SENATE FILE NO. SF1007

COVID and mRNA vaccines—limitations and prohibitions.

Sponsored by: Senator(s) Bouchard and Representative(s) Laursen

A BILL for

1 AN ACT relating to public health and safety; prohibiting mandates for COVID-19 or messenger RNA vaccines as specified; prohibiting discrimination based on a person's vaccination status as specified; prohibiting governmental entities or public employees from forcing, requiring or coercing vaccinations for COVID-19; requiring the acceptance of exemptions to vaccinations and treatments as specified; providing criminal and civil penalties and remedies; providing definitions; making conforming amendments; and providing for an effective date.

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

14 Section 1. W.S. 35-4-140 is created to read:
35-4-140. Messenger RNA and COVID-19 vaccinations; limitations, prohibitions and exemptions; penalties; remedies.

(a) As used in this section:

(i) "Contractor" means:

(A) Any person who has entered into a public contract with any local, state or federal governmental entity;

(B) Any person or private entity that provides services on public property; or

(C) Any person who receives public funds in exchange for providing services of any kind.

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

(iv) "Employer" means any person or organization that has in its employ one (1) or more persons performing services for it in employment;

(v) "Governmental entity" means as defined in W.S. 1-39-103(a)(i);

(vi) "Immunity passport" means a document, digital record or software application that evidences that a person has received an mRNA vaccination or that a person has recovered from an active infection for which an mRNA vaccination is used as treatment;

(vii) "mRNA vaccination" shall include a COVID-19 vaccination and means a vaccination or immunization that uses messenger ribonucleic acid to make a protein that triggers an immune response in the body;
(viii) "Public employee" means any employee of, or person providing services as an independent contractor for, a governmental entity;

(ix) "Vaccination status" means evidence of whether a person has received one (1) or more doses of an mRNA vaccination, including evidence of an immunity passport for an mRNA vaccination.

(b) No contractor shall coerce, require, mandate or otherwise make a policy that forces, compels or requires any person to receive an mRNA vaccination.

(c) No governmental entity or public employee shall force, require or coerce a person to receive an mRNA vaccination against the person's will. The state health officer shall not include any mRNA vaccination in any required immunization under W.S. 21-4-309.

(d) No person shall:

(i) Refuse, withhold from or deny to a person any services, goods, facilities, advantages and privileges
that are public in nature or that invite the patronage of the public, or any licensing, employment opportunities, educational opportunities or health care, based on the person's vaccination status; or

(ii) Ask a person or inquire into a person's vaccination status in order for the person to access any services, goods, facilities, advantages and privileges that are public in nature or that invite the patronage of the public, or any licensing, employment opportunities, educational opportunities or health care.

(e) Each contractor, governmental entity, public employee and employer in Wyoming shall accept a waiver or exemption for any mRNA vaccination requirement imposed, subject to the provisions of this section. Waivers or exemptions shall be authorized and accepted by the contractor, governmental entity, public employee or employer upon submission of written evidence of religious objection or medical contraindication to the administration of an mRNA vaccination or upon submission of written evidence that the person has fully recovered from the illness or infection for which the mRNA vaccination is
developed. No contractor, governmental entity, public employee or employer shall ask any question of any person submitting an exemption or waiver regarding the person's medical condition or religious beliefs. Any exemption or waiver submitted based on medical reasons in accordance with this subsection shall be signed by a licensed physician.

(f) Any person who violates subsections (b), (c), (d) or (e) of this section shall be guilty of a felony punishable by a fine of not less than five thousand dollars ($5,000.00), imprisonment for a period of not more than five (5) years, or both.

(g) In addition to any criminal penalties imposed under this section and notwithstanding W.S. 1-1-141 and 35-4-114, a person aggrieved by a violation of subsections (b), (c) or (d) of this section may bring a civil cause of action against the violator for compensatory damages and injunctive relief or other equitable relief.
Section 2. W.S. 1-1-141(a)(iii)(intro), 27-11-113, 35-4-113(b)(intro) 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. 35-4-140 and means a cause of action for:

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

Subject to the provisions of W.S. 35-4-140, 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 W.S. 35-4-140. 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.

(b) Subject to the provisions of W.S. 35-4-140, during a public health emergency, the state health officer may subject a person to vaccination or medical treatment without consent in the following circumstances:

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 claims or causes of action filed under W.S. 35-4-140.

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.