

HOUSE BILL NO. HB0121

Ban on COVID-19 vaccine passports.

Sponsored by: Representative(s) Gray, Bear, Haroldson,
Heiner, Jennings and Styvar and Senator(s)
French, Hutchings, McKeown and Salazar

A BILL

for

1 AN ACT relating to miscellaneous offenses; prohibiting
2 discrimination based on COVID-19 vaccination status as
3 specified; prohibiting discrimination based on COVID-19
4 vaccination status in health insurance as specified;
5 prohibiting a requirement of COVID-19 vaccinations in order
6 to receive or access benefits, services or educational
7 opportunities as specified; providing a criminal penalty;
8 authorizing civil remedies; providing definitions; making
9 conforming amendments; and providing for an effective date.

10

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

12

13 **Section 1.** W.S. 26-20-901 and 35-4-140 are created to
14 read:

15

1

ARTICLE 9

2

COVID-19 HEALTH INSURANCE LIMITATIONS

3

4

26-20-901. Immunizations; prohibited actions;

5

insurers and insurer ratings; penalties.

6

7

(a) As used in this section:

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9

(i) "COVID-19" means as defined by W.S.

10

1-1-141(a)(ii);

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(ii) "COVID-19 vaccination" means as defined in

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W.S. 35-4-140(a)(iii);

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(iii) "COVID-19 vaccination status" means as

16

defined in W.S. 35-4-140(a)(iv).

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18

(b) An insurer providing a group or individual

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policy, contract or plan for health insurance shall not use

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the COVID-19 vaccination status of a person as a basis to

21

reject, deny, limit, cancel, refuse to renew, increase the

22

premiums for, limit the amount, extent or kind of coverage

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available to or otherwise adversely affect eligibility or

1 coverage for the group or individual health policy,
2 contract or plan for health insurance.

3

4 (c) An insurer providing a group or individual
5 policy, contract or plan for health insurance shall not use
6 the COVID-19 vaccination status of a person as a
7 qualification or requirement for contracting with the
8 person's health care provider or as a basis for terminating
9 a contract with the person's health care provider.

10

11 (d) An insurer providing a group or individual
12 policy, contract or plan for health insurance shall not do
13 any of the following regarding the administration of
14 COVID-19 vaccinations to covered persons:

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16 (i) Provide financial or other incentives to a
17 participating health care provider based upon attaining a
18 certain immunization administration rate for COVID-19;

19

20 (ii) Impose a financial or other penalty on a
21 participating health care provider who does not attain a
22 certain immunization administration rate for COVID-19.

23

1 (e) The COVID-19 vaccination status of a person
2 covered by a group or individual policy, contract or plan
3 for health insurance shall not be used as a factor in the
4 rating of a group or individual policy, contract or plan
5 for health insurance in this state.

6

7 (f) An insurer issuing a group or individual policy,
8 contract or plan for health insurance in violation of this
9 section is subject to the penalties and liabilities imposed
10 by W.S. 35-4-140.

11

12 **35-4-140. Discrimination based on COVID-19**
13 **vaccination status prohibited; penalties; civil remedies.**

14

15 (a) As used in this section:

16

17 (i) "COVID-19" means as defined by W.S.
18 1-1-141(a)(ii);

19

20 (ii) "COVID-19 immunity passport" means a
21 document, digital record or software application that
22 evidences that a person has received a COVID-19 vaccination

1 or that a person has recovered from an active COVID-19
2 infection;

3

4 (iii) "COVID-19 vaccination" means any vaccine
5 that is marketed to prevent COVID-19 or any vaccine that is
6 marketed to diminish or decrease the symptoms of COVID-19;

7

8 (iv) "COVID-19 vaccination status" means
9 evidence of whether a person has received one (1) or more
10 doses of a COVID-19 vaccine;

11

12 (v) "Health care" means as defined by W.S.
13 35-22-402(a)(viii);

14

15 (vi) "Public accommodation" means a private
16 entity that owns, leases, leases to or operates a place of
17 public accommodation, as that term is defined in 28 C.F.R.
18 § 36.104 as of October 1, 2021.

