

HOUSE BILL NO. HB1005

COVID-19 vaccine mandate-exemptions.

Sponsored by: Representative(s) Hallinan, Bear, Heiner, Jennings, Neiman, Ottman, Rodriguez-Williams and Styvar and Senator(s) Hutchings and Schuler

A BILL

for

1 AN ACT relating to labor and employment; requiring an
2 employer to grant exemptions for any COVID-19 vaccine
3 mandate; providing for damages; amending a related
4 provision; 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. 27-11-113 and 35-4-114(a), (d) and by
9 creating a new subsection (f) are amended to read:

10

11 **27-11-113. Physical examination of employees;**
12 **religious exemption; COVID-19 vaccination exemptions;**
13 **damages.**

14

1 (a) Any employer may require an employee to submit to
2 a physical examination before employment or at any time
3 during employment, and shall provide for a physical
4 examination, as deemed necessary, due to exposure or
5 contact with hazards or environmental conditions which may
6 be detrimental to the health of the employee. Nothing in
7 this or any other provision of this act shall be deemed to
8 authorize or require medical examination, immunization or
9 treatment for those who object thereto on medical or
10 religious grounds, except where such is necessary for the
11 protection of the health or safety of others subject to the
12 provisions of subsection (b) of this section. The results
13 of such examinations shall be furnished only to the
14 department, the employer and, upon request, to the employee
15 and the employee's physician. The employer shall pay for
16 such examination.

17

18 (b) If any employer requires vaccination for COVID-19
19 or enforces a COVID-19 vaccination requirement imposed by
20 the federal government or any other entity, the employer
21 shall grant an exemption as provided in this subsection.
22 Exemptions shall be granted by the employer upon submission
23 of written evidence of religious objection or medical

1 contraindication to the administration of the COVID-19
2 vaccine or written evidence that the employee is fully
3 recovered from a COVID-19 infection.

4
5 (c) An employer shall be liable in a civil action for
6 damages of five thousand dollars (\$5,000.00) or actual
7 damages, whichever is greater, payable to the employee if
8 the employer does not grant an exemption in violation of
9 subsection (b) of this section and terminates the employee.

10
11 (d) As used in this section, "COVID-19" means as
12 defined by W.S. 1-1-141(a)(ii).

13
14 **35-4-114. Immunity from liability.**

15
16 (a) Except as provided in subsection (f) of this
17 section, during a public health emergency as defined by
18 W.S. 35-4-115(a)(i) and subject to subsection (d) of this
19 section, any health care provider or other person,
20 including a business entity, who in good faith follows the
21 instructions of a state, city, town or county health
22 officer or who acts in good faith in responding to the
23 public health emergency is immune from any liability

1 arising from complying with those instructions or acting in
2 good faith. This immunity shall apply to health care
3 providers who are retired, who have an inactive license or
4 who are licensed in another state without a valid Wyoming
5 license and while performing as a volunteer during a
6 declared public health emergency as defined by W.S.
7 35-4-115(a)(i). This immunity shall not apply to acts or
8 omissions constituting gross negligence or willful or
9 wanton misconduct.

10

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

22

1 (f) The immunity from liability provided in
2 subsections (a) and (d) of this section shall not apply to
3 damages under or causes of action filed in relation to W.S.
4 27-11-113(c).

5

6 **Section 2.** This act is effective immediately upon
7 completion of all acts necessary for a bill to become law
8 as provided by Article 4, Section 8 of the Wyoming
9 Constitution.

10

11

(END)