Sponsored by:
Senator EDWARD DURR
District 3 (Cumberland, Gloucester and Salem)
Senator MICHAEL L. TESTA, JR.
District 1 (Atlantic, Cape May and Cumberland)

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

BE IT ENACTED by the Senate and General Assembly of the State
of New Jersey:

1. (New section) a. As used in this act:
   “Correctional facility” means a State or county correctional
   facility, county juvenile facility, juvenile detention center, or other
   penal facility in this State.
   “Corrections worker” means a correctional police officer,
   juvenile correctional police officer, juvenile detention officer, and
   any other person employed by a correctional facility.
   "First responder" means a county, municipal, or State police
   officer or an employee of a county, municipal, or State police
   agency or department, a paid employee or a volunteer of a fire
   department, a paid employee or a volunteer of a duly incorporated
   first aid, emergency, ambulance, or rescue squad association, or any
   other individual who, in the course of his employment, is
   dispatched to the scene of a motor vehicle accident or other
   emergency situation for the purpose of providing medical care or
   other assistance.
   "Health care facility" means a physician's office or any other
   health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1
   et seq.).
   “Health care worker” means any person who employed by a
   health care facility.
   b. Notwithstanding any law, rule, regulation, or executive order
to the contrary, it shall be unlawful to ask a corrections worker, first
   responder, or health care worker if the individual has received a
   COVID-19 vaccine or booster, to directly or indirectly require a
   corrections worker, first responder, or health care worker to receive
   a COVID-19 vaccine or booster, or to require a corrections worker,
   first responder, or health care worker to show proof of having
   received a COVID-19 vaccine or booster for any reason, including,
   but not limited to, as a condition of or as a prerequisite to:
   (1) the exercise of any privilege or right granted under State or
   federal law;
   (2) conducting any business or commerce;
   (3) travelling to, outside, or within the State;
   (4) obtaining or maintaining an internship, obtaining or
   maintaining employment, or receiving a promotion from an
   employer;
   (5) participation in any governmental or political activity;
   (6) admission or enrollment into any day care program;
   (7) admission to, enrollment in, or graduation from a school,
   college, university, or any other institution of education;
(8) participation in any activity, internship, opportunity, program, or sport offered by a school, college, university, or any other institution of education;
(9) receiving adequate dental care or health care;
(10) maintaining, receiving, or renewing a professional certification or license;
(11) obtaining or renewing membership in any professional organization;
(12) entrance into or service from any place of business, including, but not limited to, any market, restaurant, or store;
(13) entrance into and service from any public building, office, or structure;
(14) entrance into and use of any public park or beach; or
(15) admission into or service from any amusement park, concert venue, theater, or sporting event.

It shall be unlawful to discriminate against, harass, or take any adverse action against a corrections worker, first responder, or health care worker who:
(1) has not received a COVID-19 vaccine or booster;
(2) does not disclose whether he or she has received a COVID-19 vaccine or booster; or
(3) does not show proof of having received a COVID-19 vaccine or booster.

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

3. This act shall take effect immediately.

STATEMENT

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

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

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

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

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