19

20 (b) No person shall:

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22 (i) Refuse, withhold from or deny to a person
23 any services, goods, facilities, advantages or privileges

1 that are public in nature or that invite the patronage of
2 the public, or any licensing, employment opportunities,
3 educational opportunities or health care, based on the
4 person's COVID-19 vaccination status or whether a person
5 has a COVID-19 immunity passport; or

6

7 (ii) Ask a person or inquire into a person's
8 COVID-19 vaccination status or ask or inquire whether a
9 person has a COVID-19 immunity passport in order for the
10 person to access any services, goods, facilities,
11 advantages or privileges that are public in nature or that
12 invite the patronage of the public, or any licensing,
13 employment opportunities, educational opportunities or
14 health care.

15

16 (c) No public accommodation shall exclude, limit,
17 segregate, refuse to serve or otherwise discriminate
18 against a person based on the person's COVID-19 vaccination
19 status or based on whether the person has a COVID-19
20 immunity passport.

21

22 (d) Any person or public accommodation that violates
23 subsection (b) or (c) of this section shall be guilty of a

1 misdemeanor punishable by imprisonment not to exceed six
2 (6) months, a fine not to exceed seven hundred fifty
3 dollars (\$750.00), or both.

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5 (e) Notwithstanding W.S. 1-1-141 and 35-4-114, any
6 person aggrieved by a discriminatory practice prohibited by
7 subsection (b) or (c) of this section may bring a civil
8 cause of action against the violator for compensatory
9 damages and injunctive relief or other equitable relief.

10

11 **Section 2.** W.S. 1-1-141(a)(iii)(intro), 14-4-116(b),
12 21-4-309(a), 27-11-113, 35-4-113(c), 35-4-114(a), (d) and
13 by creating a new subsection (f) and 35-4-139 are amended
14 to read:

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16 **1-1-141. COVID-19 exposure and illness; assumption of**
17 **the risk.**

18

19 (a) As used in this section:

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21 (iii) "COVID-19 liability claim" excludes a
22 cause of action filed under W.S. 35-4-140(e) and means a
23 cause of action for:

1

2 **14-4-116. Mandatory immunizations for children**
3 **attending child caring facilities.**

4

5 (b) Except as provided in W.S. 35-4-140, all persons
6 over eighteen (18) months old attending or transferring
7 into a child caring facility are required to be completely
8 immunized in a similar manner to W.S. 21-4-309.

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10 **21-4-309. Mandatory immunizations for children**
11 **attending schools; exceptions.**

12

13 (a) Except as prohibited by W.S. 35-4-140, any person
14 attending, full or part time, any public or private school,
15 kindergarten through twelfth grade, shall within thirty
16 (30) days after the date of school entry, provide to the
17 appropriate school official written documentary proof of
18 immunization. For purposes of this section, documentary
19 proof of immunization is written certification by a private
20 licensed physician or his representative or by any public
21 health authority, that the person is fully immunized.
22 Documentation shall include month, day and year of each
23 required immunization received against vaccine preventable

1 disease as designated by the state health authority. No
2 school administrator shall permit a student to attend
3 school for more than thirty (30) calendar days without
4 documentary proof of immunization. If immunization
5 requires a series of immunizations over a period of more
6 than thirty (30) calendar days, the child shall be
7 permitted to attend school while receiving continuing
8 immunization if the school administrator receives written
9 notification by a private licensed physician or his
10 representative or by a public health official, specifying a
11 written schedule for necessary immunization completion
12 within the medically accepted time period. Waivers shall
13 be authorized by the state or county health officer upon
14 submission of written evidence of religious objection or
15 medical contraindication to the administration of any
16 vaccine. In the presence of an outbreak of vaccine
17 preventable disease as determined by the state or county
18 health authority, school children for whom a waiver has
19 been issued and who are not immunized against the occurring
20 vaccine preventable disease shall be excluded from school
21 attendance for a period of time determined by the state or
22 county health authority, but not suspended from school as
23 provided in W.S. 21-4-305. Children excluded from school

1 attendance under this section shall not be counted in the
2 aggregate number of pupils absent as defined in W.S.
3 21-13-101(a)(i).

