

Bill S.1094

SECTION 1. Chapter 111 of the General Laws, as so appearing, is hereby amended by inserting the following new section:

“Section 183A.

(a) Definitions - The following words used in this section shall have the following meanings unless the context clearly requires otherwise:

“Non-invasive”, a test or treatment in which the body is not penetrated or entered by a needle, tube, device, swab, or scope, or one in which no substance is administered orally or otherwise.

(b) No person shall be compelled to acquiesce to medical treatments or procedures, collection of specimens, or sharing of personal data or medical information. A person’s fundamental rights including privacy, travel, and speech afforded under the United States Constitution shall not be infringed upon to impede the making of decisions for themselves or for their dependents, including, but not limited to, decisions about health and medical care, including complementary and alternative healthcare services, education, employment, travel, and lifestyle preferences.

(c) No employer shall decline to hire, or terminate the employment of, a person solely on the basis of the person’s choice to engage or not engage with a medical treatment or procedure. A person whose rights ~~under have been violated by~~ this act **are violated** may bring **an** action for (i) an injunction against any further violation; (ii) appropriate affirmative relief, including, but not limited to, admission or reinstatement of employment with back pay plus 10 percent interest; and (iii) any other relief necessary to ensure compliance with this Act.

Unless otherwise prescribed, any person or official who willfully violates a provision of this chapter is in violation of Title 42 USC 1983, and remedies may be pursued to the fullest extent of the law.

(d) Nothing in this section shall preclude drug or alcohol testing or any reasonable requirement for non-invasive medical testing or treatments, such as requiring a pilot to undergo a vision test or wear corrective lenses while piloting an aircraft.

**SECTION 2. The rights described in Section 1 are applicable notwithstanding special or general laws, rules, orders, or directives, or laws, rules, orders or directives made or promulgated in response to an emergency, including but not limited to a national security emergency, state-wide emergency, local or other health emergency, or any peacetime emergency, and notwithstanding existing laws and rules addressing outbreaks or potential outbreaks or epidemics of a contagious, infectious, or communicable disease.**

**SECTION 3. This act shall take effect 60 days after its passage.**