

HOUSE BILL NO. HB1001

COVID-19 vaccine employer mandates.

Sponsored by: Representative(s) Greear, Barlow, Bear, Burkhart, Duncan, Heiner, Oakley, Olsen, Sommers, Western and Wilson and Senator(s) Boner, Cooper, Dockstader, Driskill, Hicks, Hutchings, Kinskey, Kolb, Kost, Salazar and Steinmetz

A BILL

for

1 AN ACT relating to labor and employment; prohibiting
2 employers in Wyoming from requiring COVID-19 vaccinations
3 with emergency use authorizations or a COVID-19 vaccination
4 as a condition of employment except as specified; providing
5 for exemptions; providing for reasonable alternative
6 measures for employees unable or unwilling to receive a
7 COVID-19 vaccine; authorizing rulemaking; providing
8 conditional sunset dates; providing applicability;
9 providing an appropriation; authorizing a position; and
10 providing for an effective date.

11

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

13

1 **Section 1.**

2

3 (a) As used in the non-codified sections of this act:

4

5 (i) "American Rescue Plan Act funds" means funds
6 appropriated or disbursed to the state of Wyoming through
7 the Coronavirus State Fiscal Recovery Fund established
8 under section 602 of title VI of the federal Social
9 Security Act, as created by section 9901 of the American
10 Rescue Plan Act of 2021, P.L. No. 117-2;

11

12 (ii) "COVID-19" means as defined by W.S.
13 1-1-141(a)(ii);

14

15 (iii) "COVID-19 vaccine" means any vaccine that
16 is marketed to prevent COVID-19 or any vaccine that is
17 marketed to diminish or decrease the symptoms of COVID-19;

18

19 (iv) "Emergency use authorized COVID-19 vaccine"
20 means a COVID-19 vaccine that has received an emergency use
21 authorization from the United States food and drug
22 administration but has not received full approval or

1 authorization from the United States food and drug
2 administration;

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4 (v) "Employee" means a person permitted to work
5 by an employer in employment;

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7 (vi) "Employer" means any person or organization
8 that has in its employ one hundred (100) or more employees
9 performing services for it in employment, any person or
10 organization with at least one (1) employee and has
11 contracts involving Medicare and Medicaid in the course of
12 the employer's business and any person or organization with
13 at least one (1) employee and has any other federal
14 contract in the course of the employer's business.

15

16 **Section 2.**

17

18 (a) Notwithstanding any Wyoming law to the contrary,
19 no employer in the state of Wyoming shall require or
20 mandate an employee to receive any emergency use authorized
21 COVID-19 vaccine as a condition of employment.

22 Notwithstanding any Wyoming law to the contrary, no
23 employer in the state of Wyoming shall require or mandate

1 an employee to receive a COVID-19 vaccine as a condition of
2 employment, unless all of the following requirements are
3 met:

4

5 (i) The employer determines that requiring or
6 mandating employee COVID-19 vaccinations is critical to
7 ensuring the health, safety and welfare of the workplace,
8 or would otherwise jeopardize the business, and the
9 employer provides written evidence of that determination to
10 the department of workforce services;

11

12 (ii) The employer provides and accepts
13 exemptions to the requirement or mandate upon submission of
14 written evidence in accordance with the following:

15

16 (A) An employer shall grant an exemption
17 for religious grounds upon submission of an exemption;

18

19 (B) An employer shall grant an exemption
20 for medical grounds upon submission of an exemption that is
21 completed or signed by a licensed physician, advanced
22 practice nurse or physician assistant. For exemptions for
23 medical grounds that are not signed or completed by a

1 licensed physician, advanced practice nurse or physician
2 assistant, an employer may grant the exemption;

3

4 (C) An employer shall grant an exemption
5 for medical contraindication to the administration of the
6 COVID-19 vaccine or upon written evidence that the employee
7 has previously tested positive for COVID-19;

8

9 (D) An employer who has enacted a COVID-19
10 vaccine requirement before the effective date of this
11 section and ceased to accept or solicit exemptions or did
12 not accept or solicit exemptions before the effective date
13 of this section shall accept and grant exemptions in
14 accordance with this paragraph on and after the effective
15 date of this section.

