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Authors:

[Jennifer A. Rulon](#)

[Amy S. Wilson](#)

[Heather L. Wilson](#)

Indiana Enacts Bill Restricting Employer Vaccine Mandates

The Indiana General Assembly recently passed House Bill 1001, which restricts employers' ability to impose COVID-19 vaccination mandates. Governor Eric Holcomb signed the final version of the bill on March 3, 2022, and it is effective immediately.

Under the law, covered employers who implement a mandatory COVID-19 vaccination policy are required to provide exemptions to employees who:

- Provide a signed note from their medical provider stating that the vaccine is medically contraindicated for the employee;
- Have "acquired immunity" because they have tested positive for COVID-19 on a PCR test, an antigen test, or an antibody test within the last three months; or
- Have a sincerely held religious belief, in compliance with Title VII of the Civil Rights Act of 1964.

The Indiana Senate added the "in compliance with Title VII" language to the bill after the legislation passed the House. This language may provide employers with the ability to review exemption requests under Title VII's undue hardship standard.

Covered employers are allowed to have employees with exemptions submit to COVID-19 testing no more than twice per week, in lieu of vaccination. The law is silent as to who pays for such testing. Though this may appear to give employers discretion regarding payment for testing, employers should consider federal laws – such as the Fair Labor Standards Act – that may impact this decision.

Covered employers are also prohibited from including any provision that would require an employee to receive a COVID-19 vaccination in any contracts, bid specifications, or agreements entered into after March 31, 2022. "Employee" is defined to include any individual who works for an employer on a full-time or part-time basis, and specifically includes independent contractors, subcontractors, and student trainees or interns.

The new Indiana law does **not** apply to:

- Federal employers;
- Federal contractors;
- Healthcare employers that receive Medicare and Medicaid funding; and
- The employees of professional sports organizations and entertainment venues who work closely with teams and entertainment at the venue.

If you have questions regarding this law or COVID-19 vaccination policies, please contact [Amy Wilson](#), [Heather Wilson](#), [Jennifer Rulon](#), or any member of Frost Brown Todd's [Labor & Employment](#) practice group.

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