

SENATE FILE NO. SF0094

Penalties for mandating COVID-19 vaccinations-2.

Sponsored by: Senator(s) James, Bouchard and McKeown and
Representative(s) Fortner

A BILL

for

1 AN ACT relating to offenses by public officials;
2 prohibiting COVID-19 vaccination mandates as specified;
3 prohibiting penalties and sanctions for the use of
4 alternative COVID-19 treatments; providing penalties;
5 providing definitions; making conforming amendments as
6 specified; and providing for an effective date.

7

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

9

10 **Section 1.** W.S. 6-5-119 is created to read:

11

12 **6-5-119. Offenses and penalties regarding federal**
13 **COVID-19 vaccine mandates; defense of Wyoming citizens.**

14

15 (a) As used in this section:

1

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

6

7 (ii) "Fine" as used in this section is intended
8 to mean an amount equal to either the amount of money the
9 federal government is fining the Wyoming entity in question
10 due to noncompliance with a federal COVID-19 vaccine
11 mandate or the amount of money the federal government is
12 withholding in federal funds for Medicare or other services
13 in retaliation for noncompliance with a federal COVID-19
14 vaccine mandate;

15

16 (iii) "Public entity" means as defined by W.S.
17 16-6-101(a)(viii) and also includes special districts;

18

19 (iv) "Public servant" means an employee,
20 contract employee or elected official of a public entity.

21

22 (b) No public servant shall enforce or attempt to
23 enforce any act, order, law, statute, rule or regulation of

1 the United States government regarding mandating COVID-19
2 vaccinations or mandating the use or prohibition of any
3 other form of COVID-19 preventative treatment that includes
4 but is not limited to a nasal spray, pill or tablet.

5

6 (c) No public entity shall adopt any rule, regulation
7 or policy which attempts to enforce or require a COVID-19
8 vaccination mandate or the mandate or prohibition of an
9 administration of a COVID-19 preventative treatment as a
10 condition of participation in the curriculum, services,
11 programs, activities or operations of the public entity.

12

13 (d) Any public servant who violates subsection (b) or
14 (c) of this section shall be guilty of a misdemeanor
15 punishable by imprisonment for not more than one (1) year,
16 a fine as described in subsection (a)(ii) of this section,
17 or both.

18

19 (e) In addition to the criminal penalties in
20 subsection (d) of this section, a public servant who
21 violates subsection (b) or (c) of this section shall be:

22

1 (i) Terminated from their employment or removed
2 from their office and shall no longer qualify for
3 employment by any public entity in Wyoming;

4

5 (ii) Ineligible to obtain any benefits under the
6 retirement plan they receive or are entitled to receive in
7 the future due to their employment with a public entity in
8 Wyoming.

9

10 (f) Any person aggrieved by a public servant due to a
11 violation of this section, including but not limited to
12 requiring a person to take unpaid leave from their
13 employment due to not abiding by a COVID-19 vaccine
14 mandate, shall have the ability to file a cause of action
15 against that public servant.

16

17 (g) Any federal official, agent, contractor or
18 employee of the United States who enforces or attempts to
19 enforce any act, order, law, statute, rule or regulation of
20 the United States government regarding COVID-19
21 vaccinations or any other form of preventative treatment,
22 which includes but is not limited to a nasal spray, pill or
23 tablet, shall be guilty of a misdemeanor and, upon

1 conviction, shall be punishable by imprisonment for not
2 more than one (1) year, a fine as described in subsection
3 (a)(ii) of this section, or both.

4

5 (h) A corporation doing business in this state
6 violates article 10, section 5 of the Wyoming constitution
7 by violating article 1, section 38 of the Wyoming
8 constitution if it enforces or attempts to enforce any act,
9 order, law, statute, rule or regulation of the United
10 States government that mandates COVID-19 vaccinations or
11 mandates the use or prohibition of any other form of
12 COVID-19 preventative treatment which includes but is not
13 limited to a nasal spray, pill or tablet. If such a
14 violation occurs, the corporation shall forfeit their
15 ability to conduct business in the state of Wyoming.

