
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2318 Session of
2022

INTRODUCED BY E. NELSON, DAVANZO, PICKETT, RYAN, GREINER,
PENNYCUICK, HAMM, M. MACKENZIE, RADER, KAUFFMAN, IRVIN, COX,
KEEFER, MILLARD AND ZIMMERMAN, FEBRUARY 3, 2022

REFERRED TO COMMITTEE ON HEALTH, FEBRUARY 3, 2022

AN ACT

1 Providing for exemption to employer COVID-19 vaccine
2 requirements when individuals possess natural immunity to the
3 virus.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the COVID-19
8 Natural Immunity Vaccine Exemption Act.

9 Section 2. Definitions.

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

13 "COVID-19." The coronavirus disease 2019, an infectious
14 disease caused by severe acute respiratory syndrome coronavirus
15 2 that was first identified during December 2019 in Wuhan,
16 China.

17 "COVID-19 vaccine." A vaccine for COVID-19 that has received
18 an emergency use authorization or approval from the United

1 States Food and Drug Administration.

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

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

9 "Natural immunity." Possessing immunity to the COVID-19
10 virus as a result of previous infection caused by the virus.

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

14 Section 3. Exemption to COVID-19 vaccine requirement.

15 Except as otherwise provided under Federal law, an employer
16 that imposes a COVID-19 vaccine requirement for an employee or
17 prospective employee shall exempt the employee or prospective
18 employee from the COVID-19 vaccine requirement if the employee
19 or prospective employee furnishes any of the following official
20 medical test results to the employer and no more than 90 days
21 have passed since the date that the medical test was
22 administered:

23 (1) Proof from a physician or a physician's designee
24 that the employee or prospective employee was previously
25 infected with COVID-19.

26 (2) A serology test demonstrating the presence of
27 antibodies for COVID-19, which is approved by the United
28 States Food and Drug Administration, with a clinical
29 diagnosis from a licensed provider or qualified Clinical-
30 Laboratory-Improvement-Amendments-certified facility under

1 the Department of Health of the Commonwealth.

2 Section 4. Nonexistence of natural immunity.

3 If an employee or prospective employee who received an
4 exemption under section 3 no longer possesses natural immunity,
5 the employee or prospective employee shall have at least 30 days
6 to provide additional evidence of natural immunity under section
7 3, seek an alternative exemption or comply with the employer
8 COVID-19 vaccine requirement.

9 Section 5. Expiration.

10 This act shall expire December 31, 2027.

11 Section 6. Effective date.

12 This act shall take effect immediately.