

ORIGINAL SENATE
FILE NO. SF0112

ENROLLED ACT NO. 75, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

AN ACT relating to labor and employment; providing for the confidentiality of communications with peer support specialists as specified; providing definitions; and providing for an effective date.

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

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

CHAPTER 23
PEER SUPPORT COUNSELING

7-23-101. Definitions.

(a) As used in this chapter:

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

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

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

ORIGINAL SENATE
FILE NO. SF0112

ENROLLED ACT NO. 75, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

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

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

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

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

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

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

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

ORIGINAL SENATE
FILE NO. SF0112

ENROLLED ACT NO. 75, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

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

(ix) "Peer support counseling" shall not include professional counseling sessions provided by licensed counselors as defined by W.S. 33-38-102(a)(iii).

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

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

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

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

(d) This section shall apply to all oral communications, notes, records and reports arising out of a peer support counseling session. Any notes, records or reports arising out of a peer support counseling session shall not be public records and shall not be available for inspection or disclosure under the Wyoming Public Records

ORIGINAL SENATE
FILE NO. SF0112

ENROLLED ACT NO. 75, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

Act, W.S. 16-4-201 through 16-4-205. Nothing in this section limits the discovery or introduction into evidence of knowledge acquired by any law enforcement officer or emergency services personnel from observations made during the course of employment, or material or information acquired during the course of employment, that is otherwise subject to discovery or introduction into evidence.

(e) This section shall not apply to any:

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

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

(iii) Admission of criminal conduct;

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

(v) Disclosure of testimony by the surviving spouse or executor or administrator of the estate of a deceased participant who received peer support counseling services and the surviving spouse or executor or administrator expressly consented to the disclosure.

(f) This section shall not prohibit any communications between peer support specialists who conduct peer support counseling sessions, or any communications

ORIGINAL SENATE
FILE NO. SF0112

ENROLLED ACT NO. 75, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

between peer support specialists and the supervisors or staff of an employee assistance program.

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

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk