

LEGISLATIVE BILL 906

Approved by the Governor February 28, 2022

Introduced by Hansen, B., 16; Aguilar, 35; Albrecht, 17; Flood, 19; Friesen, 34; Gragert, 40; Groene, 42; Lowe, 37; Murman, 38; Sanders, 45; Slama, 1; Lindstrom, 18; Briese, 41; Clements, 2; Brewer, 43.

A BILL FOR AN ACT relating to public health; to define terms; to provide duties for the Department of Health and Human Services; to require employers to provide for a vaccine exemption; to provide for conditional requirements; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. (1) For purposes of this section:

(a) COVID-19 means the novel coronavirus identified as SARS-CoV-2; any disease caused by SARS-CoV-2, its viral fragments, or a virus mutation therefrom; and all conditions associated with the disease which are caused by SARS-CoV-2, its viral fragments, or a virus mutation therefrom;

(b) Department means the Department of Health and Human Services;

(c)(i) Employer means a person engaged in an industry who has one or more employees;

(ii) Employer also includes any party whose business is financed in whole or in part under the Nebraska Investment Finance Authority Act regardless of the number of employees and includes the State of Nebraska, governmental agencies, and political subdivisions; and

(iii) Employer does not include (A) the United States, a corporation wholly owned by the government of the United States, or an Indian tribe or (B) a bona fide private membership club, other than a labor organization, which is exempt from taxation under section 501(c) of the Internal Revenue Code;

(d) Health care practitioner means a person licensed under (i) the Medicine and Surgery Practice Act to practice medicine and surgery or osteopathic medicine and surgery, (ii) the Medicine and Surgery Practice Act to practice as a physician assistant, or (iii) the Advanced Practice Registered Nurse Practice Act to practice as an advanced practice registered nurse;

(e) Medicare-certified or medicaid-certified provider or supplier means any entity, including, but not limited to, a health care facility as defined in section 71-413, that is a medicare-certified or medicaid-certified provider or supplier and that is subject to the federal Centers for Medicare and Medicaid Services' COVID-19 health care staff vaccination requirements; and

(f) Vaccine exemption form means the form created by the department under subsection (2) of this section.

(2)(a) The department shall develop a vaccine exemption form for an individual to claim an exemption from receiving a COVID-19 vaccine as provided in this section. The department shall make the form available on the department's website within fifteen days after the effective date of this act.

(b) The form shall include a declaration by the individual seeking an exemption that:

(i) A health care practitioner has provided the individual with a signed written statement that, in the health care practitioner's opinion, (A) receiving a COVID-19 vaccine is medically contraindicated for the individual or (B) medical necessity requires the individual to delay receiving such vaccine; or

(ii) Receiving a COVID-19 vaccine would conflict with the individual's sincerely held religious belief, practice, or observance.

(3) Subject to subsection (5) of this section, an employer that requires applicants or employees to be vaccinated against COVID-19 shall allow for an exemption to such requirement for an individual who provides the employer with:

(a) A completed vaccine exemption form; and

(b) For an individual claiming an exemption based on the statement of a health care practitioner, a copy of such signed written statement.

(4) An employer may require an employee granted an exemption under this section to:

(a) Be periodically tested for COVID-19 at the employer's expense; and

(b) Wear or use personal protective equipment provided by the employer.

(5) A medicare-certified or medicaid-certified provider or supplier or a federal contractor may require additional processes, documentation, or accommodations as necessary to be in compliance with federal law and to maintain compliance with the rules and regulations of the federal Centers for Medicare and Medicaid Services.

Sec. 2. Since an emergency exists, this act takes effect when passed and approved according to law.