

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

Public health orders-3.

Sponsored by: Representative(s) Clem

A BILL

for

1 AN ACT relating to public health orders; imposing limitations
2 on public health orders as specified; authorizing extensions
3 by court order; repealing a provision regarding vaccinations;
4 and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 35-1-230 is created to read:

9

10 **35-1-230. Public health order limitations; extensions**
11 **by district court.**

12

1 (a) Unless authorized by a district court under
2 subsection (c) of this section, the state health officer or
3 other employee of the department of health shall not issue an
4 order under W.S. 35-1-240(a)(ii), (iii) or (iv), 35-4-103 or
5 35-4-112(c) for more than twenty-one (21) days that:

6

7 (i) Restricts a person's ability to travel from
8 place to place;

9

10 (ii) Limits or forbids gatherings; or

11

12 (iii) Closes or restricts the operation of
13 businesses, theaters, schools or other public or private
14 places.

15

16 (b) Unless authorized by a district court under
17 subsection (c) of this section, no local health officer shall
18 issue an order under W.S. 35-4-103 or 35-4-112(c) that:

19

20 (i) Restricts a person's ability to travel from
21 place to place;

22

23 (ii) Limits or forbids gatherings; or

1

2 (iii) Closes or restricts the operation of
3 businesses, theaters, schools or other public or private
4 places.

5

6 (c) The state health officer or a local health officer
7 may petition a district court to authorize an extension of an
8 order subject to the limitations contained in subsection (a)
9 or (b) of this section, as applicable, in accordance with the
10 terms of this subsection. The court may make any interested
11 person a party to the case. The court may hold a hearing on
12 the merits of the petition. If the court finds, by a
13 preponderance of the evidence, that the order is reasonably
14 necessary to the protect the public health and that the order
15 uses the least restrictive means necessary to protect the
16 public health the court shall authorize an extension of the
17 order for not for than twenty-one (21) additional days. In
18 the case of bona fide scientific or medical uncertainty the
19 court shall give deference to the professional judgment of
20 the state health officer or the local health officer. A
21 district court may authorize an extension of an order more
22 than one (1) time.

23

1 **Section 2.** W.S. 35-1-240(a)(ii), (iii) and (iv),
2 35-4-103 and 35-4-112(c) are amended to read:

3

4 **35-1-240. Powers and duties.**

5

6 (a) The department of health, through the state health
7 officer, or under his direction and supervision, through the
8 other employees of the department, shall have and exercise
9 the following powers and duties:

10

11 (ii) Subject to W.S. 35-1-230, to investigate and
12 control the causes of epidemic, endemic, communicable,
13 occupational and other diseases and afflictions, and physical
14 disabilities resulting therefrom, affecting the public
15 health;

16

17 (iii) Subject to W.S. 35-1-230, to establish,
18 maintain and enforce isolation and quarantine, and in
19 pursuance thereof, and for such purpose only, to exercise
20 such physical control over property and over the persons of
21 the people within this state as the state health officer may
22 find necessary for the protection of the public health;

23

1 (iv) Subject to W.S. 35-1-230, to close theaters,
2 schools and other public places, and to forbid gatherings of
3 people when necessary to protect the public health;

4

5 **35-4-103. Investigation of diseases; quarantine;**
6 **regulation of travel; employment of police officers to**
7 **enforce quarantine; report of county health officer; supplies**
8 **and expenses.**

9

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

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

1 and other resources necessary for maintaining the quarantine.
2 Upon certificate of the county health officer approved by the
3 director of the state department of health, the county
4 commissioners of any county where a quarantine has been
5 established shall issue warrants to the proper parties for
6 the payment of all expenses, together with the expense of
7 employing sufficient police force, to maintain and enforce
8 the quarantine. Orders imposed under this section are subject
9 to W.S. 35-1-230 when applicable. For purposes of this act,
10 "state health officer" means as defined in W.S. 9-2-103(e).

11

12 **35-4-112. Right of appeal of quarantine.**

13

14 (c) In the event of a public health emergency of unknown
15 effect and subject to W.S. 35-1-230, the state health officer
16 may impose a temporary quarantine until there is sufficient
17 information to determine what actions, if any, are reasonably
18 needed to protect the public health.

19

20 **Section 3.** W.S. 35-4-106 is repealed.

21

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

4

5

(END)