



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1112

H.P. 816

House of Representatives, March 5, 2019

An Act To Provide Employee Vaccination Compensation

Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative FECTION of Augusta.

Cosponsored by Representatives: O'CONNOR of Berwick, SAMPSON of Alfred, Senator:
POULIOT of Kennebec.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 26 MRSA §592-A** is enacted to read:

3 **§592-A. Employee vaccinations**

4 **1. Right of refusal.** Notwithstanding any other provision of law, an employee has
5 the right to refuse any or all vaccines or other immunizing agents required or
6 recommended by the employee's employer without coercion, consequence or retaliation
7 by the employer.

8 **2. Workplace; expense of employer.** An employee who elects to receive a vaccine
9 or other immunizing agent required or recommended by the employer has the right to
10 receive the vaccine or other immunizing agent at the employee's workplace and at the
11 expense of the employer.

12 **3. Documentation.** An employee who elects to receive a vaccine or other
13 immunizing agent pursuant to subsection 2 must be given documentation at the time of
14 immunization that describes the vaccine or other immunizing agent and includes
15 information about possible side effects.

16 **4. Injury or adverse medical reaction.** An employee must be compensated by the
17 employer for medical expenses for any injury or adverse medical reaction suffered by the
18 employee as a result of the vaccine or immunizing agent received under subsection 2 and
19 the employee must be provided paid time off for the employee's necessary absence from
20 work. Paid time off provided pursuant to this subsection may not be counted against the
21 employee's sick time, vacation time or other benefits. This subsection applies in addition
22 to any remedy available under Title 39-A.

23 **5. Notice.** An employer shall provide employees with written notice of the
24 employee's rights under this section on an annual basis. The Department of Labor may
25 prescribe the form and format of this written notice.

26 **SUMMARY**

27 This bill establishes the right of an employee to refuse any vaccine required or
28 recommended by the employer without coercion, consequence or retaliation by the
29 employer and the employee's right to receive the vaccination at the employee's workplace
30 and at the expense of the employer. It also requires the employer to compensate the
31 employee for any medical expenses incurred by the employee due to an injury or adverse
32 reaction to a vaccine and to provide any necessary paid time off to the employee, in
33 addition to any sick time, vacation time or other benefit offered by the employer.
34 Compensation for the employee's injury or adverse reaction to a vaccine is provided in
35 addition to any remedy available under the workers' compensation laws.