



SF1003

COVID-19 discriminatory practices-prohibition.

Sponsored By: Senator(s) Steinmetz, Cooper, Dockstader, Driskill, French, Hicks, Hutchings, McKeown, Salazar and Schuler and Representative(s) Bear, Gray, Greear, Haroldson, Heiner, Jennings, Knapp, Neiman, Ottman, Rodriguez-Williams and Styvar

AN ACT relating to miscellaneous offenses; prohibiting discrimination based on COVID-19 vaccination status as specified; prohibiting discrimination based on COVID-19 vaccination status in health insurance as specified; prohibiting a requirement of COVID-19 vaccinations in order to receive or access benefits, services or educational opportunities as specified; providing a criminal penalty; authorizing civil remedies; providing definitions; making conforming amendments; and providing for an effective date.

10/21/2021 Bill Number Assigned
10/26/2021 S Received for Introduction
10/26/2021 S Introduced and Referred to S02 - Appropriations
10/27/2021 S02 - Appropriations:Recommend Amend and Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) Gierau, Hicks, Kinskey, Perkins, Steinmetz
Ayes 5 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

10/27/2021 S Placed on General File

SF1003SS001/ADOPTED

Page 2-after line 19 Insert:

"(iv) "Insurer" means an insurance company or a health service corporation authorized in this state to issue policies or subscriber contracts that reimburse for expenses of health care services."

Page 3-lines 1 Delete "increase the".

Page 3-line 2 Delete "premiums for,".

Page 3-line 15 Delete "do".

Page 3-lines 16 through 21 Delete entirely.

Page 4-line 1 Delete "(ii)".

Page 5-line 23 Delete ":".

Page 6-line 2 Delete "(i)".

Page 6-line 8 Delete "; or" and insert ".".

Page 6-lines 10 through 17 Delete entirely.

Page 7-line 16 After "21-4-309(a)," insert "26-1-102(a)(xvi),".

Page 10-after line 7 Insert:

"26-1-102. Definitions.

(a) As used in this act:

(xvi) Except as otherwise provided in W.S. 26-20-901 and 26-22-501 through 26-22-503, "insurer" means any person engaged as indemnitor, surety or contractor in the business of entering into contracts of insurance or of annuity;

Page 10-line 23 Delete "ever". PERKINS, CHAIRMAN

10/27/2021 S COW:Passed

SF1003S2004/WITHDRAWN

SF1003S2003/ADOPTED

Page 1-line 3 After "specified;" delete balance of line.

Page 1-line 4 Delete entirely including the Perkins second reading amendment (SF1003S2001/AC) to this line.

Pages 2 through 6 Delete entirely including the Senate standing committee amendment (SF1003SS001/A) and the Perkins second reading amendment (SF1003S1001/AC) to these lines.

Page 7-lines 2 through 13 Delete entirely including the Perkins second reading amendment (SF1003S2001/AC) to these lines.

Page 7-line 15 Delete "**Section 2**" and insert "**Section 1**".

Page 7-line 16 Delete the Senate standing committee amendment (SF1003SS001/A) to this line.

Page 10-after line 7 Delete the Senate standing committee amendment (SF1003SS001/A) to this line. STEINMETZ

SF1003S2002/WITHDRAWN

SF1003S2001/ADOPTED (CORRECTED COPY)

Page 1-line 2 After "discrimination" insert "for the purpose of public accommodations".

Page 1-line 4 After "specified;" insert "providing a criminal penalty;".

Page 1-lines 5 through 7 Delete entirely.

Page 1-line 8 Delete "authorizing civil remedies;".

Page 2-line 1 Delete "and 35-4-140 are" and insert "is".

Page 2-line 15 Delete "as defined in".

Page 2-line 16 Delete entirely and insert "any vaccine that is marketed to prevent COVID-19 or any vaccine that is marketed to diminish or decrease the symptoms of COVID-19;".

Page 2-line 18 Delete "as".

Page 2-line 19 Delete entirely and insert "evidence of whether a person has received one (1) or more doses of a COVID-19 vaccine."

Page 4-lines 11 through 14 Delete entirely and insert:

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

Page 4-lines 16 through 22 Delete entirely.

Page 5 and 6 Delete entirely including the Senate standing committee amendment (SF1003SS001/A) to these pages and the Kost second reading amendment (SF1003S2002/AC) to these pages.