16

17 **Section 2.** W.S. 1-20-110(a)(i), (ii) and by creating
18 a new subsection (e), 1-39-104(a), 9-3-426(a)(ii) and by
19 creating a new subsection (f), 9-3-620(a) and by creating a
20 new subsection (c), 9-3-712(a) and by creating a new
21 subsection (c), 15-5-209(a) and by creating a new
22 subsection (c), 15-5-313(c) and by creating a new

1 subsection (d) and 15-5-422(a) and by creating a new
2 subsection (c) are amended to read:

3

4 **1-20-110. Exemption for retirement funds and accounts**
5 **except as specified.**

6

7 (a) The following are exempt from execution,
8 attachment, garnishment or any other legal process:

9

10 (i) The interest of an individual or beneficiary
11 in a retirement plan, except as provided by W.S.
12 6-5-119(e)(ii);

13

14 (ii) Money or other assets payable to an
15 individual from a retirement plan, except as provided by
16 W.S. 6-5-119(e)(ii);

17

18 (e) If an individual's retirement benefits are
19 forfeited due to a violation of W.S. 6-5-119 and there are
20 no beneficiaries under the retirement plan, the applicable
21 retirement agency shall seize the individual's retirement
22 benefits and the retirement benefits shall revert back to
23 the applicable retirement agency. If there are

1 beneficiaries under the retirement plan, the forfeited
2 retirement benefits shall be distributed to the
3 beneficiaries.

4

5 **1-39-104. Granting immunity from tort liability;**
6 **liability on contracts; exceptions.**

7

8 (a) A governmental entity and its public employees
9 while acting within the scope of duties are granted
10 immunity from liability for any tort except as provided by
11 W.S. 1-39-105 through 1-39-112 and 6-5-119(f). Any immunity
12 in actions based on a contract entered into by a
13 governmental entity is waived except to the extent provided
14 by the contract if the contract was within the powers
15 granted to the entity and was properly executed and except
16 as provided in W.S. 1-39-120(b). The claims procedures of
17 W.S. 1-39-113 apply to contractual claims against
18 governmental entities.

19

20 **9-3-426. Benefits, allowances and contents of account**
21 **exempt from taxation and not subject to execution or**
22 **attachment except as specified; assignment limited;**
23 **qualified domestic relations order; system assets.**

1

2 (a) The benefits and allowances and the cash and
3 securities in the account created by this article:

4

5 (ii) Are not subject to execution or attachment
6 by trustee process or otherwise, in law or equity, or under
7 any other process whatsoever, except as provided by W.S.
8 6-5-119(e)(ii);

9

10 (f) If an employee's retirement benefits are
11 forfeited due to a violation of W.S. 6-5-119 and there are
12 no beneficiaries under the retirement plan, the retirement
13 board shall seize the employee's retirement benefits and
14 the retirement benefits shall revert back to the retirement
15 system. If there are beneficiaries under the retirement
16 plan, the forfeited retirement benefits shall be
17 distributed to the beneficiaries.

18

19 **9-3-620. Exemption of benefits from state and local**
20 **taxes, execution and attachment except as specified;**
21 **benefits paid under qualified domestic relations order.**

22

1 (a) Benefits and allowances set forth under this
2 article are exempt from any state, county or municipal tax
3 and are not subject to execution or attachment by trustee
4 process or otherwise, in law or equity, or under any other
5 process, except as provided by W.S. 6-5-119(e)(ii), and are
6 not assignable except as specially provided in this
7 article.

8
9 (c) If an employee's retirement benefits are
10 forfeited due to a violation of W.S. 6-5-119 and there are
11 no beneficiaries under the retirement plan, the retirement
12 board shall seize the employee's retirement benefits and
13 the retirement benefits shall revert back to the retirement
14 fund. If there are beneficiaries under the retirement plan,
15 the forfeited retirement benefits shall be distributed to
16 the beneficiaries.

