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H.61

Introduced by Representatives Higley of Lowell, Burt of Cabot, Casey of
Hubbardton, Coffin of Cavendish, Nielsen of Brandon, Powers
of Waterford, Southworth of Walden, and Tagliavia of Corinth

Referred to Committee on

Date:

Subject: Health; health care decision making; bodily autonomy

Statement of purpose of bill as introduced: This bill proposes to recognize and
to prohibit any interference with an individual's rights to bodily autonomy, to
make the individual's own health care decisions, and to be free to accept or
refuse any health or medical intervention, testing, treatment, or vaccine based
on the individual's own religious, conscientious, or personal beliefs.

An act relating to bodily autonomy and health care decision making

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 18 V.S.A. chapter 15 is added to read:

CHAPTER 15. RIGHTS TO BODILY AUTONOMY AND

HEALTH CARE DECISION MAKING

§ 851. STATEMENT OF POLICY

The State of Vermont recognizes the rights of each individual to bodily
autonomy, to make the individual's own health care decisions, and to be free to

1 accept or refuse any health or medical intervention, testing, treatment, or
2 vaccine based on the individual's own religious, conscientious, or personal
3 beliefs.

4 § 852. COERCION AND INTERFERENCE PROHIBITED

5 (a)(1) Notwithstanding any provision of law to the contrary, the State of
6 Vermont; its agencies, subdivisions, instrumentalities, and designees; and all
7 other employers, businesses, nonprofit organizations, institutions, facilities,
8 schools, churches and other places of worship, travel carriers, licensing
9 authorities, and other individuals and public and private and entities shall not
10 deny, restrict, infringe upon, or impose conditions on an individual's rights to
11 bodily autonomy, to make the individual's own health care decisions, and to be
12 free to accept or refuse any health or medical intervention, testing, treatment,
13 or vaccine based on the individual's own religious, conscientious, or personal
14 beliefs.

15 (2) The prohibitions set forth in subdivision (1) of this subsection
16 include not denying, restricting, infringing upon, or imposing conditions on an
17 individual's employment, travel, education, child care, religion, benefits,
18 insurance, or participation in sports, camps, or other recreation based in whole
19 or in part on the exercise of an individual's right to refuse any medical
20 intervention, testing, treatment, or vaccine based on the individual's own
21 religious, conscientious, or personal beliefs.

1 (b) Notwithstanding any provision of statute or rule to the contrary,
2 including a statute or rule addressing an outbreak, epidemic, or potential
3 outbreak or epidemic of a contagious, infectious, or communicable disease,
4 and notwithstanding any statute, rule, order, or directive that may be adopted
5 or promulgated in response to an emergency, including a national security
6 emergency, statewide emergency, local emergency, public health emergency,
7 or peacetime emergency, each individual shall retain the rights to bodily
8 autonomy, to make the individual's own health care decisions, and to be free to
9 accept or refuse any health or medical intervention, testing, treatment, or
10 vaccine based on the individual's own religious, conscientious, or personal
11 beliefs.

12 (c) Nothing in this section shall be construed to interfere with the right of a
13 parent to make decisions that the parent determines to be in the best interests of
14 the parent's minor child or children.

15 § 853. ENFORCEMENT

16 Any individual who suffers damage, loss, or injury as a result of any
17 conduct prohibited by section 852 of this chapter may bring an action in
18 Superior Court against the individual or entity that engaged in the conduct for
19 injunctive relief, compensatory and punitive damages, costs and reasonable
20 attorney's fees, and other appropriate relief.

- 1 Sec. 2. EFFECTIVE DATE
- 2 This act shall take effect on passage.