

HOUSE BILL NO. HB1002

Federal COVID vaccine mandates-prohibition and remedies-2.

Sponsored by: Representative(s) Sommers, Greear and Olsen
and Senator(s) Dockstader, Driskill, Hicks,
Kinskey and Schuler

A BILL

for

1 AN ACT relating to the protection of individual rights;
2 providing legislative findings; prohibiting the enforcement
3 of federal COVID-19 vaccine mandates as specified;
4 providing limitations on requiring COVID-19 vaccinations;
5 providing definitions; authorizing litigation to protect
6 the rights of Wyoming citizens as specified; providing an
7 appropriation; and providing for an effective date.

8

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

10

11 **Section 1.**

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13 (a) The legislature finds that:

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1 (i) In December 2019, a novel coronavirus known
2 as severe acute respiratory syndrome coronavirus 2
3 (SARS-CoV-2) was first detected in China, leading to
4 outbreaks of novel coronavirus disease (COVID-19) that have
5 now spread globally;

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7 (ii) Throughout 2020 and 2021, vaccines for
8 COVID-19 were developed, authorized and approved under the
9 45th president of the United States by the federal food and
10 drug administration;

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12 (iii) On September 9, 2021, the 46th president
13 of the United States announced that a federal Occupational
14 Safety and Health Administration (OSHA) rule would be
15 promulgated to require all businesses with one hundred
16 (100) or more employees to ensure that every employee is
17 either vaccinated for COVID-19 or tested at least one (1)
18 time every week for COVID-19;

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20 (iv) As part of the plan announced by the
21 President, the centers for Medicare and Medicaid services,
22 in collaboration with the centers for disease control and
23 prevention, announced that current emergency regulations

1 requiring vaccinations for nursing home workers would be
2 expanded to include hospitals, dialysis facilities,
3 ambulatory surgical settings and home health agencies,
4 among others, as a condition for participating in the
5 Medicare and Medicaid programs. The announcement indicated
6 that these vaccine mandates will apply to both health care
7 providers and suppliers that participate in the Medicare
8 and Medicaid programs;

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10 (v) It is expected that, in the upcoming days or
11 weeks, the federal occupational safety and health
12 administration and the centers for Medicare and Medicaid
13 services will promulgate emergency standards that will
14 require Medicare and Medicaid health care workers and
15 suppliers and all employers in Wyoming and the entire
16 United States with one hundred (100) employees or more to
17 ensure that all of their employees are either fully
18 vaccinated for COVID-19 or ensure that all of their
19 employees are tested at least one (1) time per week for
20 COVID-19;

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22 (vi) Countless Wyoming citizens fear losing
23 their livelihoods because they object to receiving a

1 COVID-19 vaccination for reasons of personal conscience,
2 religious conviction or for medical reasons, including
3 prior recovery or natural immunity from COVID-19;

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5 (vii) The decision to receive a COVID-19
6 vaccination is a personal decision and should not be
7 subject to government coercion, intrusion or dictate;

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9 (viii) The decision to implement hiring
10 practices for private entities is a personal decision and
11 should not be subject to government coercion, intrusion or
12 dictate;

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14 (ix) The Ninth Amendment to the United States
15 Constitution provides that the enumeration in the
16 constitution of certain rights shall not be construed to
17 deny or disparage other rights retained by the people;

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19 (x) The Tenth Amendment to the United States
20 Constitution provides that the powers not delegated to the
21 United States in the constitution, nor prohibited by it to
22 the states, are reserved to the states respectively, or to
23 the people;

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2 (xi) Article 1, section 38, subsection (a) of
3 the Wyoming constitution provides that each competent adult
4 has the right to make his or her own health care decisions;

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6 (xii) Article 1, section 38, subsection (c) of
7 the Wyoming constitution provides that the legislature may
8 determine reasonable and necessary restrictions on the
9 rights granted to protect the health and general welfare of
10 the people;

