine against COVID-19, influenza, diphtheria, pertussis, tetanus, measles, mumps, rubella, hepatitis A, hepatitis B, polio, pneumococcal disease, varicella, human papillomavirus, meningococcal disease or haemophilus influenzae type B.

(2) An employee may bring a claim against the employee’s employer for damages for injuries caused by a vaccine if:

(a) The vaccine was required by the employer as a condition of employment;

(b) The employee requested that the employer exempt the employee from receiving the vaccine;

(c) The employer did not exempt the employee from receiving the vaccine upon the employee’s request; and

(d) The employer was required by law to exempt the employee from receiving the vaccine.

(3) If the plaintiff in an action under this section makes a prima facie showing that the elements of subsection (2) of this section are satisfied, there is a presumption that a claim exists under this section and the burden shifts to the defendant to prove the absence of the claim.

(4) A plaintiff who prevails in a claim under this section may recover:

(a) Economic and noneconomic damages, as those terms are defined in ORS 31.705; and

(b) Punitive damages.

(5) A claim under this section is not subject to:

(a) ORS 30.260 to 30.300; or

(b) ORS 31.710.

(6) An action under this section must be commenced not later than 10 years after the plaintiff discovers, or reasonably should have discovered, the injury and the causal relationship between the vaccine and the injury.
SECTION 2. Section 1 of this 2023 Act applies to vaccines administered on or after the effective date of this 2023 Act.