

House Bill 1350

By: Representatives Kahaian of the 81st, Byrd of the 20th, Jones of the 25th, Clark of the 100th,
Barrett of the 24th, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to
2 protect the rights of individuals to make autonomous decisions regarding medical
3 interventions; to provide for definitions; to prohibit business entities from denying,
4 restricting, or otherwise penalizing an individual's access to services, products, venues,
5 education, training, trade, or transportation based on refusal of medical interventions; to
6 prohibit business entities from requiring medical interventions as a condition of employment
7 or contract work; to prohibit ticket issuers from discriminating or denying access based on
8 an individual's refusal of medical interventions; to prohibit schools from mandating medical
9 interventions; to prohibit government entities or officials from requiring medical
10 interventions; to prohibit employers from providing differential compensation, benefits, or
11 treatment based on medical interventions; to permit the requirement of personal protective
12 equipment under certain conditions; to provide for enforcement; to prohibit contradiction by
13 laws, rules, regulations, or policies; to prohibit exclusion based on medical interventions; to
14 repeal the authority of the Department of Public Health and all county boards of health to
15 require persons to submit to vaccinations or other measures to prevent contagious or
16 infectious diseases; to provide for related matters; to provide a short title; to repeal
17 conflicting laws; and for other purposes.

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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 SECTION 1.

20 This Act shall be known and may be cited as the "Georgia Medical Freedom Act."

21 SECTION 2.

22 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended in
23 Chapter 2A, relating to the Department of Public Health, by adding a new article to read as
24 follows:

25 "ARTICLE 5

26 31-2A-80.

27 As used in this article, the term:

28 (1) 'Business entity' means a corporation, association, partnership, sole proprietorship,
29 limited liability company, or other legal entity, whether organized for profit or not for
30 profit.

31 (2) 'Government entity' means an office, agency, authority, department, commission,
32 board, body, division, instrumentality, or institution of the executive, legislative, or
33 judicial branch of the state government and any county, municipal corporation, or
34 consolidated government within this state.

35 (3) 'Medical intervention' means a medical procedure, treatment, device, drug, injection,
36 medication, or medical action taken to monitor, diagnose, prevent, treat, or cure a disease
37 or alter the health or biological function of a person. Such term includes but is not
38 limited to masks, vaccines, biologics, swabs, tests including genetic and genomic testing,
39 pills, capsules, creams, sprays, liquids, injections, chips, devices, and monitors.

40 (4) 'School' means any licensed day care, preschool, or child care center; any public or
41 private pre-kindergarten, elementary school, secondary school, technical school, trade
42 school, vocational school, college, university, or institution of postsecondary education;
43 or any other setting where education or training occurs.

44 (5) 'Ticket issuer' means any individual or business entity that issues, sells, or resells
45 tickets of admission to athletic contests, concerts, theater performances, amusements,
46 exhibitions, or other entertainment events held in this state.

47 31-2A-81.

48 (a) No business entity shall deny, restrict, or otherwise penalize an individual's access to
49 services, products, venues, education, training, trade, or transportation based on the
50 individual's refusal of a medical intervention.

51 (b) No business entity shall require a medical intervention as a condition of employment
52 or contract work.

53 (c) No ticket issuer shall discriminate against or deny access to any person at an event
54 based on their status with respect to any medical intervention.

55 (d) No school shall mandate a medical intervention for any person to attend a class,
56 meeting, or event at, enter the campus or buildings of, or be employed by such school. No
57 school shall mandate a medical intervention for any person to attend or participate in any
58 extracurricular activities, including, but not limited to, clubs, performances, arts, or
59 athletics.

60 (e) No government entity or official shall require an individual to use a medical
61 intervention for any purpose, including, but not limited to, as a condition to:

62 (1) Access to government services;

63 (2) Receipt of licenses, permits, or benefits;

64 (3) Use of public buildings, facilities, infrastructure, or transportation; or

65 (4) Employment or contract work.

66 (f) No employer shall provide differential compensation, benefits, or treatment based on
67 an employee's decision to accept or decline a medical intervention; provided, however, that
68 employers may permit employees to take time off to obtain medical interventions.

69 (g) Any requirements for medical interventions that are not disallowed under this article
70 remain subject to applicable laws or legal precedent providing for or protecting exemptions
71 and reasonable accommodations.

72 (h)(1) A business entity or government entity may require an employee to use personal
73 protective equipment as part of occupational safety standards, provided such
74 requirements are consistent with state or federal law, including, but not limited to, the
75 federal Occupational Safety and Health Act, and do not discriminate based on medical
76 intervention status.

77 (2) No individual shall be compelled to wear or otherwise be subjected to personal
78 protective equipment for a specific purpose that is authorized solely under an emergency
79 use authorization issued by the United States Food and Drug Administration.

80 (i) Nothing in this article shall be construed to prevent compliance with child welfare laws
81 of the state.

82 31-2A-82.

83 (a) The Attorney General of this state or a prosecuting attorney for a city, county, or
84 consolidated government, upon receipt of complaint or upon his or her own initiative after
85 an investigation shows a violation has occurred, is authorized to bring a civil action in any
86 appropriate superior court to enforce the provisions of this article.

87 (b) The court may grant as relief, as it deems appropriate, any permanent or temporary
88 injunction, temporary restraining order, or other order and may award reasonable attorney's
89 fees and court costs.

90 31-2A-83.

91 (a) No law, administrative rule, regulation, or policy by any state or local government
92 entity shall contradict this article.

93 (b) The provisions of this article shall not be suspended, nullified, or otherwise disregarded
94 during any declared emergency, public health crisis, or state of emergency issued by any
95 local, state, or federal authority.

96 31-2A-84.

97 No otherwise healthy individual shall be excluded for private or public activities based on
98 such individual having declined a medical intervention during an outbreak or declared
99 emergency, public health crisis, or state of emergency."

100

SECTION 3.

101 Said title is further amended in Chapter 12, relating to control of hazardous conditions,
102 preventable diseases, and metabolic disorders, by revising Code Section 31-12-3, relating to
103 power to require immunization and other preventive measures, as follows:

104 "31-12-3.

105 ~~(a) The department and all county boards of health are empowered to require, by~~
106 ~~appropriate rules and regulations, persons located within their respective jurisdictions to~~
107 ~~submit to vaccination against contagious or infectious disease where the particular disease~~
108 ~~may occur, whether or not the disease may be an active threat. The department may, in~~
109 ~~addition, require such other measures to prevent the conveyance of infectious matter from~~
110 ~~infected persons to other persons as may be necessary and appropriate. The department~~
111 ~~shall promulgate appropriate rules and regulations for the implementation of the provisions~~
112 ~~of this Code section in the case of a declaration of a public health emergency and shall~~
113 ~~include provisions permitting consideration of the opinion of a person's personal physician~~
114 ~~as to whether the vaccination is medically appropriate or advisable for such person. Such~~

115 ~~rules and regulations shall be adopted pursuant to Chapter 13 of Title 50, the 'Georgia~~
116 ~~Administrative Procedure Act,' but shall be automatically referred by the Office of~~
117 ~~Legislative Counsel to the House of Representatives and Senate Committees on Judiciary.~~
118 ~~(b) In the absence of an epidemic or immediate threat thereof, this Code section shall not~~
119 ~~apply to any person who objects in writing thereto on grounds that such immunization~~
120 ~~conflicts with his religious beliefs. Reserved."~~

121 **SECTION 4.**

122 All laws and parts of laws in conflict with this Act are repealed.