



LEGISLATIVE POSITION:

Unfavorable

House Bill 1171

Labor and Employment—Maryland Employee Protection Plan for Vaccine Refusal

House Economic Matters Committee

Tuesday, March 9, 2021

Dear Chairman Davis and Members of the Committee:

Founded in 1968, the Maryland Chamber of Commerce is the leading voice for business in Maryland. We are a statewide coalition of more than 5,000 members and federated partners, and we work to develop and promote strong public policy that ensures sustained economic recovery and growth for Maryland businesses, employees, and families.

House Bill 1171 would prohibit an employer from terminating an employee solely on the basis of the employee's refusal to receive a COVID-19 vaccine. Further, it specifies that an employee waives the right to file a civil action against the employer if the employee refuses to receive a COVID-19 vaccine and contracts the virus in the course of employment.

The Chamber has a number of concerns regarding this legislation. In particular, we are concerned about the impact that this bill may have on an employer's ability to ensure a safe working environment for the entirety of their workforce. Being unable to ensure a safe working environment reduces confidence among employees and may lead to some not showing up for work, hampering our state's economic recovery. These workforce implications can be significant, particularly for small and medium-sized businesses that have direct contact with the public, when employees refuse to receive the vaccination. We are aware that there are accommodations already outlined in the ADA and for religious reasons, however, the concern of our members is directed at those who may decline the COVID-19 vaccine because of reasons not supported by science or those with political or social origins.

This raises many questions. For example, how can a medical facility or nursing home put an employee in contact with vulnerable patients when they have not obtained an available vaccination? These employers would essentially then be exposing themselves to third-party liability for infecting such patients. In addition, presently, employers do not receive any qualified immunity from such liability.

For these reasons, the Maryland Chamber of Commerce respectfully requests an **unfavorable report** on HB 1171.