

## 2022 South Dakota Legislature

**House Bill 1008****AMENDMENT 1008B FOR THE INTRODUCED BILL**

1 **An Act to provide a cause of action for certain employees that are required to receive**  
2 **a vaccination as a condition of employment**~~and to declare an emergency.~~

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That chapter 60-2 be amended with a NEW SECTION:**

5 An employee may bring a claim, within two years after the claim accrues, against  
6 an employer in a court of competent jurisdiction for actual and punitive damages for  
7 injuries or illness caused by a COVID-19 vaccination, if the employer required the  
8 employee to receive a COVID-19 vaccination as a condition of employment and did not  
9 provide a vaccination exemption upon request as required by law.

10 ~~No employer may invoke any limitation of liability or damages, or immunity,~~  
11 ~~authorized by state law, when subject to a claim under this section.~~

12 For the purposes of this section, the term, employer, means any person or entity  
13 that has one or more employees, the state and any political subdivision of the state, and  
14 any agent thereof.

15 ~~**Section 2.** Whereas, this Act is necessary for the immediate preservation of the public peace,~~  
16 ~~health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force~~  
17 ~~and effect from and after its passage and approval.~~