

SENATE FILE NO. SF0067

Anti-terrorism amendments.

Sponsored by: Senator(s) Scott, Boggs and Massie and
Representative(s) Eyre, Iekel and Meuli

A BILL

for

1 AN ACT relating to public health and safety; providing
2 protections against terrorism and bioterrorism; modifying
3 the Wyoming Emergency Management Act, providing public
4 health protections against communicable diseases and
5 protections against agricultural bioterrorism; providing
6 for the coordination of anti-terrorism efforts; authorizing
7 the appointment of an incident commander as specified;
8 creating a disaster expenses account; providing for
9 reimbursement for private property consumed or destroyed in
10 order to protect the public in an emergency; providing for
11 the coordination of planning among the department of
12 health, the department of agriculture and the Wyoming
13 emergency management agency as specified; providing
14 definitions; requiring a report; and providing for an
15 effective date.

16

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

2

3 **Section 1.** W.S. 19-13-117 and 35-4-112 through
4 35-4-116 are created to read:

5

6 **19-13-117. Disaster expenses account created;**
7 **purposes.**

8

9 (a) There is created the disaster expenses account.
10 Funds in the disaster expenses account may be used:

11

12 (i) To the extent funds are available in the
13 account;

14

15 (ii) Only to the extent funds are not available
16 from another source more specifically identified for the
17 purpose at hand;

18

19 (iii) Only in accordance with instructions from
20 the governor, consistent with this section; and

21

22 (iv) In any disaster to pay for personnel and
23 supplies needed to control or mitigate the disaster and:

24

1 (A) In a disaster that is an emergency
2 management disaster, to compensate for property that is
3 consumed or destroyed by the government to control or
4 mitigate the disaster;

5

6 (B) In a health-related disaster, to
7 compensate for property consumed or destroyed under the
8 authority of the state health officer pursuant to W.S.
9 35-1-240(a) or 35-4-101 through 35-4-116; or

10

11 (C) In a livestock disease disaster, to
12 compensate for property consumed or destroyed pursuant to
13 W.S. 11-19-101 through 11-19-117.

14

15 (b) Upon declaration of a disaster, the governor may
16 transfer funds into the disaster expenses account from the
17 budget reserve account or from any general fund
18 appropriation.

19

20 (c) The disaster expenses account is intended for use
21 in a major disaster only and is not intended to supplant
22 the governor's emergency appropriation.

23

1 (d) The disaster expenses account is not intended to
2 provide compensation for property damaged or destroyed by
3 forces not under the control of the government, but may be
4 expended to restore vital public services.

5
6 **35-4-112. Right of appeal of quarantine.**

7
8 (a) Any person who has been quarantined pursuant to
9 this article may appeal to the district court at any time
10 for release from the quarantine. The court may hold a
11 hearing on the appeal after notice is provided to the state
12 health officer at least twenty-four (24) hours prior to the
13 hearing. After hearing, if the court finds that the
14 quarantine is not reasonably necessary to protect the
15 public health, it shall order the person released from
16 quarantine. The burden of proof for the need for the
17 quarantine shall be on the state health officer, except
18 that in the case of bona fide scientific or medical
19 uncertainty the court shall give deference to the
20 professional judgment of the state health officer unless
21 the person quarantined proves by a preponderance of the
22 evidence that the quarantine is not reasonably necessary to
23 protect the public health.

24

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

7
8 (c) In the event of a public health emergency where
9 an incident commander has been appointed, the governor may
10 suspend the right to appeal a quarantine if the governor
11 believes the state health officer and his subordinates do
12 not have the time to both respond to appeals and carry out
13 other duties necessary to protect the public health. If the
14 right to appeal is suspended, the governor, the incident
15 commander or the attorney general shall, within ten (10)
16 days, submit an affidavit to the Wyoming supreme court
17 describing the suspension and the reasons for the
18 suspension. If the suspension continues for more than
19 fifteen (15) days the supreme court may, upon its own
20 motion or upon a petition from an aggrieved party, hold a
21 hearing on the suspension and issue an order confirming or
22 terminating the suspension. Regardless of any such hearing
23 or order, the governor may at any time end the suspension
24 if he no longer believes it is necessary.

1

2 (d) In the event of an act of bioterrorism or
3 probable bioterrorism of unknown effect, the state health
4 officer may impose a temporary quarantine until there is
5 sufficient information to determine what actions, if any,
6 are reasonably needed to protect the public health.

7

8 **35-4-113. Mandatory treatment.**

9

10 (a) Except as provided by subsection (b) of this
11 section, the state health officer shall not subject any
12 person to any vaccination or medical treatment without the
13 consent of the person.

