

SENATE FILE NO. SF1004

COVID-19 vaccinations-employer prohibition-2.

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

A BILL

for

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

5

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

7

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

9

10 **27-1-117. Employer-mandated COVID-19 vaccination**
11 **prohibition; employer liability.**

12

13 (a) As used in this section:

14

1 (i) "COVID-19" means as defined by W.S.
2 1-1-141(a)(ii);

3

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

14

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

18

19 (b) No employer shall:

20

21 (i) Refuse employment to a person, bar a person
22 from employment or discriminate against a person in
23 compensation or in a term, condition or privilege of

1 employment based on the person's COVID-19 vaccination
2 status; or

3

4 (ii) Require a person to receive a COVID-19
5 vaccination as a condition of employment.

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

11

12 (d) Any person aggrieved by a discriminatory practice
13 prohibited by subsection (b) of this section may initiate
14 an action in a court of competent jurisdiction to recover
15 damages of not less than five hundred thousand dollars
16 (\$500,000.00) and punitive damages as well as injunctive or
17 other equitable relief from the employer.

18

19 **Section 2.** W.S. 1-1-141(a)(iii)(intro), 27-11-113,
20 35-4-113(c) and 35-4-114(a), (d) and by creating a new
21 subsection (f) are amended to read:

22

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

3
4 (a) As used in this section:

5
6 (iii) "COVID-19 liability claim" excludes a
7 cause of action filed under W.S. 27-1-117 and means a cause
8 of action for:

9
10 **27-11-113. Physical examination of employees;**
11 **religious exemption.**

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13 Any employer may require an employee to submit to a
14 physical examination before employment or at any time
15 during employment, and shall provide for a physical
16 examination, as deemed necessary, due to exposure or
17 contact with hazards or environmental conditions which may
18 be detrimental to the health of the employee. Nothing in
19 this or any other provision of this act shall be deemed to
20 authorize or require medical examination, immunization or
21 treatment for those who object thereto on religious
22 grounds, except where such is necessary for the protection
23 of the health or safety of others, except that no

1 immunization that violates W.S. 27-1-117 shall ever be
2 required. The results of such examinations shall be
3 furnished only to the department, the employer and, upon
4 request, to the employee and the employee's physician. The
5 employer shall pay for such examination.

6

7 **35-4-113. Treatment when consent is not available;**
8 **quarantine.**

9

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

17

18 **35-4-114. Immunity from liability.**

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20 (a) Except as provided in subsection (f) of this
21 section, during a public health emergency as defined by
22 W.S. 35-4-115(a)(i) and subject to subsection (d) of this
23 section, any health care provider or other person,

1 including a business entity, who in good faith follows the
2 instructions of a state, city, town or county health
3 officer or who acts in good faith in responding to the
4 public health emergency is immune from any liability
5 arising from complying with those instructions or acting in
6 good faith. This immunity shall apply to health care
7 providers who are retired, who have an inactive license or
8 who are licensed in another state without a valid Wyoming
9 license and while performing as a volunteer during a
10 declared public health emergency as defined by W.S.
11 35-4-115(a)(i). This immunity shall not apply to acts or
12 omissions constituting gross negligence or willful or
13 wanton misconduct.

14

15 (d) Except as provided in subsection (f) of this
16 section, any health care provider, person or entity shall
17 be immune from liability for damages in an action involving
18 a COVID-19 liability claim unless the person seeking
19 damages proves that the health care provider, person or
20 entity took actions that constitutes gross negligence or
21 willful or wanton misconduct. Nothing in this subsection
22 shall be construed to limit any other immunity available
23 under law, including the immunity provided in subsection

1 (a) of this section. As used in this subsection, "COVID-19
2 liability claim" means as defined by W.S. 1-1-141(a)(iii).

3

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

6

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

11

12

(END)