

# Senate Bill 657

Sponsored by Senators KNOPP, GIROD; Senator FINDLEY (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**.

Establishes that employee may bring claim against employer if employee suffers vaccine injury, vaccine was required by employer as condition of employment and employer refused to exempt employee from receiving vaccine as required by law.

## A BILL FOR AN ACT

1  
2 Relating to claims against employers for vaccine injury.

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

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

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

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

11 (2) **An employee may bring a claim against the employee’s employer for damages for in-**  
12 **juries caused by a vaccine if:**

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

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

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

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

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

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

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

25 (b) **Punitive damages.**

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

27 (a) **ORS 30.260 to 30.300; or**

28 (b) **ORS 31.710.**

29 (6) **An action under this section must be commenced not later than 10 years after the**  
30 **plaintiff discovers, or reasonably should have discovered, the injury and the causal relation-**  
31 **ship between the vaccine and the injury.**

**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.

