



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-4685/1
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2021 BILL

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.

Analysis by the Legislative Reference Bureau

This bill provides that if an employer requires an employee to provide proof of having received a vaccine against COVID-19, or to be regularly tested for COVID-19 as a condition of continued employment or an offer of employment, the employer is required to accept, in lieu of proof of such vaccination or regular testing, documentation demonstrating natural immunity against the SARS-CoV-2 coronavirus—either documentation showing that the individual tested positive for COVID-19 or documentation of a serology test that shows the presence of naturally occurring antibodies against SARS-CoV-2 in the individual’s blood. Under the bill, the documentation must be dated after March 1, 2020, and be signed by a health care provider licensed in the United States or a territory of the United States.

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)** In this section, “health care provider” means a nurse, licensed practical nurse,

BILL

1 physician assistant, or physician licensed in any state or territory of the United
2 States.

3 (2) If an employer requires an employee or prospective employee to receive a
4 vaccine against the SARS-CoV-2 coronavirus, which causes COVID-19, to show
5 proof of having received such a vaccine, or to be regularly tested for COVID-19 as
6 a condition of an offer of employment or continued employment with the employer,
7 the employer shall accept, in lieu of requiring such a vaccine, proof of having received
8 such a vaccine, or regular testing for COVID-19, documentation demonstrating
9 natural immunity against the SARS-CoV-2 coronavirus, which may be either
10 documentation showing that the individual tested positive for COVID-19 or
11 documentation of a serology test that shows the presence of naturally occurring
12 antibodies against SARS-CoV-2 in the individual's blood that meets all of the
13 following requirements:

14 (a) It is signed by a health care provider.

15 (b) It is dated after March 1, 2020.

16 (END)