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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 3841

02/28/2022 Authored by Boe, Raleigh, Pfarr, Scott, Theis and others
The bill was read for the first time and referred to the Committee on Labor, Industry, Veterans and Military Affairs Finance and Policy

1.1 A bill for an act
1.2 relating to employment; providing natural immunity exemption in lieu of employer
1.3 vaccination or testing requirements; proposing coding for new law in Minnesota
1.4 Statutes, chapter 181.

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

1.6 Section 1. [181.958] NATURAL IMMUNITY EXEMPTION.

1.7 Subdivision 1. Definitions. (a) The terms defined in this subdivision have the meanings
1.8 given them.

1.9 (b) "Employee" means a person who performs services for hire for an employer and
1.10 includes an officer of a corporation.

1.11 (c) "Employer" means a person who has one or more employees and includes an
1.12 individual, corporation, partnership, association, nonprofit organization, group of persons,
1.13 designated employee, or agent who discloses information on behalf of an employer, state,
1.14 county, town, city, school district, or other governmental subdivision.

1.15 (d) "Health care provider" means any of the following individuals licensed to practice
1.16 under their specific designation in any state or territory of the United States:

1.17 (1) a registered nurse;

1.18 (2) a chiropractor;

1.19 (3) a physician;

1.20 (4) a physician assistant; or

1.21 (5) a pharmacist.

2.1 Subd. 2. **Natural immunity exemption from COVID-19 vaccination or testing**
2.2 **requirements.** (a) The exemption under paragraph (b) shall apply if an employer not
2.3 otherwise prohibited by law requires, as a condition of an offer of employment or continued
2.4 employment, that an employee or prospective employee:

2.5 (1) receive a COVID-19 vaccination and show proof of having received the vaccination;
2.6 or
2.7 (2) be regularly tested for COVID-19.

2.8 (b) In lieu of an employee or prospective employee meeting the COVID-19 vaccination
2.9 or testing requirements under paragraph (a), an employer shall accept documentation of
2.10 natural immunity against COVID-19, which may be demonstrated by any of the following:

2.11 (1) documentation that is signed by a health care provider and dated after March 1, 2020,
2.12 showing that the employee or prospective employee tested positive for COVID-19;

2.13 (2) a serology test that demonstrates the presence of naturally occurring antibodies
2.14 against COVID-19 in the employee or prospective employee's blood; or

2.15 (3) a notarized letter written by the employee or prospective employee that states to the
2.16 best of their knowledge they recovered from COVID-19.

2.17 Subd. 3. **Written notification.** An employer that requires an employee or prospective
2.18 employee to meet the COVID-19 vaccination or testing requirements under subdivision 2,
2.19 paragraph (a), shall inform the employee or prospective employee in writing of their right
2.20 to an exemption under subdivision 2, paragraph (b).

2.21 Subd. 4. **Retaliation.** (a) No employer may retaliate against an employee or prospective
2.22 employee in the terms and conditions of their employment for exercising the right to an
2.23 exemption under subdivision 2, paragraph (b).

2.24 (b) For the purposes of paragraph (a), retaliation includes requiring an employee or
2.25 prospective employee to:

2.26 (1) self-isolate;

2.27 (2) wear a face covering; or

2.28 (3) work in an area outside the employee's usual work area

2.29 if the employer does not require the same of an employee or prospective employee who
2.30 meets the COVID-19 vaccination or testing requirements under subdivision 2, paragraph
2.31 (a).

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