

## 2022 SESSION

INTRODUCED

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### SENATE BILL NO. 189

Offered January 12, 2022

Prefiled January 10, 2022

A *BILL to amend the Code of Virginia by adding a section numbered 40.1-27.5, relating to employer-mandated vaccinations for COVID-19; discrimination prohibited; civil penalties.*

Patron—Chase

Referred to Committee on Commerce and Labor

#### Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 40.1-27.5 as follows:

§ 40.1-27.5. *Employer-mandated vaccinations for COVID-19; discrimination prohibited; civil penalties.*

A. *Notwithstanding any other provision of law, no employer shall require its employees to receive a vaccine for the prevention of COVID-19.*

B. *No employer shall discharge, discipline, or discriminate against an employee because the employee has or has not received a vaccine for the prevention of COVID-19.*

C. *An employee may file a complaint with the Commissioner alleging a violation of this section. If the Commissioner finds that a violation of this section occurred, then the Commissioner shall notify the employer and allow the employer 15 days from receipt of the notification to cure such violation.*

D. *Any employer that knowingly violates the provisions of subsection B or fails to cure a violation of this section pursuant to subsection C shall be subject to a civil penalty not to exceed \$10,000 for each violation by an employer with fewer than 100 employees or \$50,000 for each violation by an employer with 100 or more employees. The Commissioner shall notify any employer that the Commissioner alleges has violated any provision of this section by certified mail. Such notice shall contain a description of the alleged violation. Within 15 days of receipt of notice of the alleged violation, the employer may request an informal conference regarding such violation with the Commissioner. In determining the amount of any penalty to be imposed, the Commissioner shall consider the size of the business of the employer charged and the gravity of the violation. The decision of the Commissioner shall be final. Civil penalties owed under this section shall be paid to the Commissioner for deposit into the general fund of the state treasury. The Commissioner shall prescribe procedures for the payment of proposed assessments of penalties that are not contested by employers. Such procedures shall include provisions for an employer to consent to abatement of the alleged violation and pay a proposed penalty or a negotiated sum in lieu of such penalty without admission of any civil liability arising from such alleged violation.*

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