

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

Public health orders-2.

Sponsored by: Joint Corporations, Elections & Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to public health orders; imposing limitations
2 on public health orders as specified; requiring legislative
3 ratification of state health orders as specified; requiring
4 county ratification of county health orders as specified; and
5 providing for an effective date.

6

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

8

9 **Section 1.** W.S. 35-4-140 is created to read:

10

11 **35-4-140. Public health orders limitations;**
12 **ratification.**

1

2 (a) No public health order of the state health officer
3 issued pursuant to W.S. 35-1-240(a)(ii), (iii) or (iv) or
4 35-4-103 that requires the closure of public or private
5 buildings, facilities or other places or forbids gatherings,
6 shall be effective for a period exceeding fifteen (15) days
7 unless the order is ratified by the legislature through
8 legislative order, each house voting separately. Any order
9 ratified by legislative order shall be effective for a maximum
10 of fifteen (15) days after the ratification. Public health
11 orders subject to this subsection may be ratified more than
12 one (1) time.

13

14 (b) No public health order of a county health officer
15 issued pursuant to W.S. 35-4-103 that requires the closure of
16 public or private buildings, facilities or other places or
17 forbids gatherings and that exceeds the requirements of any
18 state health officer order shall be effective for a period
19 exceeding fifteen (15) days unless the order is ratified by
20 a resolution of the county commissioners for the county in
21 which the order is effective. Any order ratified by the county
22 commissioners shall be effective for a maximum of fifteen
23 (15) days after the ratification. Public health orders

1 subject to this subsection may be ratified more than one (1)
2 time.

3

4 (c) For purposes of this section, a public health order
5 is considered to be effective for a period exceeding fifteen
6 (15) days if the public health order includes an effective
7 period that exceeds fifteen (15) days or if the substance of
8 the order is contained in multiple orders whose combined
9 effective period exceeds fifteen (15) days within any twelve
10 (12) month period.

11

12 **Section 2.** W.S. 35-1-240(a)(ii), (iii) and (iv) and
13 35-4-103 are amended to read:

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15 **35-1-240. Powers and duties.**

16

17 (a) The department of health, through the state health
18 officer, or under his direction and supervision, through the
19 other employees of the department, shall have and exercise
20 the following powers and duties:

21

22 (ii) To investigate and control the causes of
23 epidemic, endemic, communicable, occupational and other

1 diseases and afflictions, and physical disabilities resulting
2 therefrom, affecting the public health. Orders imposed under
3 this paragraph that require the closure of public or private
4 buildings, facilities or other places or forbid gatherings
5 are subject to the limitations imposed by W.S. 35-4-140;
6

7 (iii) To establish, maintain and enforce isolation
8 and quarantine, and in pursuance thereof, and for such purpose
9 only, to exercise such physical control over property and
10 over the persons of the people within this state as the state
11 health officer may find necessary for the protection of the
12 public health. Orders imposed under this paragraph that
13 require the closure of public or private buildings,
14 facilities or other places or forbid gatherings are subject
15 to the limitations imposed by W.S. 35-4-140;
16

17 (iv) To close theaters, schools and other public
18 places, and to forbid gatherings of people when necessary to
19 protect the public health. Orders imposed under this
20 paragraph are subject to the limitations imposed by W.S.
21 35-4-140;
22

1 **35-4-103. Investigation of diseases; quarantine;**
2 **regulation of travel; employment of police officers to**
3 **enforce quarantine; report of county health officer; supplies**
4 **and expenses.**

5
6 The department of health shall, immediately after the receipt
7 of information that there is any smallpox, cholera, scarlet
8 fever, diphtheria or other infectious or contagious disease,
9 which is a menace to the public health, in any portion of
10 this state, order the county health officer to immediately
11 investigate the case and report to the state health officer
12 the results of the investigation. The state health officer
13 shall, subject to W.S. 35-4-112 and if in his judgment the
14 occasion requires, direct the county health officer to
15 declare the infected place to be in quarantine. The county
16 health officer shall place any restrictions upon ingress and
17 egress at this location as in his judgment or in the judgment
18 of the state health officer are necessary to prevent the
19 spread of the disease from the infected locality. The county
20 health officer shall upon declaring any city, town or other
21 place to be in quarantine, control the population of the city,
22 town or other place as in his judgment best protects the
23 people and at the same time prevents the spread of the

1 disease. If necessary for the protection of the public health
2 and subject to W.S. 35-4-112, the state health officer shall
3 establish and maintain a state quarantine and shall enforce
4 practical regulations regarding railroads or other lines of
5 travel into and out of the state of Wyoming as necessary for
6 the protection of the public health. The expenses incurred in
7 maintaining the state quarantine shall be paid out of the
8 funds of the state treasury appropriated for this purpose and
9 in the manner in which other expenses of the department are
10 audited and paid. The county health officer or the department
11 may employ a sufficient number of police officers who shall
12 be under the control of the county health officer, to enforce
13 and carry out any quarantine regulations the department may
14 prescribe. The regulations shall be made public in the most
15 practicable manner in the several counties, cities, towns or
16 other places where the quarantine is established. If the
17 quarantine is established by the county health officer, he
18 shall immediately report his actions to the state health
19 officer. The county health officer shall furnish all supplies
20 and other resources necessary for maintaining the quarantine.
21 Upon certificate of the county health officer approved by the
22 director of the state department of health, the county
23 commissioners of any county where a quarantine has been

1 established shall issue warrants to the proper parties for
2 the payment of all expenses, together with the expense of
3 employing sufficient police force, to maintain and enforce
4 the quarantine. Any order imposed under this section that
5 requires the closure of public or private buildings,
6 facilities or other places or forbids gatherings is subject
7 to the limitations imposed by W.S. 35-4-140. For purposes of
8 this act, "state health officer" means as defined in W.S.
9 9-2-103(e).

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11 **Section 3.** This act is effective immediately upon
12 completion of all acts necessary for a bill to become law as
13 provided by Article 4, Section 8 of the Wyoming Constitution.

14

15

(END)