

State of Wisconsin



2021 Assembly Bill 675

Date of enactment:
Date of publication*:

2021 WISCONSIN ACT

AN ACT to create 103.375 of the statutes; relating to: natural immunity to COVID-19 in lieu of proof of vaccination or test.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 103.375 of the statutes is created to read:

103.375 Natural immunity in lieu of vaccination or test for COVID-19. (1) **DEFINITIONS.** In this section:

(a) "Employer" means a person engaging in any activity, enterprise, or business in this state and includes the state and any office, department, independent agency, authority, institution, association, society, or other body in state government created or authorized to be created by the constitution or any law.

(b) "Health care provider" means any of the following if the individual is licensed to practice in any state or territory of the United States:

1. A nurse.
2. A practical nurse.
3. A chiropractor.
4. A physician assistant.
5. A physician.
6. A pharmacist.

(c) "SARS-CoV-2 coronavirus" includes any variant or virus derived as a mutation of the SARS-CoV-2 coronavirus, which causes COVID-19.

(2) **NATURAL IMMUNITY IN LIEU OF VACCINATION OR TESTING.** If an employer requires an employee or prospective employee to receive a vaccine against the

SARS-CoV-2 coronavirus and to show proof of having received the vaccine, or to be regularly tested for COVID-19 as a condition of an offer of employment or continued employment with the employer, and if the employer is not otherwise prohibited by law from requiring an employee or prospective employee to receive a vaccine against the SARS-CoV-2 coronavirus and to show proof of having received the vaccine, or to be regularly tested for COVID-19 as a condition of an offer of employment or continued employment with the employer, the employer shall accept, in lieu of requiring the vaccine, proof of having received the vaccine, or regular testing for COVID-19, documentation demonstrating natural immunity against the SARS-CoV-2 coronavirus that is signed by a health care provider and dated after March 1, 2020, showing that the individual tested positive for COVID-19 or showing a serology test that demonstrates the presence of naturally occurring antibodies against the SARS-CoV-2 coronavirus in the individual's blood.

(3) **WRITTEN NOTIFICATION.** If an employer notifies an employee or prospective employee that the employer requires an employee or prospective employee to receive a vaccine against the SARS-CoV-2 coronavirus and to show proof of having received the vaccine, or to be regularly tested for COVID-19 as a condition of an offer of

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

employment or continued employment with the employer, the employer shall inform the employee or prospective employee in writing of the individual's right to provide proof of natural immunity under sub. (2).

(4) **DISCRIMINATION.** No employer may discriminate against an employee who provides proof of natural

immunity under sub. (2) in the individual's employment, including requiring the employee to self-isolate, wear a face covering, or work in an area outside the employee's usual work area, if the employer does not require the same of employees who provide proof of vaccination or who undergo regular testing for COVID-19.
