

HOUSE BILL NO. HB0032

Vaccine requirements-limitations.

Sponsored by: Joint Labor, Health & Social Services Interim
Committee

A BILL

for

1 AN ACT relating to public health and safety; requiring
2 health care facilities, governmental entities and providers
3 of essential services to offer reasonable accommodations as
4 specified to persons unable or unwilling to provide proof
5 of immunization; providing for a vaccine monitoring period
6 before an immunization may be mandated for school children;
7 providing that requiring immunization as a condition of
8 employment is a discriminatory or unfair employment
9 practice as specified; providing definitions; and providing
10 for an effective date.

11

12 *Be It Enacted by the Legislature of the State of Wyoming:*

13

14 **Section 1.** W.S. 35-4-140 is created to read:

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1 **35-4-140. Limitation on immunization requirements;**
2 **health care facilities and publicly funded services.**

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4 (a) A health care facility shall provide a reasonable
5 accommodation to any person seeking to visit a patient or
6 resident of the health care facility if the person is
7 unable or unwilling to provide proof of immunization.

8

9 (b) A governmental entity or public employee shall
10 provide a reasonable accommodation, including through
11 audio-visual or computerized means, to any person seeking
12 to access a publicly funded service if the person is unable
13 or unwilling to provide proof of immunization.

14

15 (c) As used in this section:

16

17 (i) "Governmental entity" means as defined in
18 W.S. 1-39-103(a)(i) and includes any "local government" as
19 defined in W.S. 1-39-103(a)(ii);

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21 (ii) "Health care facility" means as defined in
22 W.S. 35-2-901(a)(x);

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1 (iii) "Public employee" means any officer,
2 employee, servant of, or any person providing services as
3 an independent contractor of, a governmental entity;

4
5 (iv) "Reasonable accommodation" means any change
6 in policy, process, location or other appropriate measures
7 that allows a person who is unable or unwilling to provide
8 proof of immunization to visit a patient or resident of the
9 health care facility or to access publicly funded services
10 unless doing so would create an undue hardship or would
11 pose a direct and unavoidable threat to the health or
12 safety of the patient, resident or staff or other patients
13 or residents of the health care facility.

14
15 **Section 2.** W.S. 6-9-101 by creating a new subsection
16 (b) and by renumbering (b) as (c), 21-4-309(d) by creating
17 a new paragraph (iv) and 27-9-105(a) by creating a new
18 paragraph (v) are amended to read:

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20 **6-9-101. Equal enjoyment of public accommodations and**
21 **facilities; penalties.**

22

1 (b) Any provider of an essential service or product
2 shall provide a reasonable accommodation to any person
3 seeking to obtain an essential service or product offered
4 by the provider if the person is unable or unwilling to
5 provide proof of immunization. As used in this subsection:

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7 (i) "Essential service or product" means any
8 service or product provided by a pharmacy, drug store,
9 physician, physician assistant, nurse practitioner,
10 dentist, physical therapist, mental health specialist,
11 kidney dialysis center, ambulance service, hospital,
12 funeral home, grocery store, crisis shelter, bank or credit
13 union, special needs transportation or gasoline station;

14
15 (ii) "Reasonable accommodation" means any change
16 in policy, process, location or other appropriate measures
17 that allows a person who is unable or unwilling to provide
18 proof of immunization to obtain an essential service or
19 product unless doing so would create an undue hardship or
20 pose a direct and unavoidable threat to the health or
21 safety of the person or others.

22

1 ~~(b)~~(c) A person who intentionally violates this
2 section commits a misdemeanor punishable by imprisonment
3 for not more than six (6) months, a fine of not more than
4 seven hundred fifty dollars (\$750.00), or both.

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6 **21-4-309. Mandatory immunizations for children**
7 **attending schools; exceptions.**

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9 (d) For purposes of this section:

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11 (iv) An immunization shall only be mandated
12 after the expiration of a five (5) year period immediately
13 following the beginning of the attendant federal post
14 licensure vaccine safety monitoring period for pediatric
15 patients as administered by the immunization safety office
16 within the center for disease control.

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18 **27-9-105. Discriminatory and unfair employment**
19 **practices enumerated; limitations.**

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21 (a) It is a discriminatory or unfair employment
22 practice:

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1 (v) For an employer to require as a condition of
2 employment that any employee or prospective employee be
3 immunized for any preventable disease unless the
4 requirement is strictly based on federal law or rule or the
5 employer can demonstrate that an unimmunized employee would
6 create an undue hardship or pose a direct threat to the
7 health or safety of persons in the workplace that cannot be
8 eliminated or reduced by means of a reasonable
9 accommodation. As used in this paragraph, "reasonable
10 accommodation" means any change to the application or
11 hiring process, to the job, to the way the job is done or
12 the work environment that allows an unimmunized person who
13 is qualified for the job to perform the essential functions
14 of that job and enjoy equal employment opportunities.

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16 **Section 3.** This act is effective immediately upon
17 completion of all acts necessary for a bill to become law
18 as provided by Article 4, Section 8 of the Wyoming
19 Constitution.

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21

(END)