The Committee on Judiciary (Polsky) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 128 - 157

and insert:

because of a sincerely held religious belief. A claim for an exemption based on religious reasons is presumed to be because of a sincerely held religious belief; however, if the employer is aware of facts that provide an objective basis for questioning either the religious nature or the sincerity of a particular belief, practice, or observance relating to the claimed exemption, an employer may request reasonably related
additional information to support the claim. An employee’s failure to cooperate with an employer’s request for additional information may be used by the employer as a defense against a complaint alleging that the employer improperly denied an exemption to the employee under this paragraph.

(c) To claim an exemption based on COVID-19 immunity, the employee must present to the employer an exemption statement demonstrating competent medical evidence that the employee has immunity to COVID-19, documented by the results of a valid laboratory test performed on the employee. The Department of Health shall adopt a standard for demonstrating competent medical evidence of such immunity.

(d) To claim an exemption based on periodic testing, the employee must present to the employer an exemption statement indicating that the employee agrees to comply with regular testing for the presence of COVID-19 at no cost to the employee.

(e) To claim an exemption based on employer-provided personal protective equipment, the employee must present to the employer an exemption statement indicating that the employee agrees to comply with the employer’s reasonable written requirement to use employer-provided personal protective equipment when in the presence of other employees or other persons.

(2) Except as provided in paragraph (1)(b), if an employer receives a completed exemption statement authorized by subsection (1), the employer must allow the employee to opt out of the employer’s COVID-19 vaccination mandate.

(3) An employee may file a complaint with the Department of Legal Affairs alleging that an exemption has not been offered or
has been improperly applied or denied in violation of this section. If the department investigates and finds that the exemption was not offered or was improperly applied or denied, it must notify the employer of its determination and allow the employer the opportunity to cure the noncompliance. If an employee fails to cooperate with an employer’s request for additional information under paragraph (1)(b) and the department determines that the employer had an objective basis for questioning the exemption claimed under that paragraph and that the additional information requested was reasonably related to the claim, such determination is a defense to a charge of violating subsection (2).

And the title is amended as follows:

Delete lines 10 - 16 and insert:

Health to adopt certain rules; authorizing employers to request additional information from employees claiming an exemption based on religious reasons under certain circumstances; providing that an employer may use an employee’s failure to comply with such request as a defense against certain complaints; requiring an employer to exempt an employee from a vaccination upon submission of a completed exemption statement form, with an exception; authorizing an employee to file a complaint with the Department of Legal Affairs; requiring the department to notify a noncompliant private employer and allow such employer the
opportunity to cure a violation; providing employers a defense against a specified violation;