

April 29, 2022

Vol. XXXIV, No. 7

## **MANDATED VACCINE EXEMPTIONS**

The Nebraska Legislature has passed LB 906, which requires employers who mandate COVID-19 vaccinations to grant a vaccine exemption for medical or religious purposes. The new language took effect on February 28, 2022.

Under LB 906, any employer that requires its job applicants or employees to be vaccinated against COVID-19 must grant an exemption from vaccination for individuals who provide a completed vaccine exemption form, seeking an exemption on the basis of a medical or religious reason. The form is available from the Nebraska Department of Health and Human Services and can be obtained at <https://dhhs.ne.gov/Documents/COVID-19-Vaccine-Exemption-Form.pdf>.

The vaccine exemption form allows an individual to declare either: 1) that a healthcare practitioner has provided the individual with a signed, written statement that, in the healthcare practitioner's opinion, receiving a COVID-19 vaccine is either medically contraindicated for the individual or medical necessity requires the individual to delay receiving such vaccine; or 2) that receiving a COVID-19 vaccine would conflict with the individual's sincerely held religious belief, practice or observance. Individuals seeking an exemption for medical reasons must also provide a signed, written statement from a healthcare practitioner identified in the completed form.

While an employer may require its exempted employees to be periodically tested for COVID-19, the testing must be conducted at the employer's expense. The new law also allows employers to require its exempted employees to wear or use personal protective equipment provided at the expense of the employer.

**The foregoing Compliance Update is for informational purposes only, and does not constitute legal advice. As a reminder, the NBA general counsel is the attorney for the Nebraska Bankers Association, not its member banks. The general counsel is available to assist members with finding resources to help answer their questions. However, for specific legal advice about specific situations, members must consult and retain their own attorney.**