

E AND R AMENDMENTS TO LB 906

Introduced by McKinney, 11, Chairman Enrollment and Review

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;

27 (e) Medicare-certified or medicaid-certified provider or supplier

1 means any entity, including, but not limited to, a health care facility
2 as defined in section 71-413, that is a medicare-certified or medicaid-
3 certified provider or supplier and that is subject to the federal Centers
4 for Medicare and Medicaid Services' COVID-19 health care staff
5 vaccination requirements; and

6 (f) Vaccine exemption form means the form created by the department
7 under subsection (2) of this section.

8 (2)(a) The department shall develop a vaccine exemption form for an
9 individual to claim an exemption from receiving a COVID-19 vaccine as
10 provided in this section. The department shall make the form available on
11 the department's website within fifteen days after the effective date of
12 this act.

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

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

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

22 (3) Subject to subsection (5) of this section, an employer that
23 requires applicants or employees to be vaccinated against COVID-19 shall
24 allow for an exemption to such requirement for an individual who provides
25 the employer with:

26 (a) A completed vaccine exemption form; and

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

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

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

1 and

2 (b) Wear or use personal protective equipment provided by the
3 employer.

4 (5) A medicare-certified or medicaid-certified provider or supplier
5 or a federal contractor may require additional processes, documentation,
6 or accommodations as necessary to be in compliance with federal law and
7 to maintain compliance with the rules and regulations of the federal
8 Centers for Medicare and Medicaid Services.

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

11 2. On page 1, line 1, after the semicolon insert "to define terms";
12 and in line 3 strike "define terms" and insert "provide for conditional
13 requirements".