

HOUSE BILL NO. HB0143

Free speech for health care providers.

Sponsored by: Representative(s) Ottman, McCann and Smith
and Senator(s) Laursen, D

A BILL

for

1 AN ACT relating to health care providers; prohibiting state
2 agencies and boards from discriminating against health care
3 providers based on the providers' speech and expressions;
4 prohibiting state agencies and boards from contracting with
5 or requiring health care providers to be licensed by
6 specified boards and agencies; requiring health care
7 providers to be notified of specified complaints;
8 authorizing causes of action as specified; providing
9 definitions; amending the Wyoming Governmental Claims Act;
10 and providing for an effective date.

11

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

13

14 **Section 1.** W.S. 1-39-125 and 35-34-101 through
15 35-34-103 are created to read:

1

2 **1-39-125. Liability; free speech for health care**
3 **providers.**

4

5 A governmental entity is liable for damages resulting from
6 a violation of W.S. 35-34-101 through 35-34-103.

7

8

CHAPTER 34

9

FREE SPEECH FOR HEALTH CARE PROVIDERS ACT

10

11 **35-34-101. Short title.**

12

13 This act shall be known and may be cited as the "Free
14 Speech for Health Care Providers Act."

15

16 **35-34-102. Definitions.**

17

18 (a) As used in this act:

19

20 (i) "Discrimination" means one (1) or more of
21 the following actions taken by a state agency against a
22 health care provider:

23

1 (A) An adverse action, including but not
2 limited to:

3
4 (I) A denial, revocation or suspension
5 of a license or certification;

6
7 (II) A reprimand that results in
8 disciplinary action against the health care provider;

9
10 (III) A reduction in rank or pay;

11
12 (IV) Loss of privileges;

13
14 (V) Termination of employment.

15
16 (B) The communication of a threat of
17 adverse action.

18
19 (ii) "Health care provider" means any person who
20 participates in the delivery of a health care service,
21 including:

22
23 (A) Physicians and physician assistants;

1

2 (B) Advanced practice registered nurses,
3 registered nurses and licensed practical nurses;

4

5 (C) Hospital, clinic or nursing home
6 employees;

7

8 (D) Pharmacists, pharmacy technicians and
9 other pharmacy employees;

10

11 (E) Medical school, nursing school,
12 psychology and counseling school faculty and students;

13

14 (F) Mental health professionals, including
15 but not limited to psychologists, psychiatrists and mental
16 health counselors;

17

18 (G) Social workers;

19

20 (H) Physical therapists;

21

22 (J) Any other person who participates in
23 the delivery of a health care service.

1

2 (iii) "Health care service" means medical
3 research and health care provided to any person at any time
4 over the course of treatment, including:

5

6 (A) Medical testing, diagnosis, prognosis
7 and referrals;

8

9 (B) The prescribing, dispensing or
10 administering of any medication or medical device;

11

12 (C) Mental health therapy or counseling;

13

14 (D) Physical therapy;

15

16 (E) Record making and record keeping;

17

18 (F) Note taking related to medical
19 treatment;

20

21 (G) The preparation for or performance of a
22 surgery or other medical procedure;

23

1 (H) Any other medical care, research or
2 service provided by a health care provider.

3

4 (iv) "State agency" means any state agency,
5 department, board or commission;

6

7 (v) "This act" means W.S. 35-34-101 through
8 35-34-103.

9

10 **35-34-103. Free speech protected from state**
11 **discrimination; notice of speech-based complaints; civil**
12 **remedies.**

13

14 (a) No state agency shall discriminate against a
15 health care provider for engaging in speech, expression or
16 association that occurs within the scope of providing
17 health care services or medical advice and that is
18 protected from government interference by the first
19 amendment to the United States constitution and article 1,
20 sections 20 and 21 of the Wyoming constitution, unless the
21 state agency demonstrates by clear and convincing evidence
22 that the health care provider's speech, expression or
23 association was the direct and proximate cause of physical

1 or mental harm to a patient with whom the health care
2 provider had a provider-patient relationship within the
3 previous three (3) years.

4

5 (b) After determining that a health care provider has
6 been discriminated against by a board, commission or agency
7 for engaging in speech, expression or association that is
8 protected from government interference by the first
9 amendment to the United States constitution and article 1,
10 sections 20 and 21 of the Wyoming constitution within the
11 previous three (3) years, no state agency shall contract
12 with or require a person to obtain a license or
13 certification from that board, commission or agency,
14 provided that such speech, expression or association did
15 not constitute medical advice to a specific patient.

16

17 (c) Not later than fourteen (14) days after receipt
18 of the complaint or action, any applicable state agency
19 shall provide a health care provider with notice of any
20 complaint or action to suspend or revoke the health care
21 provider's license or certification due to the health care
22 provider's engaging in speech, expression or association
23 under the first amendment to the United States constitution

1 and article 1, sections 20 and 21 of the Wyoming
2 constitution. Each state agency that fails to provide
3 notice under this subsection shall be subject to a fine of
4 five hundred dollars (\$500.00) for each week that the
5 notice is not provided to the health care provider.

6

7 (d) A health care provider may bring a civil action
8 against a state agency for damages, injunctive relief or
9 both in a court of competent jurisdiction for any alleged
10 violations of this act. In a proceeding to enforce any of
11 the provisions of this act, a court may award reasonable
12 costs to the affected health care provider, including
13 attorney's fees.

14

15 **Section 2.** This act is effective July 1, 2026.

16

17

(END)