

10/28/2021

Hello Sublette County, this is Albert Sommers reporting to you from Cheyenne on Thursday the 28th, the third day of the Special Session of the Wyoming Legislature, called to address federal overreach surrounding proposed federal COVID-19 vaccine mandates.

Today the House heard two bills in 2nd Reading: [HB1001](#), COVID-19 vaccine employer mandates; and [HB1002](#), Federal COVID vaccine mandates-prohibition and remedies-2.

As I mentioned in yesterday's update, both these bills passed Committee of the Whole. HB1001, COVID-19 vaccine employer mandates, was heavily debated at that time.

If enacted, this bill would provide that no employer in the state of Wyoming shall require or mandate an employee to receive a COVID-19 vaccine as a condition of employment, unless the mandate is critical to ensuring the health, safety and welfare of the workplace, or the lack of such a mandate would otherwise jeopardize the business. Further, the employer must allow employee exceptions to the mandate for religious or medical reasons.

Today in 2nd Reading, 18 amendments to HB1001 were submitted for consideration.

The other bill, HB1002, Federal COVID vaccine mandates-prohibition and remedies-2, forbids any public entity from implementing a federal COVID-19 vaccination rule until the rule is fully in effect and any stay of the rule in the federal courts has been completed. Further, the bill authorizes the Wyoming Attorney General to fight federal vaccine mandates, and it appropriates money to the Governor's office to fight these mandates. The courts are the only way to truly fight these federal mandates, and I think Wyoming has a good case.

HB1002 got a thorough going-over today in 2nd Reading as we continued to debate the unintended consequences of businesses and public entities being placed in the position of having to violate state law by implementing a federal vaccine mandate, or violating federal law by not requiring a vaccine mandate. All hospitals and nursing homes would likely lose their Medicaid/Medicare dollars if they followed state law by not implementing a federal mandate. We also run the risk of losing control of federal OSHA authority, if we conflict with federal rules. This would be a critical detriment to Wyoming businesses.

We continued debating the precise language needed for Wyoming to comply with federal preemption laws, while retaining our state law if a court issues a stay on a federal COVID-19 vaccination mandate.

Wyoming needs to push back on federal COVID-19 vaccine mandates in the court, show that the federal regulation is contrary to state law, and somehow not damage Wyoming businesses, citizens and the state of Wyoming in the process.

I can be reached at albert@albertsommers.com with questions or comments.