HOUSE BILL NO. HB1005

COVID-19 vaccine mandate-exemptions.

Sponsored by: Representative(s) Hallinan, Bear, Heiner, Jennings, Neiman, Ottman, Rodriguez-Williams and Styvar and Senator(s) Hutchings and Schuler

A BILL

for

AN ACT relating to labor and employment; requiring an employer to grant exemptions for any COVID-19 vaccine mandate; providing for damages; amending a related provision; and providing for an effective date.

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

Section 1. W.S. 27-11-113 and 35-4-114(a), (d) and by creating a new subsection (f) are amended to read:

27-11-113. Physical examination of employees; religious exemption; COVID-19 vaccination exemptions; damages.
(a) 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 medical or religious grounds, except where such is necessary for the protection of the health or safety of others subject to the provisions of subsection (b) of this section. 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.

(b) If any employer requires vaccination for COVID-19 or enforces a COVID-19 vaccination requirement imposed by the federal government or any other entity, the employer shall grant an exemption as provided in this subsection. Exemptions shall be granted by the employer upon submission of written evidence of religious objection or medical
contraindication to the administration of the COVID-19 vaccine or written evidence that the employee is fully recovered from a COVID-19 infection.

(c) An employer shall be liable in a civil action for damages of five thousand dollars ($5,000.00) or actual damages, whichever is greater, payable to the employee if the employer does not grant an exemption in violation of subsection (b) of this section and terminates the employee.

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

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) The immunity from liability provided in subsections (a) and (d) of this section shall not apply to damages under or causes of action filed in relation to W.S. 27-11-113(c).

Section 2. 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.

(END)