

SECTION 1. IC 22-5-4.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

As used in this chapter, "employer" means the state or any individual, partnership, association, limited liability company, corporation, business trust, or other governmental entity or political subdivision that has one (1) or more employees.

As used in this chapter, "employee" means an individual who is employed by an employer on a full-time or part-time basis. The term includes an independent contractor, student, apprentice, or intern.

Chapter 4.5. Prohibition on Immunization Requirement for Employment

Sec. 1. An employer may not:

- (1) require, as a condition of employment, that an employee or prospective employee receive any immunization; or
- (2) discriminate against an employee with respect to:
  - (A) an employee's tenure, compensation, and benefits; or
  - (B) terms, conditions, and privileges of employment;
  - (C) uniform or attire; or
  - (D) use of areas open to vaccinated employees; or
  - (E) testing in the absence of symptoms when unvaccinated are not equally required;for failing to receive any immunization.

Sec. 2. (a) An employee or prospective employee may bring a civil action against an employer to enforce section 1 of this chapter.

(b) If an employer violates section 1 of this chapter, the court may do the following:

- (1) Award:
  - (A) actual damages;
  - (B) punitive damages; and
  - (C) court costs and reasonable attorney's fees;to the prevailing employee or prospective employee.
- (2) Enjoin further violation of this chapter.

SECTION 2.

An emergency is declared for this act.