14

15 (b) During an incident of bioterrorism or a public
16 health emergency from natural causes, the state health
17 officer may subject a person to vaccination or medical
18 treatment without consent in the following circumstances:

19

20 (i) If the parent or legal guardian of a minor
21 child cannot be located and consulted and the vaccination
22 of or medical treatment for the minor child is reasonably
23 needed to protect the public health or protect the minor
24 child from disease, death, disability or suffering;

1

2 (ii) If the person authorized to consent on
3 behalf of an incompetent person cannot be located and
4 consulted and the vaccination of or medical treatment for
5 the incompetent person is reasonably needed to protect the
6 public health or protect the incompetent person from
7 disease, death, disability or suffering;

8

9 (iii) If a person capable of giving consent, or
10 the parent or legal guardian of a minor child or other
11 incompetent person, withholds or refuses consent when the
12 vaccination or medical treatment is reasonably needed to
13 protect the health of others from a disease carrying the
14 risk of death or disability.

15

16 **35-4-114. Immunity from liability.**

17

18 In an incident of bioterrorism or a public health emergency
19 any health care provider or other person who competently
20 follows the instructions of the state health officer or his
21 designee is immune from any liability arising from
22 complying with those instructions.

23

24 **35-4-115. Reporting.**

1

2 The state health officer shall report any known or
3 suspected incident of bioterrorism or naturally occurring
4 public health emergency to the sheriff of the county and to
5 any other local law enforcement agency of any city or town
6 affected. Unless he has received a report from the state
7 health officer in the matter, any sheriff or other Wyoming
8 peace officer shall report any known or suspected incident
9 of bioterrorism or naturally occurring public health
10 emergency in his jurisdiction to the state health officer.

11

12 **35-4-116. Definitions.**

13

14 (a) As used in this article:

15

16 (i) "Bioterrorism" means the intentional use of
17 any microorganism, virus, prion, infectious substance or
18 biological product either in a complete form or as a
19 bioengineered component and either in a naturally occurring
20 form, a form derived from a naturally occurring form or a
21 form engineered through biotechnology to cause death,
22 disease or other biological malfunction in a person, an
23 animal, a plant or other living organism where the use
24 causes, or has the potential to cause if unchecked, human

1 death, significant human disease, widespread economic
2 injury or significant death or disease in domestic animals,
3 livestock or in wildlife;

4

5 (ii) "Quarantine" means:

6

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

13

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

18

19 (C) The physical separation and confinement
20 of an individual or group of individuals or the isolation
21 of a geographic area where an act of bioterrorism of
22 unknown effect has occurred or is reasonably believed to
23 have occurred.

24

1 **Section 2.** W.S. 9-2-1005 by creating a new subsection
2 (p), 11-2-202(a) by creating a new paragraph (viii),
3 11-19-102, 19-13-102(a) by creating new paragraphs (ii) and
4 (iii), by amending and renumbering (ii) as (iv), by
5 renumbering (iii) as (v), by amending and renumbering (iv)
6 as (vi) and by creating a new paragraph (vii), 19-13-104(a)
7 and by creating new subsections (d) through (f), 35-1-201
8 and 35-1-240(a) by creating new paragraphs (xxi) and (xxii)
9 are amended to read:

10

11 **9-2-1005. Payment of warrants; budget powers of**
12 **governor; agency budgets; federal funds; new employees.**

13

14 (p) Notwithstanding any other provision in any
15 legislative appropriation act, the governor may transfer
16 funds into the disaster expenses account, in accordance
17 with W.S. 19-13-117(b).

18

19 **11-2-202. Powers and duties of director generally.**

20

21 (a) The director shall have his office in Cheyenne
22 and shall:

23

1 (viii) In the event of the introduction or
2 threat of introduction of any plant disease or blight as a
3 result or probable result of terrorism, including
4 bioterrorism, take any steps that are necessary and
5 practical to prevent significant economic and environmental
6 damage from the introduction.

7
8 **11-19-102. Duty of public to report diseases to state**
9 **veterinarian; failure to comply or obstruction of duty;**
10 **penalties.**

11
12 Any person who knows or suspects that there is among his
13 domestic animals or upon his premises ~~any contagious or~~
14 ~~infectious disease or~~ among any domestic animals any
15 reportable contagious or infectious disease, and any
16 veterinarian who treats any reportable contagious or
17 infectious disease, shall immediately report the same to
18 the state veterinarian. Any person may report any disease
19 among any domestic animals or wildlife. The state
20 veterinarian shall by rule and regulation identify which
21 diseases are reportable contagious or infectious diseases
22 and the means for reporting and shall publicize the same by
23 posting on an internet website and by any other means he
24 deems appropriate. The state veterinarian shall report any

1 disease credibly reported to him, or of which he has
2 knowledge, to the state health officer if the disease is a
3 threat to human health. A failure to report, or any attempt
4 to conceal the existence of the disease or to willfully or
5 maliciously obstruct or resist the veterinarian in the
6 discharge of his duty is a misdemeanor. Any person
7 convicted of any of the above acts or omissions shall be
8 punished as provided in W.S. 11-1-103.

