A bill to prohibit employers from discriminating against an individual because the individual has not received or declines to receive certain vaccinations; to prohibit retaliation; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1. This act shall be known and may be cited as the "informed consent in the workplace act".

Sec. 3. As used in this act:
(a) "Employer" means a person that allows 1 or more qualified
individuals to work for the employer, accepts applications for employment, or is an agent of an employer. Employer includes this state or a political subdivision of this state.

(b) "Person" means an individual, corporation, limited liability company, partnership, firm, organization, association, governmental entity, or other legal entity.

(c) "Qualified individual" means an individual who performs services, with or without compensation, for an employer.

(d) "Specified vaccination" means any of the following:

(i) An influenza vaccination.

(ii) A Tdap vaccination.

(iii) A COVID-19 vaccination.

(e) "Tdap" means tetanus, diphtheria, and pertussis.

Sec. 5. (1) An employer shall not do any of the following:

(a) Discharge, fail or refuse to hire or recruit, or otherwise discriminate against a qualified individual with respect to employment, compensation, or a term, condition, or privilege of employment, or threaten to do any of these things, because the individual has not received or declines to receive, for any reason, a specified vaccination.

(b) Require a qualified individual who has not received or declines to receive a specified vaccination to do either of the following:

(i) Wear a surgical face mask as a consequence of not receiving or declining to receive a specified vaccination.

(ii) Display on the qualified individual's person a mark that distinguishes the qualified individual from qualified individuals who have received or not declined to receive a specified vaccination.
(c) Disclose to the public that the qualified individual has not received or declines to receive a specified vaccination.

(d) Retaliate or discriminate against a person because the person has done or is about to do any of the following:

(i) File a complaint under this act.

(ii) Testify, assist, or participate in an investigation, proceeding, or action concerning a violation of this act.

(iii) Oppose a violation of this act.

(2) An employer that offers a specified vaccination to its qualified individuals must inform its qualified individuals, in writing, of their rights under this act. A qualified individual may decline a specified vaccination offered by his or her employer by providing his or her employer with a written statement. A qualified individual is not required to state, in his or her written statement or otherwise, the reason he or she declines to receive the specified vaccination. An employer shall not inquire about the reason a qualified individual declines to receive a specified vaccination.

Sec. 9. An employer shall not require an applicant or qualified individual to waive any right under this act. An agreement by an applicant or qualified individual to waive any right under this act is invalid and unenforceable.

Sec. 11. A person who is aggrieved by a violation of this act may bring a civil suit in a court of competent jurisdiction to obtain injunctive relief and damages. A court shall award costs and reasonable attorney fees and may award treble damages to a person who prevails as a plaintiff in a suit authorized under this act.

Sec. 13. This act applies to a collective bargaining agreement entered into, renewed, or extended on or after the effective date
of this act.

Enacting section 1. This act takes effect 90 days after the date it is enacted into law.