

HOUSE BILL NO. HB1007

COVID and mRNA vaccines-limitations and prohibitions-2.

Sponsored by: Representative(s) Laursen and Senator(s)
Bouchard

A BILL

for

1 AN ACT relating to public health and safety; prohibiting
2 mandates for COVID 19 or messenger RNA vaccines as
3 specified; prohibiting discrimination based on a person's
4 vaccination status as specified; prohibiting governmental
5 entities or public employees from forcing, requiring or
6 coercing vaccinations for COVID 19; requiring the
7 acceptance of exemptions to vaccinations and treatments as
8 specified; providing criminal and civil penalties and
9 remedies; providing definitions; making conforming
10 amendments; 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. 35-4-140 is created to read:

15

1 35-4-140. Messenger RNA and COVID-19 vaccinations;
2 limitations, prohibitions and exemptions; penalties;
3 remedies.

4

5 (a) As used in this section:

6

7 (i) "Contractor" means:

8

9 (A) Any person who has entered into a
10 public contract with any local, state or federal
11 governmental entity;

12

13 (B) Any person or private entity that
14 provides services on public property; or

15

16 (C) Any person who receives public funds in
17 exchange for providing services of any kind.

18

19 (ii) "COVID-19" means as defined by W.S.
20 1-1-141(a)(ii);

21

1 (iii) "COVID-19 vaccination" means any vaccine
2 that is marketed to prevent COVID-19 or any vaccine that is
3 marketed to diminish or decrease the symptoms of COVID-19;

4

5 (iv) "Employer" means any person or organization
6 that has in its employ one (1) or more persons performing
7 services for it in employment;

8

9 (v) "Governmental entity" means as defined in
10 W.S. 1-39-103(a)(i);

11

12 (vi) "Immunity passport" means a document,
13 digital record or software application that evidences that
14 a person has received an mRNA vaccination or that a person
15 has recovered from an active infection for which an mRNA
16 vaccination is used as treatment;

17

18 (vii) "mRNA vaccination" shall include a
19 COVID-19 vaccination and means a vaccination or
20 immunization that uses messenger ribonucleic acid to make a
21 protein that triggers an immune response in the body;

22

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

4

5 (ix) "Vaccination status" means evidence of
6 whether a person has received one (1) or more doses of an
7 mRNA vaccination, including evidence of an immunity
8 passport for an mRNA vaccination.

9

10 (b) No contractor shall coerce, require, mandate or
11 otherwise make a policy that forces, compels or requires
12 any person to receive an mRNA vaccination.

13

14 (c) No governmental entity or public employee shall
15 force, require or coerce a person to receive an mRNA
16 vaccination against the person's will. The state health
17 officer shall not include any mRNA vaccination in any
18 required immunization under W.S. 21-4-309.

19

20 (d) No person shall:

21

22 (i) Refuse, withhold from or deny to a person
23 any services, goods, facilities, advantages and privileges

1 that are public in nature or that invite the patronage of
2 the public, or any licensing, employment opportunities,
3 educational opportunities or health care, based on the
4 person's vaccination status; or

5

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

12

13 (e) Each contractor, governmental entity, public
14 employee and employer in Wyoming shall accept a waiver or
15 exemption for any mRNA vaccination requirement imposed,
16 subject to the provisions of this section. Waivers or
17 exemptions shall be authorized and accepted by the
18 contractor, governmental entity, public employee or
19 employer upon submission of written evidence of religious
20 objection or medical contraindication to the administration
21 of an mRNA vaccination or upon submission of written
22 evidence that the person has fully recovered from the
23 illness or infection for which the mRNA vaccination is

1 developed. No contractor, governmental entity, public
2 employee or employer shall ask any question of any person
3 submitting an exemption or waiver regarding the person's
4 medical condition or religious beliefs. Any exemption or
5 waiver submitted based on medical reasons in accordance
6 with this subsection shall be signed by a licensed
7 physician.

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

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

21

1 **Section 2.** W.S. 1-1-141(a)(iii)(intro), 27-11-113,
2 35-4-113(b)(intro) and 35-4-114(a), (d) and by creating a
3 new subsection (f) are amended to read:

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5 **1-1-141. COVID-19 exposure and illness; assumption of**
6 **the risk.**

7

8 (a) As used in this section:

9

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

13

14 **27-11-113. Physical examination of employees;**
15 **religious exemption.**

16

17 Subject to the provisions of W.S. 35-4-140, any employer
18 may require an employee to submit to a physical examination
19 before employment or at any time during employment, and
20 shall provide for a physical examination, as deemed
21 necessary, due to exposure or contact with hazards or
22 environmental conditions which may be detrimental to the
23 health of the employee. Nothing in this or any other

1 provision of this act shall be deemed to authorize or
2 require medical examination, immunization or treatment for
3 those who object thereto on medical or religious grounds,
4 except where such is necessary for the protection of the
5 health or safety of others, subject to W.S. 35-4-140. The
6 results of such examinations shall be furnished only to the
7 department, the employer and, upon request, to the employee
8 and the employee's physician. The employer shall pay for
9 such examination.

10

11 **35-4-113. Treatment when consent is not available;**
12 **quarantine.**

13

14 (b) Subject to the provisions of W.S. 35-4-140,
15 during a public health emergency, the state health officer
16 may subject a person to vaccination or medical treatment
17 without consent in the following circumstances:

18

19 **35-4-114. Immunity from liability.**

20

21 (a) Except as provided in subsection (f) of this
22 section, during a public health emergency as defined by
23 W.S. 35-4-115(a)(i) and subject to subsection (d) of this

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

15

16 (d) Except as provided in subsection (f) of this
17 section, any health care provider, person or entity shall
18 be immune from liability for damages in an action involving
19 a COVID-19 liability claim unless the person seeking
20 damages proves that the health care provider, person or
21 entity took actions that constitutes gross negligence or
22 willful or wanton misconduct. Nothing in this subsection
23 shall be construed to limit any other immunity available

1 under law, including the immunity provided in subsection
2 (a) of this section. As used in this subsection, "COVID-19
3 liability claim" means as defined by W.S. 1-1-141(a)(iii).

4

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

8

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

13

14

(END)