



2024 South Dakota Legislature

House Bill 1167

Introduced by: **Representative Jensen (Phil)**

1 **An Act to clarify determinations regarding the injection of a COVID-19 vaccine.**

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

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

4 Each individual employed in this state, whether in the public or private sector, has
 5 the right to evaluate information regarding the efficacy of being injected with a COVID-19
 6 vaccine and determine whether or not to receive the vaccination.

7 For purposes of this section, the term "evaluate information" means to:

8 (1) Consider the findings of peer reviewed studies regarding the efficacy of a COVID-
 9 19 vaccine;

10 (2) Seek guidance from credible medical sources regarding the efficacy of a COVID-19
 11 vaccine;

12 (3) Seek recommendations from personal medical practitioners regarding the efficacy
 13 of a COVID-19 vaccine and prophylactic medicines or treatments for airborne
 14 respiratory infections, including coronavirus;

15 (3) Consider the benefits and risks of being injected with a COVID-19 vaccine, given
 16 one's age and overall health and well-being; and

17 (4) Consider the health needs of, vulnerabilities of, and implications for immediate
 18 family members.

19 If an individual determines that being injected with a COVID-19 vaccine is not
 20 personally justifiable, the individual's employer may require that the individual work at an
 21 alternate location within the same building or work from home, provided doing so is
 22 compatible with the individual's work responsibilities. The employer may not terminate,
 23 demote, discipline, or take any other adversarial action against the individual based on
 24 the individual's determination under this section.

1 An individual aggrieved by an action of the individual's employer under this section
2 may bring a civil suit for damages in circuit court and may sue for all wages and benefits
3 that would have accrued, up to and including the date of the judgment.

4 This section is not applicable to an individual whose employer must, in accordance
5 with federal statute or regulation, require that anyone serving in the individual's position
6 be injected with a COVID-19 vaccine, as a condition of employment in that specified
7 position.