COVID-19 vaccinations-employer prohibition.

Sponsored by: Representative(s) Gray, Bear, Haroldson, Jennings, Neiman and Styvar and Senator(s) Biteman, French, Hutchings, Salazar and Steinmetz

A BILL

for

AN ACT relating to labor and employment; prohibiting employers from requiring COVID-19 vaccinations as specified; defining terms; providing penalties; making conforming amendments; and providing for an effective date.

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

Section 1. W.S. 27-1-117 is created to read:


(a) As used in this section:
(i) "COVID-19" means as defined by W.S. 1-1-141(a)(ii);

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

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

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

(v) "Employer" means any person or organization that has in its employ one (1) or more individuals performing services for it in employment.

(b) No employer shall:

(i) Refuse employment to a person, bar a person from employment or discriminate against a person in compensation or in a term, condition or privilege of
(ii) Require a person to receive a COVID-19 vaccination as a condition of employment.

(c) A person who violates subsection (b) of this section shall be guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of seven hundred fifty dollars ($750.00), or both.

(d) Any person aggrieved by a discriminatory practice prohibited by subsection (b) of this section may initiate an action in a court of competent jurisdiction to recover damages of not less than five hundred thousand dollars ($500,000.00) and punitive damages as well as injunctive or other equitable relief from the employer.

Section 2. W.S. 1-1-141(a)(iii)(intro), 27-11-113, 35-4-113(c) and 35-4-114(a), (d) and by creating a new subsection (f) are amended to read:
1-1-141. COVID-19 exposure and illness; assumption of the risk.

(a) As used in this section:

(iii) "COVID-19 liability claim" excludes a cause of action filed under W.S. 27-1-117 and means a cause of action for:

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

Any employer may require an employee to submit to a physical examination before employment or at any time during employment, and shall provide for a physical examination, as deemed necessary, due to exposure or contact with hazards or environmental conditions which may be detrimental to the health of the employee. Nothing in this or any other provision of this act shall be deemed to authorize or require medical examination, immunization or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety of others, except that no
immunization that violates W.S. 27-1-117 shall ever be required. The results of such examinations shall be furnished only to the department, the employer and, upon request, to the employee and the employee's physician. The employer shall pay for such examination.

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

(c) Except as prohibited by W.S. 27-1-117, if a person withholds or refuses consent for himself, a minor or other incompetent when the vaccination or medical treatment is reasonably needed to protect the health of others from a disease carrying the risk of death or disability, then the person for whom the vaccination or medical treatment is refused may be quarantined by the state health officer.

35-4-114. Immunity from liability.

(a) Except as provided in subsection (f) of this section, during a public health emergency as defined by W.S. 35-4-115(a)(i) and subject to subsection (d) of this section, any health care provider or other person,
including a business entity, who in good faith follows the instructions of a state, city, town or county health officer or who acts in good faith in responding to the public health emergency is immune from any liability arising from complying with those instructions or acting in good faith. This immunity shall apply to health care providers who are retired, who have an inactive license or who are licensed in another state without a valid Wyoming license and while performing as a volunteer during a declared public health emergency as defined by W.S. 35-4-115(a)(i). This immunity shall not apply to acts or omissions constituting gross negligence or willful or wanton misconduct.

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

(f) A person who violates W.S. 27-1-117 shall not be entitled to the immunity provided by this section.

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