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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2159

03/11/2021 Authored by Lucero, Boe and Poston
The bill was read for the first time and referred to the Committee on Health Finance and Policy

1.1 A bill for an act
1.2 relating to health; requiring consent for vaccination; prohibiting consent coercion
1.3 and discrimination; imposing criminal penalties; amending Minnesota Statutes
1.4 2020, section 144.4197; proposing coding for new law in Minnesota Statutes,
1.5 chapter 144.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. 144.0621 CONSENT REQUIRED FOR VACCINATION.

1.8 No vaccination shall be administered in this state unless the individual receiving the
1.9 vaccine gives written consent to the vaccination. For a child or an individual who is unable
1.10 to give consent, the parent or legal guardian shall first give written consent prior to the
1.11 administration of a vaccine. No government official or agent of government shall attempt
1.12 to coerce or compel an individual to consent to vaccination by means of withholding a
1.13 government benefit such as a stimulus check, MFIP, general assistance, supplemental aid,
1.14 health care program, diversionary work program, unemployment compensation, student
1.15 loan, or any other form of government assistance.

1.16 EFFECTIVE DATE. This section is effective the day following final enactment.

1.17 Sec. 2. Minnesota Statutes 2020, section 144.4197, is amended to read:

1.18 144.4197 EMERGENCY VACCINE ADMINISTRATION; LEGEND DRUG.

1.19 Subdivision 1. Vaccine administration. When a mayor, county board chair, or legal
1.20 successor to such official has declared a local emergency under section 12.29 or the governor
1.21 has declared an emergency under section 12.31, subdivision 1 or 2, or a community health
1.22 board or its appointed agent under chapter 145A has requested the commissioner's assistance

2.1 in response to an event threatening public health in its jurisdiction, the commissioner of
2.2 health may authorize any person, including, but not limited to, any person licensed or
2.3 otherwise credentialed under chapters 144E, 147 to 148, 150A, 151, 153, or 156, to
2.4 administer vaccinations or dispense legend drugs if the commissioner determines that such
2.5 action is necessary to protect the health and safety of the public. The authorization shall be
2.6 in writing and shall contain the categories of persons included in the authorization, any
2.7 additional training required before performance of the vaccination or drug dispensing by
2.8 such persons, any supervision required for performance of the vaccination or drug dispensing,
2.9 and the duration of the authorization. The commissioner may, in writing, extend the scope
2.10 and duration of the authorization as the emergency warrants. Any person authorized by the
2.11 commissioner under this section shall not be subject to criminal liability, administrative
2.12 penalty, professional discipline, or other administrative sanction for good faith performance
2.13 of the vaccination or drug dispensing duties assigned according to this section.

2.14 **Subd. 2. Compelling private business vaccination certification and customer**
2.15 **compliance with executive orders prohibited.** Notwithstanding sections 12.21, subdivision
2.16 3, and 12.32, during a declared emergency as defined in section 12.03, subdivision 1e, and
2.17 declared under section 12.31, a government entity or political subdivision shall not require
2.18 a private business operating in the state or a facility open to the general public to require
2.19 that customers and patrons wear face masks, maintain prescribed distances between customers
2.20 or patrons, or show proof of vaccination or a health record in any form proving the customer's
2.21 or patron's vaccination or health status, or compel compliance with other orders issued by
2.22 the governor under sections 12.21, subdivision 3, and 12.32 for a peacetime emergency.

2.23 **Subd. 3. Penalty.** An aggrieved individual, business, or facility may file a claim for a
2.24 violation of subdivision 2 against the violating government entity or political subdivision
2.25 with the following remedies available:

2.26 (1) not less than \$50,000 in monetary damages for a first violation;

2.27 (2) not less than \$100,000 in monetary damages for each and every subsequent violation;

2.28 (3) injunctive relief against the violating entity or person; and

2.29 (4) the court shall award reasonable attorney fees in favor of a prevailing aggrieved party
2.30 against the violating entity or person.