



SPONSOR: Rep. Collins & Sen. Richardson
Reps. Briggs King, Dukes, D. Short, Yearick; Sens.
Lawson, Wilson

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 209

AN ACT TO AMEND TITLES 29 AND 19 OF THE DELAWARE CODE RELATING TO COVID-19
IMMUNIZATION RIGHTS.

WHEREAS, the COVID-19 virus has contributed or been related to the deaths of 1,644 Delawareans; and

WHEREAS, Delaware in response to the spread of COVID-19 declared a State of Emergency on March 12, 2020 to try and slow down the spread of COVID-19 and protect the people of Delaware; and

WHEREAS, private industries, the federal government, and state governments, in coordination, have developed and distributed vaccines to protect individuals from COVID-19; and

WHEREAS, vaccinations of individuals have reached a significant portion of the people of Delaware; and

WHEREAS, various approved vaccines have been shown to be 95% or more effective in protecting individuals from being infected with COVID-19 and from being able to spread the infection to others; and

WHEREAS, 100% vaccination participation is a desirable goal, but is not likely to be achieved due to many reasons; and

WHEREAS, some individuals will have medical conditions that would make a COVID-19 vaccination contraindicated for that person's health; and

WHEREAS, other individuals believe undergoing a vaccination would be contrary to a sincerely held religious belief.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 29, Chapter 51 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5125. Purpose.

(a) It is recognized and declared that:

(1) the welfare of the people of this State has been impaired by the spread of the COVID-19 virus.

(2) that vaccines have proven themselves to be 95% or more effective in protecting individuals from contracting or spreading the COVID-19 virus.

24 (3) that an individual's freedom of religion and healthcare privacy are fundamental rights.

25 (4) that no individual should be required or coerced into having a vaccine injected or otherwise
26 introduced into their body.

27 (b) Therefore, in order to promote the welfare of the people of this State, voluntary vaccinations against COVID-
28 19 should be encouraged but not mandated and no service or benefit should be denied to individuals who freely choose to
29 not be vaccinated.

30 §5126. COVID-19 Immunization Rights

31 (a) Notwithstanding any State of Emergency declared or extended by the Governor, a state agency, political
32 subdivision of the state, school district, charter school, or any person that is the annual recipient of \$10,000,000 or more
33 from the state, may not require an individual to undergo medical vaccination against COVID-19 or prove that the individual
34 has been vaccinated against COVID-19, to access an area of service that is open to the public.

35 (b) Notwithstanding any disaster emergency declared or extended by the Governor of this State, a state agency,
36 political subdivision of the state, school district, charter school, or any person that is the annual recipient of \$10,000,000 or
37 more from the state, may not adopt or issue a regulation, ordinance, law, order, or similar policy that requires an individual
38 to undergo medical vaccination against COVID-19, or prove that the individual has been vaccinated against COVID-19, to
39 exercise a lawful right or receive a benefit or service that is available to the public.

40 (c) This section shall not apply to any person if such application would violate federal regulation or federal law.

41 (d) For the purposes of this section, "COVID-19" means the novel coronavirus disease caused by the severe acute
42 respiratory syndrome coronavirus 2 (SARS-COV-2).

43 Section 2. This Act shall sunset 1 year after enactment.

SYNOPSIS

This Act protects the rights of individuals who do not receive COVID-19 vaccinations. This will prohibit the state, schools, political subdivisions, and certain recipients of state funds from denying access or services to such persons.