16

17 (iii) The employer provides reasonable
18 alternative measures to employees who have not received the
19 COVID-19 vaccine or who will not disclose the employee's
20 COVID-19 vaccine status. The reasonable alternative
21 measures shall be consistent with any measures required by
22 the employer of a person who submitted an exemption under
23 paragraph (ii) of this subsection. An employer shall not be

1 required to provide an employee's preferred reasonable
2 alternative measures so long as the reasonable alternative
3 measures that the employer provides are effective and are
4 in accordance with this section. Reasonable alternative
5 measures shall include but are not limited to:

6

7 (A) Reassignment of work duties or work
8 stations that limits potential exposure from the employee
9 to other employees, patients or the public. A reassignment
10 of work duties or work stations shall only be required if
11 the reassignment does not impose an undue burden on the
12 employer. Nothing in this subparagraph shall require an
13 employer to reassign an employee to different duties while
14 providing the same or similar pay or salary;

15

16 (B) COVID-19 testing of the employee in a
17 form and frequency that is consistent with current public
18 health guidelines, provided that testing by means other
19 than by use of nasopharyngeal swab shall also be offered to
20 employees when available.

21

1 (iv) The COVID-19 vaccine requirement or mandate
2 does not take effect until at least sixty (60) days after
3 the effective date of this act.

4
5 (b) An employer who first requires or mandates
6 employees to receive a COVID-19 vaccine as a condition of
7 employment that takes effect on or after the effective date
8 of this act and who knowingly imposes a COVID-19
9 requirement or mandate that does not conform to the
10 requirements of subsection (a) of this section shall have
11 committed an unfair employment practice. A person aggrieved
12 by an unfair employment practice under this subsection may
13 file a complaint in accordance with the requirements of
14 W.S. 27-9-106. An employer who unknowingly creates a COVID-
15 19 vaccination mandate or requirement that does not conform
16 to the requirements of subsection (a) of this section shall
17 bring the COVID-19 vaccination mandate or requirement into
18 compliance upon being notified of the nonconformity.

19
20 (c) The department of workforce services shall
21 enforce the provisions of this section. The department may
22 promulgate rules and regulations as necessary for the

1 enforcement of this section, including adopting emergency
2 rules.

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4 (d) Nothing in this section shall be construed to
5 limit or preclude an employee who is unemployed from
6 receiving any other benefit to which the employee is
7 entitled to receive under law.

8

9 **Section 3.**

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11 (a) There is appropriated four hundred thousand
12 dollars (\$400,000.00) from the general fund to the
13 department of workforce services for purposes of
14 implementing this act and for funding the position
15 authorized in subsection (b) of this section. This
16 appropriation shall be for the period beginning with the
17 effective date of this act and ending June 30, 2024. This
18 appropriation shall not be transferred or expended for any
19 other purpose and any unobligated, unexpended funds
20 remaining from this appropriation shall revert as provided
21 by law on June 30, 2024.

22

1 (b) There is authorized one (1) at-will employee
2 contract position to the department of workforce services
3 to carry out the purposes of this act beginning with the
4 effective date of this act and ending on the date on which
5 section 2 of this act is no longer in effect or June 30,
6 2024, whichever is earlier.

7

8 (c) It is the intent of the legislature that the
9 appropriation and the position authorized in this section
10 shall not be included in the standard budget of the
11 department of workforce services for the 2025-2026
12 biennium.

13

14 **Section 4.**

15

16 (a) Except as otherwise provided in this section, to
17 the extent that section 2 of this act conflicts with a
18 federal law, regulation, rule, standard or order, the
19 provisions of section 2 of this act shall not be enforced
20 after a federal law, regulation, rule, standard or order
21 takes legal effect that has the effect of requiring Wyoming
22 employers to comply with a federal COVID-19 vaccine
23 requirement or mandate.

1

2 (b) Notwithstanding subsection (a) of this section,
3 the provisions of section 2 of this act shall be
4 enforceable during any period in which the federal law,
5 regulation, rule, standard or order is subject to a federal
6 judicial stay applicable in Wyoming or is otherwise
7 repealed, withdrawn, superseded or declared by a federal
8 court of competent jurisdiction to be unlawful or
9 unenforceable.

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11 (c) Section 2 of this act is repealed on March 31,
12 2023.

13

14 **Section 5.** The provisions of this act regulating
15 employer COVID-19 vaccine mandates shall apply only to
16 employers that require or mandate that their employees
17 receive a COVID-19 vaccination as a condition of employment
18 that takes effect on and after the effective date of this
19 act and to employers who have issued a COVID-19 vaccine
20 mandate or requirement before the effective date of this
21 act but that takes effect on or after the effective date of
22 this act.

23

1 **Section 6.** 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)