

HOUSE BILL NO. HB0118

Prohibiting mask discrimination for COVID-19.

Sponsored by: Representative(s) Hallinan, Baker, Fortner,
Gray, Haroldson and Jennings and Senator(s)
Biteman

A BILL

for

1 AN ACT relating to public health and safety; prohibiting
2 discrimination based on the use or non-use of facial
3 coverings for the purpose of preventing COVID-19 as
4 specified; prohibiting publishing or advertising the use or
5 non-use of facial coverings as a condition of receiving or
6 accessing benefits, services or educational opportunities
7 as specified; providing a criminal penalty; providing
8 definitions; making a conforming amendment; and providing
9 for an effective date.

10

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

12

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

14

1 **35-4-140. COVID-19 discrimination based on facial**
2 **coverings; penalties.**

3
4 (a) As used in this section:

5
6 (i) "COVID-19" means as defined by W.S.
7 1-1-141(a)(ii);

8
9 (ii) "Facial covering" means a mask or
10 protective covering for the mouth and nose, typically worn
11 to reduce the spread of an infectious virus or disease;

12
13 (iii) "Public accommodation" means a private
14 entity that owns, leases, leases to or operates a place of
15 public accommodation, as that term is defined in 28 C.F.R.
16 § 36.104 as of February 1, 2022. For purposes of this
17 section, "public accommodation" includes any public or
18 private elementary or secondary school and any public or
19 private institution of higher education.

20
21 (b) No person or public accommodation shall:

22

1 (i) Refuse, withhold from or deny to a person
2 any services, goods, facilities, advantages or privileges
3 that are public in nature or that invite the patronage of
4 the public because the person is or is not wearing a face
5 covering for any reason related to COVID-19; or

6
7 (ii) Publish, display or mail, either directly
8 or indirectly, any communication, notice or advertisement
9 that a person is or is not required to wear a face covering
10 as a condition for receiving or accessing services, goods,
11 facilities, advantages and privileges that are public in
12 nature or that invite the patronage of the public.

13
14 (c) Any person that violates subsection (b) of this
15 section shall be guilty of a misdemeanor punishable by
16 imprisonment not to exceed six (6) months, a fine not to
17 exceed seven hundred fifty dollars (\$750.00), or both.

18
19 **Section 2.** W.S. 35-4-114(a) and by creating a new
20 subsection (f) is amended to read:

21
22 **35-4-114. Immunity from liability.**

23

1 (a) Except as provided in subsection (f) of this
2 section, during a public health emergency as defined by
3 W.S. 35-4-115(a)(i) and subject to subsection (d) of this
4 section, any health care provider or other person,
5 including a business entity, who in good faith follows the
6 instructions of a state, city, town or county health
7 officer or who acts in good faith in responding to the
8 public health emergency is immune from any liability
9 arising from complying with those instructions or acting in
10 good faith. This immunity shall apply to health care
11 providers who are retired, who have an inactive license or
12 who are licensed in another state without a valid Wyoming
13 license and while performing as a volunteer during a
14 declared public health emergency as defined by W.S.
15 35-4-115(a)(i). This immunity shall not apply to acts or
16 omissions constituting gross negligence or willful or
17 wanton misconduct.

18

19 (f) A person who violates W.S. 35-4-140 shall not be
20 entitled to the immunity provided by this section.

21