17
18 **9-3-712. Exemption of benefits from state and local**
19 **taxes, execution and attachment except as specified;**
20 **benefits paid under qualified domestic relations order.**

21
22 (a) Benefits and allowances set forth under this
23 article are exempt from any state, county or municipal tax

1 and are not subject to execution or attachment by trustee
2 process or otherwise, in law or equity, or under any other
3 process, except as provided by W.S. 6-5-119(e)(ii), and are
4 not assignable except as specially provided in this
5 article.

6

7 (c) If an employee's retirement benefits are
8 forfeited due to a violation of W.S. 6-5-119 and there are
9 no beneficiaries under the retirement plan, the retirement
10 board shall seize the employee's retirement benefits and
11 the retirement benefits shall revert back to the retirement
12 program. If there are beneficiaries under the retirement
13 plan, the forfeited retirement benefits shall be
14 distributed to the beneficiaries.

15

16 **15-5-209. Payments; when and how made; protections;**
17 **nonassignability; qualified domestic relations order.**

18

19 (a) Payments made under this article shall be made to
20 the beneficiaries on or before the fifth day of each month
21 and shall be made by voucher approved by the board or its
22 designee drawn against the firemen's pension account and
23 paid by the board out of the account. No payments made

1 under this article are subject to judgment, attachment,
2 execution, garnishment or other legal process, except as
3 provided by W.S. 6-5-119(e)(ii), and are not assignable nor
4 shall the board recognize any assignment nor pay over any
5 sum assigned.

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7 (c) If a fireman's pension benefits are forfeited due
8 to a violation of W.S. 6-5-119 and there are no
9 beneficiaries under the pension plan, the retirement board
10 shall seize the fireman's pension benefits and the pension
11 benefits shall revert back to the pension fund. If there
12 are beneficiaries under the pension plan, the pension
13 benefits shall be distributed to the beneficiaries.

14

15 **15-5-313. Pension application; when payments made and**
16 **benefits suspended; pension protections.**

17

18 (c) The cash and securities while in the account
19 created by this article are exempt from any state, county
20 or municipal tax of this state, and are not subject to
21 execution or attachment by trustee process or otherwise, in
22 law or equity, or under any other process whatsoever,

1 except as provided by W.S. 6-5-119(e)(ii), and are not
2 assignable.

3
4 (d) If a policeman's pension benefits are forfeited
5 due to a violation of W.S. 6-5-119 and there are no
6 beneficiaries under the pension plan, the retirement board
7 shall seize the policeman's pension benefits and the
8 pension benefits shall revert back to the pension fund. If
9 there are beneficiaries under the pension plan, the
10 forfeited pension benefits shall be distributed to the
11 beneficiaries.

12
13 **15-5-422. Payments; when and how made; protections;**
14 **nonassignability; qualified domestic relations order.**

15
16 (a) Payments made under this article shall be made to
17 the beneficiaries on or before the fifth day of each month.
18 Payments shall be made by voucher drawn against the
19 firemen's pension account and paid by the state auditor out
20 of the account or using an appropriate alternative method
21 approved by the state auditor. No payments made under this
22 article are subject to judgment, attachment, execution,
23 garnishment or other legal process, except as provided by

1 W.S. 6-5-119(e)(ii), and are not assignable nor shall the
2 board recognize any assignment nor pay over any sum
3 assigned.

4
5 (c) If an employee's pension benefits are forfeited
6 due to a violation of W.S. 6-5-119 and there are no
7 beneficiaries under the pension plan, the retirement board
8 shall seize the employee's pension benefits and the pension
9 benefits shall revert back to the pension fund. If there
10 are beneficiaries under the pension plan, the forfeited
11 pension benefits shall be distributed to the beneficiaries.

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

17

18 (END)

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