Page 7-lines 2 through 13 Delete entirely.

Page 7-line 15 Delete "1-1-141(a)(iii)(intro)" and insert "6-9-101(a) and by creating a new subsection (c)".

Page 7-line 16 Delete ", 35-4-114(a), (d) and".

Page 7-line 17 Delete line through "subsection (f)".

Page 7-lines 20 through 23 Delete entirely.

Page 8-lines 2 through 4 Delete entirely.

Page 8-after line 4 Insert:

"6-9-101. Equal enjoyment of public accommodations and facilities; penalties.

(a) All persons of good deportment are entitled to the full and equal enjoyment of all accommodations, advantages, facilities and privileges of all places or agencies which are public in nature, or which invite the patronage of the public, without any distinction, discrimination or restriction on account of race, religion, color, sex, ~~or~~ national origin or COVID-19 vaccination status.

(c) As used in this section:

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

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

(iii) "COVID-19 vaccination status" means evidence of whether a person has received one (1) or more doses of a COVID-19 vaccine."

Page 8-line 9 Delete "35-4-140" and insert "6-9-101".

Page 8-line 17 Delete "prohibited by W.S. 35-4-140" and insert "provided by W.S. 6-9-101".

Page 10-line 23 Delete "35-4-140" and insert "6-9-101".

Page 11-line 9 Delete "prohibited by W.S. 35-4-140" and insert "provided by W.S. 6-9-101".

Page 11-lines 17 through 23 Delete entirely.

Page 12 Delete entirely.

Page 13-lines 1 through 5 Delete entirely.

Page 13-line 13 Delete "prohibited".

Page 13-line 14 Delete "by W.S. 35-4-140" and insert "provided by W.S. 6-9-101". PERKINS

10/28/2021 S 2nd Reading:Passed

SF1003S3001/WITHDRAWN

**SF1003S3002.01/ADOPTED [DIVIDED AMENDMENT]
(CORRECTED COPY)**

Page 7-line 15 In the Perkins second reading amendment (SF1003S2001/AC) to this line, delete "6-9-101(a) and by creating a new subsection (c)" and insert "6-9-101(a) and (b) and by creating new subsections (c) and (d)".

Page 8-after line 4 In the Perkins second reading amendment (SF1003S2001/AC) to this line, delete subsection (c) created by that amendment and insert:

"(b) Except as provided in subsection (c) of this section, a person who intentionally violates this section commits a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.

(c) Notwithstanding the penalty imposed under subsection (b) of this section, any person who intentionally violates this section on account of a person's COVID-19 vaccination status commits a misdemeanor punishable by a fine of not more than fifty dollars (\$50.00) subject to the following conditions:

(i) Notwithstanding the authority granted under W.S. 7-2-102(b)(i), a peace officer shall not arrest a person without a warrant for an alleged violation of this section and may only issue a citation as a charging document.

(d) As used in this section:

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

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

(iii) "COVID-19 vaccination status" means evidence of whether a person has received one (1) or more doses of a COVID-19 vaccine." LANDEN, FURPHY, SCHULER

SF1003S3002.02/FAILED

**[DIVIDED AMENDMENT]
(CORRECTED COPY)**

Page 7-line 15

In the Perkins second reading amendment (SF1003S2001/AC) to this line, delete "6-9-101(a) and by creating a new subsection (c)" and insert "6-9-101(a) and (b) and by creating new subsections (c) and (d)".

Page 8-after line 4

In the Perkins second reading amendment (SF1003S2001/AC) to this line, delete subsection (c) created by that amendment and insert:

"(b) Except as provided in subsection (c) of this section, a person who intentionally violates this section commits a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.

(c) Notwithstanding the penalty imposed under subsection (b) of this section, any person who intentionally violates this section on account of a person's COVID-19 vaccination status commits a misdemeanor punishable by a fine of not more than fifty dollars (\$50.00) subject to the following conditions:

(ii) No conviction under this subsection, whether by guilty plea, adjudication of guilt or forfeiture of bond shall be reported by the court to any law enforcement agency. Upon payment of the fine imposed by this section, a criminal conviction under this section shall be expunged by operation of law from all records of the court six (6) months after the entry of conviction. For any person whose record of conviction is expunged under this subsection, the conviction is deemed not to have occurred and the individual may reply accordingly upon any inquiry in the matter. No expungement under this subsection shall be considered for purposes of any other law providing for expungement.

