

## Indiana Requires Vaccine Exemptions

Indiana now entitles employees to opt out of a COVID vaccine mandate by producing a note that says:

- Receiving the COVID vaccine is medically contraindicated for the employee;
- Receiving the COVID vaccine would conflict with their sincerely held religious belief; or
- The employee is immune to COVID because of a previous COVID infection.

This new law applies to employers that have one or more employees, with several exceptions (which are outlined in detail on the platform). If an employee opts out of the vaccine mandate for one of the above reasons, employers can still require employees to submit to COVID testing up to two times per week. Any COVID test required by the employer must be approved by the FDA, be the least invasive testing option available, and can't create an undue burden on the employee.

For exemption requests because the vaccine is medically contraindicated, employers may require the employee to provide a signed note from a licensed physician, a licensed physician assistant, or an advanced practice registered nurse who has examined the employee. For exemption requests based on immunity, the employer can require the results of the employee's lab test once every three months—any FDA-approved test is acceptable. If the employee provides the requisite documentation for either of these exemptions, the employer must grant the request without further inquiry.

If the employee's request is for religious reasons, then the employer must grant the request on the same terms as would apply under Title VII of the Civil Rights Act of 1964. Title VII applies to employers that have 15 or more employees and generally requires them to provide religious accommodations to employees unless doing so would cause an undue hardship.

Although federal and Indiana laws already require employers to grant exceptions to work requirements based on disability or religious belief, those laws don't kick in until certain employee counts (6 for state and 15 for federal). Also, this new law doesn't allow employers to deny *medical* or *immunity* exemption requests based on undue hardship.