

21102206D

HOUSE BILL NO. 2335

Offered January 22, 2021

A BILL to amend the Code of Virginia by adding a section numbered 32.1-127.1:06, relating to fundamental right to be free from medical mandates.

Patrons—Walker and Wiley; Senator: Peake

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 32.1-127.1:06 as follows:

§ 32.1-127.1:06. *Fundamental right to be free from medical mandates.*

A. For purposes of this section, "medical mandate" means any affirmative requirement by the Commonwealth or any locality, private employer, health care entity or provider, or provider of public accommodations for an individual to undergo or participate in a health-related test, procedure, tracking or monitoring program, bodily insertion or injection of any drug or the wearing of any medical equipment or apparel. It shall be no less a medical mandate for such entities to condition an individual's receipt of otherwise ordinary services, benefits, or employment upon the performance or acquiescence of undergoing or participating in a health-related test, procedure, tracking or monitoring program, or bodily insertion or injection of any drug or the wearing of any medical equipment or apparel.

B. Except as otherwise provided by law, each adult has a fundamental right to be free from medical mandates of the Commonwealth or any locality, private employer, health care entity or provider, or provider of public accommodations.

C. Nothing in this section shall be construed to prohibit:

1. Facilities whose ordinary safety protocols, due to the high-risk nature of its operations and potential for contamination, dictate such measures from requiring the use of personal protective medical equipment within such facilities;

2. Compliance with ordinary recommended requirements for persons preparing and handling food;

3. Facilities for the care of the mentally infirm from exercising necessary health care measures otherwise permitted by law;

4. Adults with legal decision-making powers over another adult from making health-related decisions for such adult that is deemed to be in his best interest;

5. Any entity from encouraging, requesting, or making available to individuals the receipt of commonly recommended medical tests, programs, vaccines, or procedures;

6. The Commonwealth or any locality, private employer, health care entity or provider, or provider of public accommodations from offering incentives in the form of rewards or added benefits that are not otherwise commonly provided or reasonably expected to be afforded to similarly situated persons, patrons, or employees;

7. The parent of a minor child from fully exercising his rights to make medical decisions on behalf of his minor child;

8. Valid orders of quarantine or isolation as set out in Article 3 (§ 32.1-42 et seq.), Article 3.01 (§ 32.1-48.01 et seq.), or Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of Title 32.1;

9. Health provisions pertaining to students as set out in Article 2 (§ 22.1-270 et seq.) of Chapter 14 of Title 22.1; or

10. Employers, under reasonable circumstances, from requiring sick employees to stay home from work.

INTRODUCED

HB2335