4

5 **27-11-113. Physical examination of employees;**
6 **religious exemption.**

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8 Any employer may require an employee to submit to a
9 physical examination before employment or at any time
10 during employment, and shall provide for a physical
11 examination, as deemed necessary, due to exposure or
12 contact with hazards or environmental conditions which may
13 be detrimental to the health of the employee. Nothing in
14 this or any other provision of this act shall be deemed to
15 authorize or require medical examination, immunization or
16 treatment for those who object thereto on religious
17 grounds, except where such is necessary for the protection
18 of the health or safety of others, except that no
19 immunization that violates W.S. 35-4-140 shall ever be
20 required. The results of such examinations shall be
21 furnished only to the department, the employer and, upon
22 request, to the employee and the employee's physician. The
23 employer shall pay for such examination.

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2 **35-4-113. Treatment when consent is not available;**
3 **quarantine.**

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5 (c) Except as prohibited by W.S. 35-4-140, if a
6 person withholds or refuses consent for himself, a minor or
7 other incompetent when the vaccination or medical treatment
8 is reasonably needed to protect the health of others from a
9 disease carrying the risk of death or disability, then the
10 person for whom the vaccination or medical treatment is
11 refused may be quarantined by the state health officer.

12

13 **35-4-114. Immunity from liability.**

14

15 (a) Except as provided in subsection (f) of this
16 section, during a public health emergency as defined by
17 W.S. 35-4-115(a)(i) and subject to subsection (d) of this
18 section, any health care provider or other person,
19 including a business entity, who in good faith follows the
20 instructions of a state, city, town or county health
21 officer or who acts in good faith in responding to the
22 public health emergency is immune from any liability
23 arising from complying with those instructions or acting in

1 good faith. This immunity shall apply to health care
2 providers who are retired, who have an inactive license or
3 who are licensed in another state without a valid Wyoming
4 license and while performing as a volunteer during a
5 declared public health emergency as defined by W.S.
6 35-4-115(a)(i). This immunity shall not apply to acts or
7 omissions constituting gross negligence or willful or
8 wanton misconduct.

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10 (d) Except as provided in subsection (f) of this
11 section, any health care provider, person or entity shall
12 be immune from liability for damages in an action involving
13 a COVID-19 liability claim unless the person seeking
14 damages proves that the health care provider, person or
15 entity took actions that constitutes gross negligence or
16 willful or wanton misconduct. Nothing in this subsection
17 shall be construed to limit any other immunity available
18 under law, including the immunity provided in subsection
19 (a) of this section. As used in this subsection, "COVID-19
20 liability claim" means as defined by W.S. 1-1-141(a)(iii).

21

22 (f) A person who violates W.S. 35-4-140 shall not be
23 entitled to the immunity provided by this section.

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2 **35-4-139. Childhood immunizations.**

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4 The department of health through rule and regulation shall
5 develop and implement a program to provide vaccines for all
6 children of Wyoming residents who are not federally vaccine
7 eligible children as defined in 42 U.S.C. § 1396s(b)(2) or
8 subsequent similar federal enactment. Except as prohibited
9 by W.S. 35-4-140, vaccines provided pursuant to this
10 section shall include those determined to be necessary for
11 the healthy development of children and prescribed in rules
12 and regulations of the department based on recommendations
13 from an advisory group which the department director shall
14 appoint consisting of a representative of an organization
15 representing physicians licensed in Wyoming, at least one
16 (1) pediatric physician licensed in Wyoming and at least
17 one (1) family physician licensed in Wyoming.

18

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

5

6

(END)