AN ACT

Providing for the right of an employee or prospective employee to refuse to participate in an invasive medical test or vaccination required by an employer.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Right to Refuse Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Employee." Includes an individual employed by an employer.

"Employer." Includes an individual, partnership, association, corporation or business trust, the Commonwealth, a political subdivision of the Commonwealth or an authority or instrumentality of the Commonwealth, or a person or group of persons acting, directly or indirectly, in the interest of an
employer in relation to an employee.

"Invasive medical test." As follows:

(1) A medical test or screening that:

(i) involves puncture or incision of the skin, insertion of an instrument or injection of foreign material into the body; or

(ii) requires the employee to provide samples of bodily fluids, bodily tissue or genetic material.

(2) The term shall not apply to medical testing or screening that is:

(i) required by Federal or State law;

(ii) intended to screen for the illegal use of drugs, except for the use of marijuana; or

(iii) is necessary for the employer to comply with workplace safety standards issued under the Occupational Safety and Health Act of 1970 (Public Law 91-596, 29 U.S.C. § 651 et seq.).

"Prospective employee." An individual who has been offered employment by an employer, whether or not the offer is contingent on additional review or screening by the employer.

Section 3. Prohibited acts.

It shall be unlawful for an employer to discharge, refuse to hire, threaten or otherwise retaliate or discriminate against an employee or prospective employee regarding compensation or other terms or conditions of employment because the employee or prospective employee:

(1) refuses to participate in an invasive medical test or vaccination required by the employer; or

(2) informs other employees of the provisions of this act.
Section 4. Actions.

(a) Right to bring action.--An employee or prospective employee who suffers retaliation or discrimination in violation of section 3 may bring an action in a court of common pleas in accordance with established civil procedures of this Commonwealth.

(b) Time limitation.--An action under this section must be brought within three years from the date that the employee or prospective employee knew of the retaliation or discrimination.

Section 5. Relief.

If an employee or prospective employee prevails in an action commenced under section 4, the employee shall be entitled to the following relief:

(1) Reinstatement of the employee, if applicable.

(2) Restitution equal to three times the amount of the individual's wages and fringe benefits or prospective wages and fringe benefits calculated from the date of the retaliation or discrimination.

(3) Reasonable attorney fees and costs of the action.

(4) Any other legal and equitable relief as the court deems appropriate.

Section 6. Effective date.

This act shall take effect in 60 days.