

AMENDMENTS TO LB906

Introduced by Health and Human Services.

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

3 Section 1. (1) For purposes of this section:

4 (a) COVID-19 means the novel coronavirus identified as SARS-CoV-2;
5 any disease caused by SARS-CoV-2, its viral fragments, or a virus
6 mutation therefrom; and all conditions associated with the disease which
7 are caused by SARS-CoV-2, its viral fragments, or a virus mutation
8 therefrom;

9 (b) Department means the Department of Health and Human Services;

10 (c)(i) Employer means a person engaged in an industry who has one or
11 more employees;

12 (ii) Employer also includes any party whose business is financed in
13 whole or in part under the Nebraska Investment Finance Authority Act
14 regardless of the number of employees and includes the State of Nebraska,
15 governmental agencies, and political subdivisions; and

16 (iii) Employer does not include (A) the United States, a corporation
17 wholly owned by the government of the United States, or an Indian tribe
18 or (B) a bona fide private membership club, other than a labor
19 organization, which is exempt from taxation under section 501(c) of the
20 Internal Revenue Code;

21 (d) Health care practitioner means a person licensed under (i) the
22 Medicine and Surgery Practice Act to practice medicine and surgery or
23 osteopathic medicine and surgery, (ii) the Medicine and Surgery Practice
24 Act to practice as a physician assistant, or (iii) the Advanced Practice
25 Registered Nurse Practice Act to practice as an advanced practice
26 registered nurse; and

27 (e) Vaccine exemption form means the form created by the department

1 under subsection (2) of this section.

2 (2)(a) The department shall develop a vaccine exemption form for an
3 individual to claim an exemption from receiving a COVID-19 vaccine as
4 provided in this section. The department shall make the form available on
5 the department's website.

6 (b) The form shall include a declaration by the individual seeking
7 an exemption that:

8 (i) A health care practitioner has provided the individual with a
9 signed written statement that, in the health care practitioner's opinion,
10 (A) receiving a COVID-19 vaccine is medically contraindicated for the
11 individual or (B) medical necessity requires the individual to delay
12 receiving such vaccine; or

13 (ii) Receiving a COVID-19 vaccine would conflict with the
14 individual's sincerely held religious belief, practice, or observance.

15 (3) An employer that requires applicants or employees to be
16 vaccinated against COVID-19 shall allow for an exemption to such
17 requirement for an individual who provides the employer with:

18 (a) A completed vaccine exemption form; and

19 (b) For an individual claiming an exemption based on the statement
20 of a health care practitioner, a copy of such signed written statement.

21 (4) An employer may require an employee granted an exemption under
22 this section to:

23 (a) Be periodically tested for COVID-19 at the employer's expense;
24 and

25 (b) Wear or use personal protective equipment provided by the
26 employer.

27 Sec. 2. Since an emergency exists, this act takes effect when
28 passed and approved according to law.