

HOUSE BILL NO. HB1002

Federal COVID vaccine mandates-prohibition and remedies-2.

Sponsored by: Representative(s) Sommers, Greear and Olsen
and Senator(s) Dockstader, Driskill, Hicks,
Kinskey and Schuler

A BILL

for

1 AN ACT relating to the protection of individual rights;
2 providing legislative findings; prohibiting the enforcement
3 of federal COVID 19 vaccine mandates as specified;
4 providing definitions; authorizing litigation to protect
5 the rights of Wyoming citizens as specified; providing an
6 appropriation; and providing for an effective date.

7

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

9

10 **Section 1.**

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12 (a) The legislature finds that:

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14 (i) In December 2019, a novel coronavirus known
15 as severe acute respiratory syndrome coronavirus 2

1 (SARS-CoV-2) was first detected in China, leading to
2 outbreaks of novel coronavirus disease (COVID-19) that have
3 now spread globally;

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5 (ii) Throughout 2020 and 2021, vaccines for
6 COVID-19 were authorized and approved by the federal food
7 and drug administration;

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9 (iii) On September 9, 2021, President Joseph R.
10 Biden Jr. announced that a federal Occupational Safety and
11 Health Administration (OSHA) rule would be promulgated to
12 require all businesses with one hundred (100) or more
13 employees to ensure that every employee is either
14 vaccinated for COVID-19 or tested at least one (1) time
15 every week for COVID-19;

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17 (iv) As part of the plan announced by the
18 President, the centers for Medicare and Medicaid services,
19 in collaboration with the centers for disease control and
20 prevention, announced that current emergency regulations
21 requiring vaccinations for nursing home workers would be
22 expanded to include hospitals, dialysis facilities,
23 ambulatory surgical settings and home health agencies,

1 among others, as a condition for participating in the
2 Medicare and Medicaid programs. The announcement indicated
3 that these vaccine mandates will apply to both health care
4 providers and suppliers that participate in the Medicare
5 and Medicaid programs;

6

7 (v) It is expected that, in the upcoming days or
8 weeks, the federal occupational safety and health
9 administration and the centers for Medicare and Medicaid
10 services will promulgate emergency standards that will
11 require Medicare and Medicaid health care workers and
12 suppliers and all employers in Wyoming and the entire
13 United States with one hundred (100) employees or more to
14 ensure that all of their employees are either fully
15 vaccinated for COVID-19 or ensure that all of their
16 employees are tested at least one (1) time per week for
17 COVID-19;

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19 (vi) Countless Wyoming citizens fear losing
20 their livelihoods because they object to receiving a
21 COVID-19 vaccination for reasons of personal conscience,
22 religious conviction or for medical reasons, including
23 prior recovery from COVID-19;

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2 (vii) The decision to receive a vaccination is a
3 personal decision and should not be subject to government
4 intrusion or dictate;

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6 (viii) The Ninth Amendment to the United States
7 Constitution provides that the enumeration in the
8 constitution of certain rights shall not be construed to
9 deny or disparage other rights retained by the people;

10

11 (ix) The Tenth Amendment to the United States
12 Constitution provides that the powers not delegated to the
13 United States in the constitution, nor prohibited by it to
14 the states, are reserved to the states respectively, or to
15 the people;

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17 (x) Article 1, section 38 of the Wyoming
18 constitution provides that each competent adult has the
19 right to make his or her own health care decisions;

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21 (xi) Through various legislative enactments, the
22 legislature has established its primary role over

1 immunizations, and all immunization laws and regulations in
2 Wyoming are based on laws that the legislature has enacted;

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4 (xii) The legislature has established a process
5 by which persons can submit religious exemptions to
6 vaccination mandates, and the legislature can amend the
7 exemption process from time to time as it sees fit;

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9 (xiii) By imposing a COVID-19 vaccination
10 mandate on the people and businesses of Wyoming, the
11 federal government's actions constitute an abridgement of
12 both the United States and the Wyoming Constitutions; and

13

14 (xiv) The state of Wyoming as a sovereign entity
15 cannot be compelled to enforce vaccination mandates from
16 the federal government that might well be deemed an
17 unconstitutional exercise of the power of interpretation,
18 to insist that the states are bound to provide means to
19 carry into effect the duties of the federal government,
20 nowhere delegated or entrusted to them by the constitution.

21

22 **Section 2.** W.S. 9-14-103 is created to read:

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1 **9-14-103. COVID-19 vaccine mandate; prohibitions;**
2 **penalties.**

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4 (a) As used in this section:

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6 (i) "COVID-19" means as defined by W.S.
7 1-1-141(a)(ii);

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

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13 (iii) "Public entity" means as defined by W.S.
14 16-6-101(a)(viii).

15

16 (b) No public entity shall enforce any mandate or
17 standard of the federal government, whether emergency,
18 temporary or permanent, that requires an employer to ensure
19 or mandate that an employee shall receive a COVID-19
20 vaccination until the date that a federal regulation, rule
21 or standard takes legal effect that has the effect of
22 requiring Wyoming employers to comply with the federal
23 COVID-19 vaccination mandate and any challenge to the

1 federal regulation, rule or standard in the federal court
2 system is exhausted. The governor shall certify to the
3 secretary of state any occurrence subject to this
4 subsection.

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6 (c) Any person who knowingly and willfully violates
7 subsection (b) of this section shall be guilty of a
8 misdemeanor punishable by imprisonment not to exceed six
9 (6) months, a fine not to exceed seven hundred and fifty
10 dollars (\$750.00), or both.

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12 **Section 3.** With the direction and consent of the
13 governor, the attorney general's office may initiate or
14 participate in litigation and take any other appropriate
15 action to challenge and resist federal government action
16 related to COVID-19 vaccination mandates that are contrary
17 to the law and the rights of Wyoming citizens.

18

19 **Section 4.** There is appropriated one million dollars
20 (\$1,000,000.00) from the general fund to the governor's
21 office for purposes of funding the legal and other action
22 authorized by section 3 of this act. This appropriation
23 shall be for the period beginning with the effective date

1 of this act and ending June 30, 2024. This appropriation
2 shall not be transferred or expended for any other purpose
3 and any unexpended, unobligated funds remaining from this
4 appropriation shall revert as provided by law on June 30,
5 2024. It is the intent of the legislature that this
6 appropriation not be included in the governor's standard
7 budget for the immediately succeeding fiscal biennium.

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9 **Section 5.** 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.

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14

(END)