

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 906

FINAL READING

Introduced by Hansen, B., 16; Aguilar, 35; Albrecht, 17; Flood, 19;
Friesen, 34; Gragert, 40; Groene, 42; Lowe, 37; Murman, 38;
Sanders, 45; Slama, 1; Lindstrom, 18; Briese, 41; Clements,
2; Brewer, 43.

Read first time January 07, 2022

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to public health; to define terms; to provide
- 2 duties for the Department of Health and Human Services; to require
- 3 employers to provide for a vaccine exemption; to provide for
- 4 conditional requirements; and to declare an emergency.
- 5 Be it enacted by the people of the State of Nebraska,

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

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

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

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

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

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

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

25 (e) Medicare-certified or medicaid-certified provider or supplier
26 means any entity, including, but not limited to, a health care facility
27 as defined in section 71-413, that is a medicare-certified or medicaid-
28 certified provider or supplier and that is subject to the federal Centers
29 for Medicare and Medicaid Services' COVID-19 health care staff
30 vaccination requirements; and

31 (f) 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 within fifteen days after the effective date of
6 this act.

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

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

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

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

20 (a) A completed vaccine exemption form; and

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

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

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

27 (b) Wear or use personal protective equipment provided by the
28 employer.

29 (5) A medicare-certified or medicaid-certified provider or supplier
30 or a federal contractor may require additional processes, documentation,
31 or accommodations as necessary to be in compliance with federal law and

1 to maintain compliance with the rules and regulations of the federal
2 Centers for Medicare and Medicaid Services.

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