

SENATE FILE NO. SF0011

Public health measures.

Sponsored by: Joint Transportation and Highways Interim
Committee

A BILL

for

1 AN ACT relating to public health and safety; modifying
2 public health provisions related to public health
3 emergencies; providing public health protections against
4 communicable diseases; providing definitions; providing
5 expanded powers of the state health officer; providing
6 reporting requirements; providing expanded powers of the
7 governor; conforming provisions; and providing for an
8 effective date.

9

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

11

12 **Section 1.** W.S. 33-16-111, 33-16-207, 33-16-318,
13 33-24-155, 35-1-241 and 35-4-112 through 35-4-115 and are
14 created to read:

15

16 **33-16-111. Exceptions.**

1

2 To the extent the provisions of this act conflict with the
3 authority granted by W.S. 35-1-241, the provisions in this
4 act may be superseded by the provisions of W.S. 35-1-241.

5

6 **33-16-207. Exceptions.**

7

8 To the extent the provisions of this act conflict with the
9 authority granted by W.S. 35-1-241, the provisions in this
10 act may be superseded by the provisions of W.S. 35-1-241.

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12 **33-16-318. Exceptions.**

13

14 To the extent the provisions of this act conflict with the
15 authority granted by W.S. 35-1-241, the provisions in this
16 act may be superseded by the provisions of W.S. 35-1-241.

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18 **33-24-155. Reports required to state health officer.**

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20 (a) As provided by department of health rule and
21 regulation, a pharmacist shall report in the manner
22 established through published reporting procedures provided
23 to each licensed pharmacist, any unusually high type of
24 prescription filled, unusual trend in pharmacy visits or

1 unusual trend in nonprescription medication sales that the
2 pharmacist has reason to believe is related to a public
3 health emergency.

4

5 (b) Pursuant to department of health rule and
6 regulation, there may be a review of medical records by the
7 state health officer, his designee or their designated
8 health care representative who shall be under the direct
9 supervision of the state health officer or his designee to
10 confirm diagnosis, investigate causes or identify other
11 cases of disease conditions in a region, community or
12 workplace in the state to determine if proper measures have
13 been taken to protect the public health and safety.
14 Notwithstanding any other provision of law, the review of
15 records during a public health emergency or disease
16 outbreak may occur without patient consent, but shall be
17 kept confidential and shall be restricted to information
18 necessary for the control, investigation and prevention of
19 any disease condition dangerous to the public health. Any
20 person who receives medical information under this
21 subsection shall not disclose that information for any
22 other purpose than the investigation and any disease
23 control effort. Any violation of this subsection is a
24 misdemeanor punishable by imprisonment for not more than

1 six (6) months, a fine of not more than one thousand
2 dollars (\$1,000.00), or both.

3

4 **35-1-241. Safe disposal of corpses in emergency**
5 **circumstances.**

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7 (a) The state health officer in consultation with the
8 appropriate county coroner, during the period that a public
9 health emergency exists, may:

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11 (i) Adopt and enforce measures to provide for
12 the safe disposal of corpses as may be reasonable and
13 necessary for emergency response. These measures may
14 include the embalming, burial, cremation, interment,
15 disinterment, transportation and disposal of corpses;

16

17 (ii) Take possession or control of any corpse;

18

19 (iii) Order the disposal of any corpse of a
20 person who has died of an infectious disease through burial
21 or cremation within twenty-four (24) hours after death;

22

23 (iv) Compel any person authorized to embalm,
24 bury, cremate, inter, disinter, transport or dispose of

1 corpses to accept any corpse or provide the use of his
2 business or facility if the actions are reasonable and
3 necessary for emergency response. The use of a business or
4 facility may include transferring the management and
5 supervision of the business or facility to the state health
6 officer and granting the right for the state health officer
7 to take immediate possession for a limited or unlimited
8 period of time, but shall not exceed beyond the termination
9 of the public health emergency.

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11 (b) Every corpse prior to disposal pursuant to
12 subsection (a) of this section shall be clearly labeled
13 with all available information to identify the decedent and
14 the circumstances of death. Any corpse of a deceased person
15 with an infectious disease shall have an external, clearly
16 visible tag indicating that the corpse is infected and, if
17 known, the infectious disease.

18

19 (c) Every person in charge of disposing of any corpse
20 pursuant to subsection (a) of this section shall maintain a
21 written record of each corpse and all available information
22 to identify the decedent and the circumstances of death and
23 disposal. If a corpse cannot be identified, prior to
24 disposal a qualified person shall, to the extent possible,

1 take fingerprints and one (1) or more photographs of the
2 corpse, and collect a DNA specimen. All information
3 collected under this subsection shall be promptly forwarded
4 to the state health official.

5

6 (d) As used in this section "public health emergency"
7 means as defined by W.S. 35-4-115(a)(i).

8

9 **35-4-112. Right of appeal of quarantine.**

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11 (a) Any person who has been quarantined pursuant to
12 this act may appeal to the district court at any time for
13 release from the quarantine. The court may hold a hearing
14 on the appeal after notice is provided to the state health
15 officer at least seventy-two (72) hours prior to the
16 hearing. After the hearing, if the court finds that the
17 quarantine is not reasonably necessary to protect the
18 public health, it shall order the person released from
19 quarantine. The burden of proof for the need for the
20 quarantine shall be on the state health officer, except
21 that in the case of bona fide scientific or medical
22 uncertainty the court shall give deference to the
23 professional judgment of the state health officer unless
24 the person quarantined proves by a preponderance of the

1 evidence that the quarantine is not reasonably necessary to
2 protect the public health.

