

HB 1352-FN - AS INTRODUCED

2022 SESSION

22-2637

04/11

HOUSE BILL

1352-FN

AN ACT relative to eligibility for workers' compensation for an adverse reaction to a mandatory COVID-19 vaccination.

SPONSORS: Rep. Hough, Belk. 3; Rep. Aron, Sull. 7; Rep. Binford, Graf. 15; Rep. Andrus, Merr. 1; Rep. Love, Rock. 6; Rep. Sylvia, Belk. 6

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill provides that an adverse reaction to an employer-mandated COVID-19 vaccination shall be deemed to be an occupational disease for the purpose of determining eligibility for workers' compensation.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to eligibility for workers' compensation for an adverse reaction to a mandatory COVID-19 vaccination.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Workers' Compensation; Adverse Reaction to COVID-19 Vaccination. Amend
2 RSA 281-A by inserting after section 16 the following new section:

3 281-A:16-a Adverse Reaction to COVID-19 Vaccination.

4 I. An employee who develops an adverse reaction arising from an employer-required
5 COVID19-vaccination, including any sickness, disease, trauma, injury, or condition arising from
6 such vaccination, shall be considered to have an occupational disease and shall be eligible for
7 workers' compensation benefits under this chapter if the employer:

8 (a) Requires an employee to receive a vaccination for COVID-19 or any of its genetic
9 variants as a condition of continued or new employment; or

10 (b) Imposes additional requirements or workplace conditions upon an employee who
11 declines to receive a COVID-19 vaccination; or

12 (c) Provides a bonus or other additional compensation to an employee who receives a
13 COVID-19 vaccination.

14 II. Notwithstanding RSA 281-A:16, in this section, "adverse reaction" shall mean sickness,
15 disease, trauma, injury, or condition arising from a COVID-19 vaccination that was not present prior
16 to administration of the vaccination where the adverse reaction occurs within 14 days of
17 administration of the vaccination.

18 2 Effective Date. This act shall take effect 60 days after its passage.

HB 1352-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to eligibility for workers' compensation for an adverse reaction to a mandatory COVID-19 vaccination.

FISCAL IMPACT: ☒ State ☒ County ☒ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	☒ General Government Funds ☐ Education ☒ Highway ☒ Other - Various			

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

LOCAL:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill provides that an adverse reaction to an employer-mandated COVID-19 vaccination shall be deemed to be an occupational disease for the purpose of determining eligibility for workers' compensation.

The Department of Labor does not anticipate this bill would have any appreciable impact on revenues at the state, county or local levels. The Department indicates it is possible that the bill could result in an increase to state, county and local expenditures related to increases to workers' compensation rates. The Department deemed such potential increases "indeterminable" as it is not possible to credibly quantify the impact, if any. The Department does not anticipate the proposed legislation would materially impact the costs of administering workers' compensation law.

AGENCIES CONTACTED:

Department of Labor