(d) As used in this section:

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

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

(iii) "COVID-19 vaccination status" means evidence of whether a person has received one (1) or more doses of a COVID-19 vaccine." LANDEN, FURPHY, SCHULER

SF1003S3003.01/ADOPTED

**[DIVIDED AMENDMENT]
(CORRECTED COPY)**

Page 9-line 19 Strike "any".

Page 9-line 20 Strike "vaccine." and insert "vaccines for preventable diseases. Waivers to the administration of COVID-19 vaccines shall be granted by the state or county health officer upon submission of a written request by a child's parent, legal guardian or other adult person authorized to consent to medical treatment of the child seeking the waiver. The state or county health officer shall grant the requested immunization waiver within seven (7) business days of receipt.". BITEMAN, STEINMETZ

ROLL CALL

Ayes: Senator(s) Biteman, Boner, Bouchard, Cooper, Dockstader, Driskill, Ellis, French, Hicks, Hutchings, James, Kinskey, Kolb, Kost, Mckeown, Nethercott, Perkins, Salazar, Schuler, Steinmetz

Nays: Senator(s) Anderson, Case, Furphy, Gierau, Landen, Rothfuss, Scott, Wasserburger

Excused: Senator(s) Baldwin, Pappas

Ayes 20 **Nays** 8 **Excused** 2 **Absent** 0 **Conflicts** 0

SF1003S3003.02/ADOPTED **[DIVIDED AMENDMENT]**
(CORRECTED COPY)

Page 1-line 8 After "definitions;" insert "creating a waiver for public school mask mandates;".

Page 7-line 16 After "21-4-309(a)" insert "and by creating a new subsection (e)".

Page 10-after line 7 Insert:

"(e) The state or county health officer shall grant waivers to any mask mandate imposed on any person attending, full or part time, any public school or kindergarten through twelfth grade upon submission of a written request by the child's parent, legal guardian or other adult person authorized to consent to medical treatment of the child seeking the waiver. The state or county health officer shall grant the requested waiver within seven (7) business days of receipt." BITEMAN, STEINMETZ

ROLL CALL

Ayes: Senator(s) Biteman, Bouchard, Cooper, Dockstader, Driskill, Ellis, French, Hicks, Hutchings, James, Kolb, Mckeown, Nethercott, Salazar, Schuler, Steinmetz

Nays: Senator(s) Anderson, Baldwin, Boner, Case, Furphy, Gierau, Kinskey, Kost, Landen, Perkins, Rothfuss, Scott, Wasserburger

Excused: Senator Pappas

Ayes 16 **Nays** 13 **Excused** 1 **Absent** 0 **Conflicts** 0

SF1003S3004/ADOPTED

In the Perkins second reading amendment (SF1003S2001/AC) to this line, in subsection (a) amended by that amendment, after "COVID-19 vaccination status" insert ". A health care provider may inquire into whether a person has proof of COVID-19 immunity, a current negative result from a COVID-19 test or a current positive result from a COVID-19 antibody test and may use reasonable accommodation measures imposed through the least restrictive means based on the person's response to the inquiry if necessary to protect the health and safety of patients or of employees who are at increased risk of contracting COVID-19. A health care provider may consider an employee to be nonvaccinated if the employee declines to provide the employee's vaccination status to the health care provider for purposes of determining whether reasonable accommodation measures should be implemented". BITEMAN

10/29/2021 S 3rd Reading:Failed 13-15-1-0-1

ROLL CALL

Ayes: Senator(s) Biteman, Bouchard, Cooper, Dockstader, Driskill, French, Hicks, Hutchings, James, Mckeown, Salazar, Schuler, Steinmetz

Nays: Senator(s) Anderson, Baldwin, Boner, Case, Ellis, Furphy, Gierau, Kinskey, Kolb, Landen, Nethercott, Perkins, Rothfuss, Scott, Wasserburger

Excused: Senator Pappas

Conflicts: Senator Kost

Ayes 13 **Nays** 15 **Excused** 1 **Absent** 0 **Conflicts** 1