

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 446 Session of 2023

INTRODUCED BY MASTRIANO, PENNYCUICK, DUSH, BARTOLOTTA, BROOKS, HUTCHINSON AND J. WARD, FEBRUARY 24, 2023

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, FEBRUARY 24, 2023

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
 2 Consolidated Statutes, in Pennsylvania National Guard,
 3 providing for vaccine exemption.

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

6 Section 1. Title 51 of the Pennsylvania Consolidated
 7 Statutes is amended by adding a section to read:

8 § 2318. Vaccine exemption.

9 (a) Exemption.--In accordance with section 525 of the James
 10 M. Inhofe National Defense Authorization Act for Fiscal Year
 11 2023 (Public Law 117-263), no member or employee of the
 12 Pennsylvania National Guard or Air National Guard may be
 13 required to receive a COVID-19 vaccine. No administrative or
 14 legal actions may be taken against a member or employee of the
 15 Pennsylvania National Guard or Air National Guard based solely
 16 on the member's refusal to receive a COVID-19 vaccine.

17 (b) Restoration.--Any member or employee of the Pennsylvania
 18 National Guard or Air National Guard that was dismissed or

1 forced to resign related to the member's or employee's refusal
2 to receive a COVID-19 vaccine shall be permitted to rejoin the
3 Pennsylvania National Guard or Air National Guard with the
4 restoration of any lost benefit and payment in the time between
5 the involuntary separation of the individual and reinstatement.

6 (c) Definitions.--As used in this section, the following
7 words and phrases shall have the meanings given to them in this
8 subsection unless the context clearly indicates otherwise:

9 "COVID-19." The novel coronavirus as identified in the
10 Governor's proclamation of disaster emergency issued on March 6,
11 2020, published at 50 Pa.B. 1644 (March 21, 2020).

12 "COVID-19 vaccine." A vaccine for COVID-19 that has received
13 emergency use authorization or approval from the United States
14 Food and Drug Administration.

15 Section 2. This act shall take effect immediately.