

SENATE FILE NO. SF0088

COVID and mRNA vaccine status-privacy and discrimination.

Sponsored by: Senator(s) Bouchard, Biteman, French, James, McKeown and Salazar and Representative(s) Baker, Burt, Fortner, Hallinan, Heiner, Laursen and Wharff

A BILL

for

1 AN ACT relating to public health and safety; prohibiting  
2 discrimination based on a person's COVID-19 or messenger  
3 RNA vaccination status as specified; providing criminal and  
4 civil penalties and remedies; providing definitions; making  
5 conforming amendments; specifying applicability; and  
6 providing for an effective date.

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

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10 **Section 1.** W.S. 35-4-140 is created to read:

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12 **35-4-140. Messenger RNA and COVID-19 vaccinations;**  
13 **discrimination based on vaccination status prohibited;**  
14 **penalties; remedies.**

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2 (a) As used in this section:

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4 (i) "COVID-19" means as defined by W.S.  
5 1-1-141(a)(ii);

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

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

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15 (iv) "Governmental entity" means as defined in  
16 W.S. 1-39-103(a)(i) and includes any local government as  
17 defined in W.S. 1-39-103(a)(ii);

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19 (v) "Health care provider" means a person who is  
20 licensed, certified or otherwise authorized or permitted by  
21 the laws of this state to administer health care in the  
22 ordinary course of business or practice of a profession and  
23 who, either individually or through the person's office,

1 employer or practice, receives or expends public funds in  
2 the provision of health care;

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4 (vi) "mRNA vaccination" shall include a COVID-19  
5 vaccination and means a vaccination or immunization that  
6 uses messenger ribonucleic acid to make a protein that  
7 triggers an immune response in the body;

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9 (vii) "Vaccination status" means evidence of  
10 whether a person has received one (1) or more doses of an  
11 mRNA vaccination.

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13 (b) No employer, governmental entity or health care  
14 provider shall:

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

22

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

7  
8           (c) Any person who violates subsection (b) of this  
9 section shall be guilty of a felony punishable by a fine of  
10 not less than five thousand dollars (\$5,000.00),  
11 imprisonment for a period of not more than five (5) years,  
12 or both.

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14           (d) In addition to any criminal penalties imposed  
15 under this section and notwithstanding W.S. 1-1-141 and  
16 35-4-114, a person aggrieved by a violation of subsection  
17 (b) of this section may bring a civil cause of action  
18 against the violator for compensatory damages and  
19 injunctive relief or other equitable relief.

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21           **Section 2.** W.S. 1-1-141(a)(iii)(intro) and  
22 35-4-114(a), (d) and by creating a new subsection (f) are  
23 amended to read:

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

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5           (a) As used in this section:

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7                   (iii) "COVID-19 liability claim" excludes a  
8 cause of action filed under W.S. 35-4-140 and means a cause  
9 of action for:

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11           **35-4-114. Immunity from liability.**

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13           (a) Except as provided in subsection (f) of this  
14 section, during a public health emergency as defined by  
15 W.S. 35-4-115(a)(i) and subject to subsection (d) of this  
16 section, any health care provider or other person,  
17 including a business entity, who in good faith follows the  
18 instructions of a state, city, town or county health  
19 officer or who acts in good faith in responding to the  
20 public health emergency is immune from any liability  
21 arising from complying with those instructions or acting in  
22 good faith. This immunity shall apply to health care  
23 providers who are retired, who have an inactive license or

1 who are licensed in another state without a valid Wyoming  
2 license and while performing as a volunteer during a  
3 declared public health emergency as defined by W.S.  
4 35-4-115(a)(i). This immunity shall not apply to acts or  
5 omissions constituting gross negligence or willful or  
6 wanton misconduct.

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

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20 (f) The immunity from liability provided in  
21 subsections (a) and (d) of this section shall not apply to  
22 claims or causes of action filed under W.S. 35-4-140(d).

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1           **Section 3.** This act shall apply to all causes of  
2 action and claims that accrue on and after the effective  
3 date of this act.

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

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(END)