

SENATE FILE NO. SF0112

Peer support counseling-confidentiality.

Sponsored by: Senator(s) Nethercott, Barlow and Case and  
Representative(s) Conrad, Neiman and Niemiec

A BILL

for

1 AN ACT relating to labor and employment; providing for peer  
2 support specialists for law enforcement and emergency  
3 services personnel; providing for confidentiality;  
4 providing definitions; and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 7-23-101 and 7-23-102 are created to  
9 read:

10

11

CHAPTER 16

12

PEER SUPPORT COUNSELING

13

14 **7-23-101. Definitions.**

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1           (a) As used in this chapter:

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3           (i) "Emergency services personnel" means any  
4 employee or volunteer regulated under title 33, chapter 36  
5 of the Wyoming statutes;

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7           (ii) "Emergency services provider" means any  
8 public employer, or ground or air ambulance service, that  
9 employs emergency services personnel or persons to provide  
10 fire fighting, dispatching services or other emergency  
11 medical services;

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13           (iii) "Employee assistance program" means a  
14 program established by a law enforcement agency or  
15 emergency services provider to provide professional  
16 counseling or support services to employees or volunteers  
17 of a law enforcement agency, emergency services provider,  
18 or a professional mental health provider associated with a  
19 peer support team;

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21           (iv) "Law enforcement agency" means any public  
22 agency that employs a law enforcement officer;

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1           (v) "Law enforcement officer" means any person  
2 who, by virtue of office or public employment, is vested  
3 with a duty to maintain public order or to make arrests for  
4 violations of the laws of the state of Wyoming or  
5 ordinances of a municipality or with a duty to maintain or  
6 assert custody or supervision over persons accused or  
7 convicted of a crime, while acting within the scope of  
8 their authority as an employee or volunteer of a law  
9 enforcement agency;

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11           (vi) "Peer support counseling session" means any  
12 session conducted by a peer support specialist that is  
13 called or requested in response to a critical incident or  
14 traumatic event involving the personnel of the law  
15 enforcement agency or emergency services provider;

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17           (vii) "Peer support specialist" means a person  
18 who:

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20           (A) Is designated by a law enforcement  
21 agency, emergency services provider, employee assistance  
22 program or peer support team leader to lead, moderate or  
23 assist in a peer support counseling session;

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2 (B) Is a member of a peer support team; and

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4 (C) Has received training in counseling and  
5 providing emotional and moral support to law enforcement  
6 officers or emergency services personnel who have been  
7 involved in emotionally traumatic incidents by reason of  
8 their employment.

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10 (viii) "Peer support team" means a group of peer  
11 support specialists serving one (1) or more law enforcement  
12 agencies or emergency services providers.

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14 **7-23-102. Peer support counseling session**  
15 **communications; confidentiality; applicability.**

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17 (a) Any communication made by a participant or peer  
18 support specialist in a peer support counseling session,  
19 and any oral or written information conveyed in or as the  
20 result of a peer support counseling session, shall be  
21 confidential and shall not be disclosed by any person  
22 participating in or conducting the peer support counseling  
23 session.

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2 (b) Any communication between peer support  
3 specialists relating to a peer support counseling session,  
4 between peer support specialists and the supervisors or  
5 staff of an employee assistance program or between the  
6 supervisors or staff of an employee assistance program  
7 shall be confidential and shall not be disclosed.

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9 (c) This section shall apply only to peer support  
10 counseling sessions conducted by a peer support specialist.

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12 (d) This section shall apply to all oral  
13 communications, notes, records and reports arising out of a  
14 peer support counseling session. Any notes, records or  
15 reports arising out of a peer support counseling session  
16 shall not be public records and shall not be available for  
17 inspection or disclosure under the Wyoming Public Records  
18 Act, W.S. 16-4-201 through 16-4-205. Nothing in this  
19 section limits the discovery or introduction into evidence  
20 of knowledge acquired by any law enforcement officer or  
21 emergency services personnel from observations made during  
22 the course of employment, or material or information

1 acquired during the course of employment, that is otherwise  
2 subject to discovery or introduction into evidence.

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4 (e) This section shall not apply to any:

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6 (i) Threat of suicide or criminal act made by a  
7 participant in a peer support counseling session, or any  
8 information conveyed in a peer support counseling session  
9 relating to a threat of suicide or criminal act;

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11 (ii) Information relating to abuse of spouses,  
12 children or the elderly, or other information that is  
13 required to be reported by law;

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15 (iii) Admission of criminal conduct;

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17 (iv) Disclosure of testimony by a participant  
18 who received peer support counseling services and expressly  
19 consented to the disclosure; or

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21 (v) Disclosure of testimony by the surviving  
22 spouse or executor or administrator of the estate of a  
23 deceased participant who received peer support counseling

1 services and the surviving spouse or executor or  
2 administrator expressly consented to the disclosure.

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4 (f) This section shall not prohibit any  
5 communications between peer support specialists who conduct  
6 peer support counseling sessions, or any communications  
7 between peer support specialists and the supervisors or  
8 staff of an employee assistance program.

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10 (g) This section shall not prohibit communications  
11 regarding the fitness of an employee for duty between an  
12 employee assistance program and an employer.

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14 **Section 2.** This act is effective July 1, 2023.

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(END)