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12 (xiii) Through various legislative enactments,
13 the legislature has established its primary role over
14 immunizations, and all immunization laws and regulations in
15 Wyoming are based on laws that the legislature has enacted;

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17 (xiv) The legislature has established a process
18 by which persons can submit religious exemptions to
19 vaccination mandates, and the legislature can amend the
20 exemption process from time to time as it sees fit;

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22 (xv) By imposing a COVID-19 vaccination mandate
23 on the people and businesses of Wyoming, the federal

1 government's actions constitute an abridgement of both the
2 United States and the Wyoming Constitutions; and

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4 (xvi) The state of Wyoming as a sovereign entity
5 cannot be compelled to enforce vaccination mandates from
6 the federal government that might well be deemed an
7 unconstitutional exercise of the power of interpretation,
8 to insist that the states are bound to provide means to
9 carry into effect the duties of the federal government,
10 nowhere delegated or entrusted to them by the constitution.

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12 **Section 2.** W.S. 9-14-103 is created to read:

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14 **9-14-103. COVID-19 vaccine mandate; prohibitions.**

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16 (a) As used in this section:

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

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21 (ii) "COVID-19 vaccination" means any vaccine
22 that is marketed to prevent COVID-19 or any vaccine that is
23 marketed to diminish or decrease the symptoms of COVID-19;

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2 (iii) "Public entity" means as defined by W.S.
3 16-6-101(a)(viii) except that "public entity" does not
4 include an entity receiving federal funding that by
5 complying with subsection (b) of this section would lose
6 that federal funding.

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8 (b) No public entity shall enforce any mandate or
9 standard of the federal government, whether emergency,
10 temporary or permanent, that requires an employer to ensure
11 or mandate that an employee shall receive a COVID-19
12 vaccination.

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14 (c) Except as otherwise provided in this section, to
15 the extent that this section conflicts with a federal law,
16 regulation, rule, standard or order, subsection (b) of this
17 section shall not be enforced after the federal law,
18 regulation, rule, standard or order takes legal effect that
19 requires Wyoming employers to comply with a federal
20 COVID-19 vaccine requirement or mandate.

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22 (d) Notwithstanding subsection (c) of this section,
23 subsection (b) of this section shall be enforceable during

1 any period in which the federal law, regulation, rule,
2 standard or order is subject to a federal judicial stay
3 applicable in Wyoming or is otherwise repealed, withdrawn,
4 superseded or declared by a federal court of competent
5 jurisdiction to be unlawful or unenforceable.

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7 (e) Notwithstanding W.S. 14-4-116, 21-4-309,
8 27-11-113, 35-4-113 and 35-4-139, no public entity shall
9 require a person to receive or show proof of a COVID-19
10 vaccination for the person to receive or qualify for any
11 public benefit to which the person is entitled.

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13 **Section 3.** With the direction and consent of the
14 governor, the attorney general's office may initiate or
15 participate in litigation and take any other appropriate
16 action to challenge and resist federal government action
17 related to COVID-19 vaccination mandates that are contrary
18 to the law and the rights of Wyoming citizens.

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20 **Section 4.** There is appropriated two hundred fifty
21 thousand dollars (\$250,000.00) from the general fund to the
22 governor's office for purposes of funding the legal and
23 other action authorized by section 3 of this act. This

1 appropriation shall be for the period beginning with the
2 effective date of this act and ending June 30, 2030. This
3 appropriation shall not be transferred or expended for any
4 other purpose and any unexpended, unobligated funds
5 remaining from this appropriation shall revert as provided
6 by law on June 30, 2030. It is the intent of the
7 legislature that this appropriation not be included in the
8 governor's standard budget for the immediately succeeding
9 fiscal biennium.

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11 **Section 5.** This act is effective immediately upon
12 completion of all acts necessary for a bill to become law
13 as provided by Article 4, Section 8 of the Wyoming
14 Constitution.

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16

(END)