

HB22-1100 Prohibit Discrimination COVID-19 Vaccine Status

Wednesday, March 9 2022

Health & Insurance | 1:30 p.m. Room 0112

Testimony: Oppose

Good afternoon, Mr. Chair and committee members. My name is Adam Burg, and I'm the vice president of government affairs at the Denver Metro Chamber of Commerce.

C3 is opposed to HB21-1191.

The COVID vaccines are the best – and only – chance Colorado has to get past the pandemic, fully re-opening business and, most importantly, keeping them open and their employees getting paid.

Businesses take the health and safety of their employees and customers seriously. We would have seen little compliance with the State's mask order if not for businesses stepping up doing the right thing.

This bill creates a new "protected class" of employees and customers who refuse the vaccine. It sets up three new private rights of action under which businesses can be sued for trying to protect themselves, their employees and their customers on their own private property. This bill even goes further than Colorado laws against discrimination based on gender or race and will only lead to more abusive and expensive litigation against the very public-facing businesses hardest hit by the pandemic.

Legal protections already exist, of course. The ADA, HIPAA, the Civil Rights Act and other federal and state laws provide protections for those who legitimately can't be vaccinated. Just for example, an employer must create exceptions, or provide reasonable accommodations, for employees refusing a vaccine due to a disability or sincerely held religious belief.

Employers are not – and should not be – forced to accommodate secular or unscientific beliefs about vaccines.

The vast majority of businesses will not have a vaccine policy. The fact is that we are aware of few, if any, Colorado businesses that currently have a mandate. Those who feel the need will ultimately likely decide it is legally safer to encourage, rather than require, employees be vaccinated. Some have even offered bonuses, time off for vaccinations or reimbursement of vaccination-related expenses – all positive practices that would likely be ended by this bill.

Obviously, everyone should have the right to take the vaccine or not, as they choose. And they do. But under the same understanding of freedom from government interference, business owners should have the right to make decisions to protect themselves, their employees and their customers on their own private priority. In other words, your right to not take a vaccine ends where my private property rights and freedom of contract begin.

Please vote no on HB1191.