3

4 (b) Any person quarantined shall have the right to
5 communicate by telephone or any other available electronic
6 means, but the state health officer may, in order to
7 protect the public health, deny the quarantined person's
8 right to meet in person with any person not subject to the
9 quarantine.

10

11 (c) In the event of a public health emergency of
12 unknown effect, the state health officer may impose a
13 temporary quarantine until there is sufficient information
14 to determine what actions, if any, are reasonably needed to
15 protect the public health.

16

17 **35-4-113. Treatment when consent is not available;**
18 **quarantine.**

19

20 (a) Except as provided by subsection (b) of this
21 section, W.S. 14-4-116 and 21-4-309, the state health
22 officer shall not subject any person to any vaccination or
23 medical treatment without the consent of the person.

24

1 (b) During a public health emergency, the state
2 health officer may subject a person to vaccination or
3 medical treatment without consent in the following
4 circumstances:

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6 (i) If the parent or legal guardian of a minor
7 child cannot be located and consulted and the vaccination
8 of or medical treatment for the minor child is reasonably
9 needed to protect the public health or protect the minor
10 child from disease, death, disability or suffering;

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12 (ii) If the person authorized to consent on
13 behalf of an incompetent person cannot be located and
14 consulted and the vaccination of or medical treatment for
15 the incompetent person is reasonably needed to protect the
16 public health or protect the incompetent person from
17 disease, death, disability or suffering.

18

19 (c) If a person withholds or refuses consent for
20 himself, a minor or other incompetent when the vaccination
21 or medical treatment is reasonably needed to protect the
22 health of others from a disease carrying the risk of death
23 or disability, then the person for whom the vaccination or

1 medical treatment is refused may be quarantined by the
2 state health officer.

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4 **35-4-114. Immunity from liability.**

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6 During a public health emergency any health care provider
7 or other person who in good faith follows the instructions
8 of the state health officer is immune from any liability
9 arising from complying with those instructions.

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11 **35-4-115. Definitions.**

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13 (a) As used in this article:

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15 (i) "Public health emergency" means an
16 occurrence or imminent threat of an illness or health
17 condition caused by an epidemic or pandemic disease, a
18 novel and highly fatal infectious agent or a biological
19 toxin that poses a substantial risk of a significant number
20 of human fatalities or incidents of permanent or long-term
21 disability. The governor shall declare when a public
22 health emergency exists or has ended;

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24 (ii) "Quarantine" means:

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(A) The physical separation and confinement of an individual or group of individuals that has been, or may have been, exposed to, or is reasonably believed to be infected with, a contagious or possibly contagious disease, from nonquarantined individuals, to prevent or limit the transmission of the disease to nonquarantined individuals;

(B) The isolation of a geographic area where individuals are located who have been or are reasonably believed to have been exposed to or infected by a contagious or possibly contagious disease; or

(C) The physical separation and confinement of an individual or group of individuals or the isolation of a geographic area where a public health emergency of unknown effect has occurred or is reasonably believed to have occurred.

Section 2. W.S. 6-4-502(b)(i), 7-4-208, 35-1-201 and 35-1-240(a) by creating a new paragraph (xxi) are amended to read:

1 **6-4-502. Mutilation of dead human bodies; penalties;**
2 **exceptions.**

3
4 (b) This section does not apply to:

5
6 (i) The state health officer acting pursuant to
7 W.S. 35-1-241, or a physician or surgeon acting on the
8 order of a court of competent jurisdiction, a coroner or
9 other qualified officer;

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11 **7-4-208. Authority of sheriff to perform duties of**
12 **coroner.**

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14 If there is no coroner, deputy coroner or in case of their
15 absence, or inability to act, the county sheriff of the
16 same county or the state health officer pursuant to W.S.
17 35-1-241 is authorized to perform the duties of coroner in
18 relation to dead bodies.

19
20 **35-1-201. Exceptions with reference to religion.**

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22 Except as provided in W.S. 35-4-113, with respect to all
23 persons who, either on behalf of themselves or their minor
24 children or wards, rely in good faith upon spiritual means

1 or prayer in the free exercise of religion to prevent or
2 cure disease, nothing in this act shall have the effect of
3 requiring or giving any health officer or other person the
4 right to compel any such person, minor child or ward, to go
5 or be confined in a hospital, or other medical institution
6 unless no other place for quarantine of such person, minor
7 child, or ward can be secured, nor to compel any such
8 person, child, or ward to submit to any medical treatment.

9

10 **35-1-240. Powers and duties.**

11

12 (a) The department of health, through the state
13 health officer, or under his direction and supervision,
14 through the other employees of the department, shall have
15 and exercise the following powers and duties:

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17 (xxi) During a public health emergency as
18 defined by W.S. 35-4-115(a)(i), the state health officer
19 may prescribe pharmaceutical or therapeutic interventions
20 en masse as necessary to protect the public health.

21

22 **Section 3.** This act is effective July 1, 2003.

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24

(END)