

INTERIM STUDY PROPOSAL 2015-047

REQUESTING THAT THE ARKANSAS LEGISLATIVE COUNCIL REFER TO THE
HOUSE COMMITTEE ON PUBLIC HEALTH, WELFARE, AND LABOR THIS
PROPOSAL TO STUDY IMMUNIZATION REQUIREMENTS FOR ADULT EMPLOYEES.

WHEREAS, Arkansas law imposes immunization or vaccine requirements on
students and children; and

WHEREAS, the existing immunization requirements allow an exemption for
students and children who have medical reasons, religious beliefs, or
philosophical beliefs that conflict with immunization; and

WHEREAS, the Nursing Home Resident and Employee Immunization Act of
1999, § 20-10-1301 et seq., requires both residents of nursing home
facilities and employees of nursing home facilities to undergo influenza and
pneumococcal pneumonia immunization; and

WHEREAS, the immunization requirements of the Nursing Home Resident and
Employee Immunization Act of 1999, § 20-10-1301 et seq., allow an exemption
for residents and employees when the immunization or vaccine would be
medically contraindicated; and

WHEREAS, the Nursing Home Resident and Employee Immunization Act of
1999, § 20-10-1301 et seq., is ambiguous as to whether an employee of a
nursing home facility can request an exemption on grounds that the
immunization conflicts with religious tenets and practices of a recognized
church or religious denomination of which the employee is a adherent or
member; and

WHEREAS, the immunization requirements of the Nursing Home Resident and
Employee Immunization Act of 1999, § 20-10-1301 et seq., are mandated as a
condition of employment; and

WHEREAS, due to recommendations and mandates by the Centers for Disease
Control and Prevention and the federal government, private hospitals, medical

1 facilities, and other private employers have begun requiring immunizations as
2 a condition of employment; and

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4 WHEREAS, an adult employee of a private hospital, medical facility, or
5 private employer has few options to assert his or her medical reasons,
6 religious beliefs, or philosophical beliefs concerning immunizations; and

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8 WHEREAS, an adult employee of a private hospital, medical facility, or
9 private employer often does not have access to a process by which to request
10 an exemption for medical reasons, religious beliefs, or philosophical beliefs
11 that conflict with immunization, unlike students or children in the state;
12 and

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14 WHEREAS, medical reason, religious belief, and philosophical belief
15 exemptions are allowed in Maine for employees of healthcare facilities; and

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17 WHEREAS, Arkansas does not have a state law that explicitly states that
18 an adult employee of a private hospital, medical facility, or private
19 employer may decline immunizations due to medical reasons, religious beliefs,
20 or philosophical beliefs or that an employer cannot require immunizations as
21 a condition of employment; and

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23 WHEREAS, the General Assembly should protect the rights of employees of
24 a private hospital, medical facility, or private employer within the state,
25 regardless of the medical reasons, religious beliefs, or philosophical
26 beliefs of the employee,

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28 NOW THEREFORE,

29 BE IT PROPOSED BY THE ARKANSAS LEGISLATIVE COUNCIL OF THE NINETIETH GENERAL
30 ASSEMBLY OF THE STATE OF ARKANSAS:

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32 THAT the Arkansas Legislative Council refer to the House Committee on
33 Public Health, Welfare, and Labor this proposal to study immunization
34 requirements for adult employees of a private hospital, medical facility, or
35 private employer and make recommendations for future legislation.

1 BE IT FURTHER PROPOSED THAT, upon request, the Department of Health
2 provide assistance to the House Committee on Public Health, Welfare, and
3 Labor to study immunization requirements for adult employees of a private
4 hospital, medical facility, or private employer.

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6 Respectfully submitted,

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10 Representative Donnie Copeland
11 District 38

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14 By: JMB/JMB
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