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Nebraska Governor Signs COVID-19 Vaccine Exemption Bill

On February 28, 2022, Nebraska Governor Pete Ricketts signed [Nebraska LB 906](#), which allows employees to claim medical and religious exemptions from employer-mandated COVID-19 vaccination policies. The bill was originally introduced by Sen. Ben Hansen from Blair and passed with a 37-5 vote. Because the legislation includes an emergency clause, the law took effect on 12:00 a.m. on March 1, 2022. The new law results from a careful compromise between state businesses and health care groups.

The law allows employees and job applicants to fill out a [form](#) from the Nebraska Department of Health and Human Services. Employers with one or more employees must provide exemptions to their COVID-19 vaccination policy, including when: (1) “receiving a COVID-19 vaccine is medically contraindicated,” (2) “medical necessity requires . . . delay [in] receiving such vaccine,” and (3) “receiving a COVID-19 vaccine would conflict with [the employee]’s sincerely held religious belief, practice, or observance.”

An individual requesting a religious exemption is not required to submit any verifying documentation to support their request. However, employees claiming medical exemptions must also submit a health care practitioner’s signed written statement with the completed form. According to the legislation, the medical certification must come from a health care practitioner, which includes doctors, physicians’ assistants, or advanced practice registered nurses.

Although employees may be exempt from COVID-19 vaccination, the legislation permits employers to require periodic COVID-19 testing at the employer’s expense. Employees may also be required to wear masks or other personal protective equipment provided by their employer. Notably, this law does not supersede federal law requiring vaccination for federal contractors or entities covered by the Centers for Medicare and Medicaid Services. This legislation is also specifically limited to COVID-19 vaccination and does not include protections for other types of vaccinations.

In response to this legislation, Governor Ricketts has stated: "Sweeping COVID vaccine mandates fail to account for individuals' medical conditions and religious convictions. Unlike the Federal government, the Nebraska Legislature recognizes that. Thanks to Senator Ben Hansen for taking action to give Nebraskans an avenue to claim this exemption."

If you have any questions about Nebraska's recent legislation, or how it might impact your organization's management of COVID-19, please contact your Kutak Rock attorney or a member of the firm's [National Employment Law Group](#). You may also visit us at www.KutakRock.com.

