



State of Wisconsin
2021 - 2022 LEGISLATURE

LRBs0304/1
MIM:wlj

**SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 662**

January 11, 2022 - Offered by Senator FELZKOWSKI.

1 **AN ACT** *to create* 103.375 of the statutes; **relating to:** natural immunity to
2 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:

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

4 **103.375 Natural immunity in lieu of vaccination or test for COVID-19.**

5 **(1) DEFINITIONS.** In this section:

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

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

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

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

9 **(2) NATURAL IMMUNITY IN LIEU OF VACCINATION OR TESTING.** If an employer
10 requires an employee or prospective employee to receive a vaccine against the
11 SARS-CoV-2 coronavirus and to show proof of having received the vaccine, or to be
12 regularly tested for COVID-19 as a condition of an offer of employment or continued
13 employment with the employer, and if the employer is not otherwise prohibited by
14 law from requiring an employee or prospective employee to receive a vaccine against
15 the SARS-CoV-2 coronavirus and to show proof of having received the vaccine, or
16 to be regularly tested for COVID-19 as a condition of an offer of employment or
17 continued employment with the employer, the employer shall accept, in lieu of
18 requiring the vaccine, proof of having received the vaccine, or regular testing for
19 COVID-19, documentation demonstrating natural immunity against the
20 SARS-CoV-2 coronavirus, which may be any of the following:

21 (a) Documentation that is signed by a health care provider and dated after
22 March 1, 2020, showing that the individual tested positive for COVID-19 or showing
23 a serology test that demonstrates the presence of naturally occurring antibodies
24 against the SARS-CoV-2 coronavirus in the individual’s blood.

1 (b) A notarized letter written by the individual that states that the individual,
2 to the best of the individual's knowledge, recovered from COVID-19.

3 **(3) WRITTEN NOTIFICATION.** If an employer notifies an employee or prospective
4 employee that the employer requires an employee or prospective employee to receive
5 a vaccine against the SARS-CoV-2 coronavirus and to show proof of having received
6 the vaccine, or to be regularly tested for COVID-19 as a condition of an offer of
7 employment or continued employment with the employer, the employer shall inform
8 the employee or prospective employee in writing of the individual's right to provide
9 proof of natural immunity under sub. (2).

10 **(4) DISCRIMINATION.** No employer may discriminate against an employee who
11 provides proof of natural immunity under sub. (2) in the individual's employment,
12 including requiring the employee to self-isolate, wear a face covering, or work in an
13 area outside the employee's usual work area, if the employer does not require the
14 same of employees who provide proof of vaccination or who undergo regular testing
15 for COVID-19.

16 **(END)**