

HOUSE BILL NO. HB1006

Vaccine requirements-limitations.

Sponsored by: Joint Labor, Health & Social Services Interim
Committee

A BILL

for

1 AN ACT relating to public health and safety; requiring
2 health care facilities, governmental entities and providers
3 of essential services to offer reasonable accommodations as
4 specified to persons unable or unwilling to provide proof
5 of immunization; creating a personal exemption to mandatory
6 immunizations for school children; providing that requiring
7 immunization as a condition of employment is a
8 discriminatory or unfair employment practice as specified;
9 providing definitions; and providing for an effective date.

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

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

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1 **35-4-140. Limitation on immunization requirements;**
2 **health care facilities and publicly funded services.**

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4 (a) A health care facility shall provide a reasonable
5 accommodation to any person seeking to visit a patient or
6 resident of the health care facility if the person is
7 unable or unwilling to provide proof of immunization.

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9 (b) A governmental entity or public employee shall
10 provide a reasonable accommodation, including through
11 audio-visual or computerized means, to any person seeking
12 to access a publicly funded service if the person is unable
13 or unwilling to provide proof of immunization.

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15 (c) As used in this section:

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

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21 (ii) "Health care facility" means as defined in
22 W.S. 35-2-901(a)(x);

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1 (iii) "Public employee" means any officer,
2 employee, servant of, or any person providing services as
3 an independent contractor of, a governmental entity;

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5 (iv) "Reasonable accommodation" means any change
6 in policy, process, location or other appropriate measures
7 that allows a person who is unable or unwilling to provide
8 proof of immunization to visit a patient or resident of the
9 health care facility or to access publicly funded services
10 unless doing so would create an undue hardship or would
11 pose a direct and unavoidable threat to the health or
12 safety of the patient, resident or staff or other patients
13 or residents of the health care facility.

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15 **Section 2.** W.S. 6-9-101 by creating a new subsection
16 (b) and by renumbering (b) as (c), 21-4-309(a) and (d) by
17 creating a new paragraph (iv), 27-9-105(a) by creating a
18 new paragraph (v) and 27-11-113 are amended to read:

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20 **6-9-101. Equal enjoyment of public accommodations and**
21 **facilities; penalties.**

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1 (b) Any provider of an essential service or product
2 shall provide a reasonable accommodation to any person
3 seeking to obtain an essential service or product offered
4 by the provider if the person is unable or unwilling to
5 provide proof of immunization. As used in this subsection:

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7 (i) "Essential service or product" means any
8 service or product provided by a pharmacy, drug store,
9 physician, physician assistant, nurse practitioner,
10 dentist, physical therapist, mental health specialist,
11 kidney dialysis center, ambulance service, hospital,
12 funeral home, grocery store, crisis shelter, bank or credit
13 union, special needs transportation or gasoline station;

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15 (ii) "Reasonable accommodation" means any change
16 in policy, process, location or other appropriate measures
17 that allows a person who is unable or unwilling to provide
18 proof of immunization to obtain an essential service or
19 product unless doing so would create an undue hardship or
20 pose a direct and unavoidable threat to the health or
21 safety of the person or others.

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1 ~~(b)~~(c) A person who intentionally violates this
2 section commits a misdemeanor punishable by imprisonment
3 for not more than six (6) months, a fine of not more than
4 seven hundred fifty dollars (\$750.00), or both.

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6 **21-4-309. Mandatory immunizations for children**
7 **attending schools; exceptions.**

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9 (a) Any person attending, full or part time, any
10 public or private school, kindergarten through twelfth
11 grade, shall within thirty (30) days after the date of
12 school entry, provide to the appropriate school official
13 written documentary proof of immunization. For purposes of
14 this section, documentary proof of immunization is written
15 certification by a private licensed physician or his
16 representative or by any public health authority, that the
17 person is fully immunized. Documentation shall include
18 month, day and year of each required immunization received
19 against vaccine preventable disease as designated by the
20 state health authority. No school administrator shall
21 permit a student to attend school for more than thirty (30)
22 calendar days without documentary proof of immunization. If
23 immunization requires a series of immunizations over a

1 period of more than thirty (30) calendar days, the child
2 shall be permitted to attend school while receiving
3 continuing immunization if the school administrator
4 receives written notification by a private licensed
5 physician or his representative or by a public health
6 official, specifying a written schedule for necessary
7 immunization completion within the medically accepted time
8 period. Waivers shall be authorized by the state or county
9 health officer upon submission of written evidence of
10 religious objection, ~~or~~ medical contraindication or
11 personal objection to the administration of any vaccine. In
12 the presence of an outbreak of vaccine preventable disease
13 as determined by the state or county health authority,
14 school children for whom a waiver has been issued and who
15 are not immunized against the occurring vaccine preventable
16 disease shall be excluded from school attendance for a
17 period of time determined by the state or county health
18 authority, but not suspended from school as provided in
19 W.S. 21-4-305. Children excluded from school attendance
20 under this section shall not be counted in the aggregate
21 number of pupils absent as defined in W.S. 21-13-101(a)(i).

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23 (d) For purposes of this section:

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(iv) An immunization shall only be mandated after the expiration of a five (5) year period immediately following the beginning of the attendant federal post licensure vaccine safety monitoring period for pediatric patients as administered by the immunization safety office within the center for disease control.

27-9-105. Discriminatory and unfair employment practices enumerated; limitations.

(a) It is a discriminatory or unfair employment practice:

(v) For an employer to require as a condition of employment that any employee or prospective employee be immunized for any preventable disease unless the employer can demonstrate that an unimmunized employee would create an undue hardship or pose a direct threat to the health or safety of persons in the workplace that cannot be eliminated or reduced by means of a reasonable accommodation. As used in this paragraph, "reasonable accommodation" means any change to the application or

1 hiring process, to the job, to the way the job is done or
2 the work environment that allows an unimmunized person who
3 is qualified for the job to perform the essential functions
4 of that job and enjoy equal employment opportunities.

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6 **27-11-113. Physical examination of employees;**
7 **religious exemption.**

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9 Any employer may require an employee to submit to a
10 physical examination before employment or at any time
11 during employment, and shall provide for a physical
12 examination, as deemed necessary, due to exposure or
13 contact with hazards or environmental conditions which may
14 be detrimental to the health of the employee. Nothing in
15 this or any other provision of this act shall be deemed to
16 authorize or require medical examination, immunization or
17 treatment for those who object thereto on religious or
18 personal grounds, except where such is necessary for the
19 protection of the health or safety of others. The results
20 of such examinations shall be furnished only to the
21 department, the employer and, upon request, to the employee
22 and the employee's physician. The employer shall pay for
23 such examination.

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2 **Section 3.** This act is effective immediately upon
3 completion of all acts necessary for a bill to become law
4 as provided by Article 4, Section 8 of the Wyoming
5 Constitution.

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(END)