

SENATE, No. 1973

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED MARCH 3, 2022

Sponsored by:

Senator EDWARD DURR

District 3 (Cumberland, Gloucester and Salem)

Senator MICHAEL L. TESTA, JR.

District 1 (Atlantic, Cape May and Cumberland)

Co-Sponsored by:

Senators Oroho and Holzapfel

SYNOPSIS

Prohibits discrimination against corrections workers, first responders, and health care workers who have not received a COVID-19 vaccine or booster.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/3/2022)

1 AN ACT concerning COVID-19 vaccines and discrimination and
2 supplementing Title 10 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. (New section) a. As used in this act:

8 “Correctional facility” means a State or county correctional
9 facility, county juvenile facility, juvenile detention center, or other
10 penal facility in this State.

11 “Corrections worker” means a correctional police officer,
12 juvenile correctional police officer, juvenile detention officer, and
13 any other person employed by a correctional facility.

14 "First responder" means a county, municipal, or State police
15 officer or an employee of a county, municipal, or State police
16 agency or department, a paid employee or a volunteer of a fire
17 department, a paid employee or a volunteer of a duly incorporated
18 first aid, emergency, ambulance, or rescue squad association, or any
19 other individual who, in the course of his employment, is
20 dispatched to the scene of a motor vehicle accident or other
21 emergency situation for the purpose of providing medical care or
22 other assistance.

23 "Health care facility" means a physician's office or any other
24 health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1
25 et seq.).

26 “Health care worker” means any person who employed by a
27 health care facility.

28 b. Notwithstanding any law, rule, regulation, or executive order
29 to the contrary, it shall be unlawful to ask a corrections worker, first
30 responder, or health care worker if the individual has received a
31 COVID-19 vaccine or booster, to directly or indirectly require a
32 corrections worker, first responder, or health care worker to receive
33 a COVID-19 vaccine or booster, or to require a corrections worker,
34 first responder, or health care worker to show proof of having
35 received a COVID-19 vaccine or booster for any reason, including,
36 but not limited to, as a condition of or as a prerequisite to:

37 (1) the exercise of any privilege or right granted under State or
38 federal law;

39 (2) conducting any business or commerce;

40 (3) travelling to, outside, or within the State;

41 (4) obtaining or maintaining an internship, obtaining or
42 maintaining employment, or receiving a promotion from an
43 employer;

44 (5) participation in any governmental or political activity;

45 (6) admission or enrollment into any day care program;

46 (7) admission to, enrollment in, or graduation from a school,
47 college, university, or any other institution of education;

1 (8) participation in any activity, internship, opportunity,
2 program, or sport offered by a school, college, university, or any
3 other institution of education;

4 (9) receiving adequate dental care or health care;

5 (10) maintaining, receiving, or renewing a professional
6 certification or license;

7 (11) obtaining or renewing membership in any professional
8 organization;

9 (12) entrance into or service from any place of business,
10 including, but not limited to, any market, restaurant, or store;

11 (13) entrance into and service from any public building, office,
12 or structure;

13 (14) entrance into and use of any public park or beach; or

14 (15) admission into or service from any amusement park,
15 concert venue, theater, or sporting event.

16 c. It shall be unlawful to discriminate against, harass, or take
17 any adverse action against a corrections worker, first responder, or
18 health care worker who:

19 (1) has not received a COVID-19 vaccine or booster;

20 (2) does not disclose whether he or she has received a COVID-
21 19 vaccine or booster; or

22 (3) does not show proof of having received a COVID-19
23 vaccine or booster.

24
25 2. (New section) An individual who violates the provisions of
26 this act shall, in addition to any other relief authorized by law, be
27 liable for civil damages to the victim in the amount of \$25,000 in an
28 action brought in the Superior Court in the county where the offense
29 occurred. In addition to an award of civil damages, the court shall
30 order the defendant to pay such attorney's fees or expenses, or both,
31 that are actually and reasonably incurred by the victim who is the
32 successful party in the action.

33
34 3. This act shall take effect immediately.
35
36

37 **STATEMENT**
38

39 This bill prohibits discrimination against corrections workers,
40 first responders, or health care workers who have not received a
41 COVID-19 vaccine or booster.

42 Under the bill, it is unlawful to ask a corrections worker, first
43 responder, or health care worker if the individual has received a
44 COVID-19 vaccine or booster, to directly or indirectly require a
45 corrections worker, first responder, or health care worker to receive
46 a COVID-19 vaccine or booster, or to require a corrections worker,
47 first responder, or health care worker to show proof of having

- 1 received a COVID-19 vaccine or booster for any reason, including,
2 but not limited to, as a condition of or as a prerequisite to
- 3 (1) the exercise of any privilege or right granted under State or
4 federal law;
 - 5 (2) conducting any business or commerce;
 - 6 (3) travelling to, outside, or within the State;
 - 7 (4) obtaining or maintaining an internship, obtaining or
8 maintaining employment, or receiving a promotion from an
9 employer;
 - 10 (5) participation in any governmental or political activity;
 - 11 (6) admission or enrollment into any day care program;
 - 12 (7) admission to, enrollment in, or graduation from a school,
13 college, university, or any other institution of education;
 - 14 (8) participation in any activity, internship, opportunity,
15 program, or sport offered by a school, college, university, or any
16 other institution of education;
 - 17 (9) receiving adequate dental care or health care;
 - 18 (10) maintaining, receiving, or renewing a professional
19 certification or license;
 - 20 (11) obtaining or renewing membership in any professional
21 organization;
 - 22 (12) entrance into or service from any place of business,
23 including, but not limited to, any market, restaurant, or store;
 - 24 (13) entrance into and service from any public building, office,
25 or structure;
 - 26 (14) entrance into and use of any public park or beach; or
 - 27 (15) admission into or service from any amusement park,
28 concert venue, theater, or sporting event.

29 The bill provides that it is unlawful to discriminate against,
30 harass, or take any adverse action against a corrections worker, first
31 responder, or health care worker who: (1) has not received a
32 COVID-19 vaccine or booster; (2) does not disclose whether he or
33 she has received a COVID-19 vaccine or booster; or (3) does not
34 show proof of having received a COVID-19 vaccine or booster.

35 Under the bill, an individual who violates any provision of this
36 bill is to, in addition to any other relief authorized by law, be liable
37 for civil damages to the victim in the amount of \$25,000 in an
38 action brought in the Superior Court in the county where the offense
39 occurred. In addition to an award of civil damages, the court is to
40 order the defendant to pay such attorney's fees or expenses, or both,
41 that are actually and reasonably incurred by the victim who is the
42 successful party in the action.