

# HOUSE BILL NO. 5332

September 22, 2021, Introduced by Reps. Yaroach, Eisen, Allor, Wozniak, Markkanen, Meerman, Damoose and Rendon and referred to the Committee on Commerce and Tourism.

A bill to provide remedies for employees who sustain personal injury because of employer-mandated vaccinations against COVID-19; and to provide protection from liability for employers that do not mandate vaccinations against COVID-19 for employees.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. This act may be cited as the "employee protection from  
2 mandatory vaccination act".

3           Sec. 2. As used in this act:

4           (a) "Employee" does not include an independent contractor.

1 (b) "Person" means an individual or a partnership,  
2 corporation, limited liability company, association, governmental  
3 entity, or other legal entity.

4 Sec. 3. (1) A person that requires an employee of the person  
5 to be vaccinated against COVID-19 as a condition of the employment  
6 or of continuing the employment is liable for damages for personal  
7 injury to the employee that result from the vaccination. This  
8 subsection applies only if the employee is vaccinated because of  
9 the employer's requirement.

10 (2) Damages that may be recovered under subsection (1)  
11 include, but are not limited to, all of the following:

12 (a) Economic damages, including, but not limited to, all of  
13 the following:

14 (i) Reasonable expenses of necessary medical or psychological  
15 care, treatment, and services.

16 (ii) Loss of earnings or earning capacity.

17 (b) Noneconomic damages, including, but not limited to, all of  
18 the following:

19 (i) Physical pain and suffering.

20 (ii) Mental anguish.

21 (iii) Fright and shock.

22 (iv) Denial of social pleasure and enjoyments.

23 (v) Embarrassment, humiliation, or mortification.

24 (vi) Disability.

25 (vii) Disfigurement.

26 (viii) Aggravation of a preexisting ailment or condition.

27 (c) Actual reasonable attorney fees.

28 (d) Actual costs incurred in recovering damages, including,  
29 but not limited to, actual costs of any legal action.

1 (e) Exemplary damages.

2 (f) Punitive damages.

3 (3) A person is entitled to damages under subsection (1)  
4 regardless of whether the damages sustained were foreseeable to the  
5 employer.

6 (4) This section does not affect any other remedy available  
7 under law.

8 Sec. 4. (1) A person is not liable for damages for personal  
9 injury, including, but not limited to, the items of damage listed  
10 in section 3, that an individual sustains or is alleged to have  
11 sustained because the person did not require an employee of the  
12 person to be vaccinated against COVID-19 as a condition of the  
13 employment or continuing the employment.

14 (2) This section does not affect any other immunity or  
15 limitation on liability available under law.

16 Enacting section 1. This act does not take effect unless  
17 Senate Bill No.\_\_\_\_ or House Bill No.5331 of the 101st Legislature  
18 is enacted into law.