

SENATE, No. 3681

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED APRIL 26, 2021

Sponsored by:

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

Co-Sponsored by:

Senator Doherty

SYNOPSIS

Prohibits discrimination against individuals who have not received COVID-19 vaccine.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/1/2021)

1 AN ACT concerning COVID-19, immunizations, and discrimination
2 and supplementing Title 10 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. Notwithstanding any law, rule, regulation, or executive
8 order to the contrary, it shall be unlawful to ask any individual if
9 the individual has received a coronavirus disease 2019 (COVID-19)
10 vaccine, to require any individual to receive a COVID-19 vaccine,
11 or to require any individual to show proof of having received a
12 COVID-19 vaccine as a condition of or as a prerequisite to:

13 (1) the exercise of any privilege or right granted under State or
14 federal law;

15 (2) conducting any business or commerce;

16 (3) travelling to, outside, or within the State;

17 (4) obtaining or maintaining an internship, obtaining or
18 maintaining employment, or receiving a promotion from an
19 employer;

20 (5) participation in any governmental or political activity;

21 (6) admission or enrollment into any child or adult day care
22 program;

23 (7) admission to, enrollment in, or graduation from a preschool
24 program, elementary or secondary school, college, university, or
25 any other institution of education;

26 (8) participation in any activity, internship, opportunity,
27 program, or sport offered by a preschool program, elementary or
28 secondary school, college, university, or any other institution of
29 education;

30 (9) receiving adequate dental care or health care;

31 (10) maintaining, receiving, or renewing a professional
32 certification or license;

33 (11) obtaining or renewing membership in any professional
34 organization;

35 (12) entrance into or service from any place of business,
36 including, but not limited to, any market, restaurant, or store;

37 (13) entrance into and service from any public building, office,
38 or structure;

39 (14) entrance into and use of any public park or beach; or

40 (15) admission into or service from any amusement park,
41 concert venue, theater, or sporting event.

42 b. It shall be unlawful to discriminate against or to take any
43 adverse action against any individual who has not received a
44 COVID-19 vaccine or who does not disclose whether the individual
45 has received a COVID-19 vaccine.

46

47 2. An individual who violates the provisions of this act shall, in
48 addition to any other relief authorized by law, be liable for civil

1 damages to the victim in the amount of \$25,000 in an action
2 brought in the Superior Court in the county where the offense
3 occurred. In addition to an award of civil damages, the court shall
4 order the defendant to pay such attorney's fees or expenses, or both,
5 that are actually and reasonably incurred by the victim who is the
6 successful party in the action.

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8 3. This act shall take effect immediately.

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STATEMENT

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13 This bill prohibits discrimination against individuals who have
14 not received a COVID-19 vaccine.

15 Under the bill, it is to be unlawful to ask any individual if the
16 individual has received a coronavirus disease 2019 (COVID-19)
17 vaccine, to require any individual to receive a COVID-19 vaccine,
18 or to require any individual to show proof of having received a
19 COVID-19 vaccine as a condition of or as a prerequisite to:

20 (1) the exercise of any privilege or right granted under State or
21 federal law;

22 (2) conducting any business or commerce;

23 (3) travelling to, outside, or within the State;

24 (4) obtaining or maintaining an internship, obtaining or
25 maintaining employment, or receiving a promotion from an
26 employer;

27 (5) participation in any governmental or political activity;

28 (6) admission or enrollment into any child or adult day care
29 program;

30 (7) admission in, enrollment in, or graduation from a preschool
31 program, elementary or secondary school, college, university, or
32 any other institution of education;

33 (8) participation in any activity, internship, opportunity,
34 program, or sport offered by a preschool program, elementary or
35 secondary school, college, university, or any other institution of
36 education;

37 (9) receiving adequate dental care or health care;

38 (10) maintaining, receiving, or renewing a professional
39 certification or license;

40 (11) obtaining or renewing membership in any professional
41 organization;

42 (12) entrance into or service from any place of business,
43 including, but not limited to, any market, restaurant, or store;

44 (13) entrance into and service from any public building, office,
45 or structure;

46 (14) entrance into and use of any public park or beach; or

47 (15) admission into or service from any amusement park,
48 concert venue, theater, or sporting event.

S3681 HOLZAPFEL

1 The bill provides that it is to be unlawful to discriminate against
2 or to take any adverse action against any individual who has not
3 received a COVID-19 vaccine or who does not disclose whether the
4 individual has received a COVID-19 vaccine. An individual who
5 violates the provisions of this bill is to, in addition to any other
6 relief authorized by law, be liable for civil damages to the victim in
7 the amount of \$25,000 in an action brought in the Superior Court in
8 the county where the offense occurred. In addition to an award of
9 civil damages, the court is to order the defendant to pay such
10 attorney's fees or expenses, or both, that are actually and reasonably
11 incurred by the victim who is the successful party in the action.