



**Senate Committee on Public Health and Welfare
Testimony in Opposition to Senate Bill 390
Presented by William Wilk, Senior Director of Government Affairs**

Wednesday, February 14, 2024

Madam Chair and members of the committee, my name is William Wilk, Senior Director of Government Affairs for the Kansas Chamber. The Kansas Chamber appreciates the opportunity to submit opponent testimony to Senate Bill 390, a bill restricting an employer's action on vaccine requirements for employees.

SB390 would prohibit an employer, healthcare entity, school, or person from requiring any vaccination, biologic, pharmaceutical, drug, gene editing technology, DNA- or RNA-based product if such individual's refusal is for conscience meaning theistic and non-theistic moral and ethical beliefs according to the bill. The bill would prohibit an employer from a refusal to hire, to dismiss an employee or warn the employee of dismissal, suspended, or enact any monetary penalty to the employee for this refusal.

This bill also creates a civil cause of action against entities who discriminate based upon such medical care refusal. If a case is filed according to the bill the prevailing plaintiff shall recover three times the amount of actual damages or \$10,000, whichever is greater, and the cost of suit, including attorney fees.

According to SHRM National, "Employers have an obligation to accommodate an employee's sincerely held religious belief under Title VII of the Civil Rights Act (Title VII), unless the accommodation creates an undue hardship." Religious exemption protections are already offered by the federal government. This bill also would prohibit businesses from making decisions based on the safety of their employees.

The Kansas Chamber will continue to oppose legislation preventing businesses the ability to decide what is best for the safety of their employees. Employers value their employees and will do everything possible to protect them through responsible safety programs. Falling workplace accident and injury data suggest just that.

SB390 ties employers hands and prevents open dialogue about risks with workplace travel to places where vaccines might be required to protect employees from illness not common in the United States. SB 390 does nothing but expose employees to potential illness and employers to new liability.

In closing this an unnecessary piece of legislation that places extreme restrictions on Kansas businesses.

Thank you for the opportunity to testify in opposition to Senate Bill 390, and I am happy to answer any questions you might have at the appropriate time.