9

10 **19-13-102. Definitions.**

11

12 (a) As used in this act:

13

14 (ii) "Disaster" means an occurrence or imminent
15 threat of widespread or severe damage, injury or loss of
16 life or property resulting from any natural or man-made
17 cause, including fire, flood, earthquake, epidemic,
18 windstorm, wave action, volcanic activity, explosion, riot,
19 terrorism or hostile military or paramilitary action for
20 which, in the determination of the governor, assistance is
21 needed to supplement local efforts and capabilities to save
22 lives and protect property and public health and safety, or
23 to lessen or avert the threat of catastrophe;

24

1 (iii) "Emergency" means an occurrence, including
2 a loss of communications, which demands immediate action to
3 protect the health, safety and welfare of the public and to
4 prevent loss of life, health, property, essential public
5 services or damage to the environment;

6
7 ~~(ii)~~ (iv) "Emergency management" means the
8 preparation for and the carrying out of all emergency
9 functions essential to the recovery and restoration of the
10 economy by supply and resupply of resources to meet urgent
11 survival and military needs, other than functions for which
12 military forces are primarily responsible, necessary to
13 deal with disasters caused by enemy attack, sabotage,
14 terrorism, including bioterrorism, civil disorder or other
15 hostile action, or by fire, flood, earthquake, epidemic or
16 other natural causes and other technological, industrial,
17 civil and political events. These functions include without
18 limitation the coordination of fire-fighting services,
19 police services, medical and health services, rescue,
20 engineering, attack warning services, communications,
21 radiological events, evacuation of persons from stricken
22 areas, emergency welfare services (civilian war aid),
23 emergency transportation, existing or properly assigned
24 functions of plant protection, temporary restoration of

1 public utility services, mitigation activities in areas
2 threatened by natural or technological hazards, and other
3 functions related to civilian protection, together with all
4 other activities necessary or incidental to the preparation
5 for any carrying out of the foregoing functions;

6
7 ~~(iii)~~ (v) "Emergency support task force" means an
8 emergency management organization created in accordance
9 with the provisions of this act by the state or a political
10 subdivision to supplement emergency management programs in
11 a stricken area;

12
13 ~~(iv)~~ (vi) "Political subdivision" means an
14 incorporated community or a county in Wyoming; ~~;~~

15
16 (vii) "This act" means W.S. 19-13-101 through
17 19-13-117.

18
19 **19-13-104. Powers of governor generally.**

20
21 (a) The governor has general direction and control of
22 the emergency management agency, and is responsible for the
23 carrying out of the provisions of this act, and in the
24 event of disaster beyond local control, may assume direct

1 operational control over all or any part of the emergency
2 management functions within Wyoming. The governor may
3 delegate ~~such in whole or in part the~~ powers to carry out
4 this act:

5

6 (i) To the adjutant general directly; ~~or~~

7

8 (ii) Through the adjutant general, to the
9 coordinator of emergency management; ~~to carry out this act.~~

10 or

11

12 (iii) To an incident commander appointed
13 pursuant to subsection (d) of this section.

14

15 (d) In the event of a disaster beyond local control,
16 the governor may appoint an incident commander who may be
17 the unit coordinator of a task force created pursuant to
18 W.S. 19-13-107 and who shall coordinate the government's
19 response to the disaster and may exercise any emergency
20 management function delegated to him by the governor,
21 including any authority over:

22

23 (i) Any state agency with abilities or authority
24 needed to respond to the disaster, including a state agency

1 over which the governor does not ordinarily have direct
2 authority;

3
4 (ii) Any Wyoming peace officer responding to the
5 disaster or assigned to the disaster by his employer;

6
7 (iii) Any emergency support task force created
8 pursuant to W.S. 19-13-107;

9
10 (iv) Any private volunteers, or personnel and
11 resources made available to him from any source.

12
13 (e) In a disaster beyond local control, if national
14 guard and other available government employees are
15 inadequate to meet the needs created by the disaster, the
16 governor may call to duty and organize into ad hoc units
17 additional members of the state militia as authorized by
18 article 17, section 1 of the Wyoming constitution.

19
20 (f) In an event that is both a disaster and an
21 occurrence requiring emergency management, the governor may
22 temporarily suspend any governmental regulation to the
23 extent necessary to control the disaster and prevent

1 further loss of life, destruction of property or
2 destruction of the environment.

3
4 **35-1-201. Exceptions with reference to religion.**

5
6 Except as provided in W.S. 35-4-113, with respect to all
7 persons who, either on behalf of themselves or their minor
8 children or wards, rely in good faith upon spiritual means
9 or prayer in the free exercise of religion to prevent or
10 cure disease, nothing in this act shall have the effect of
11 requiring or giving any health officer or other person the
12 right to compel any such person, minor child or ward, to go
13 or be confined in a hospital, or other medical institution
14 unless no other place for quarantine of such person, minor
15 child, or ward can be secured, nor to compel any such
16 person, child, or ward to submit to any medical treatment.

17
18 **35-1-240. Powers and duties.**

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

1 (xxi) To advise the state emergency management
2 agency, any incident commander appointed pursuant to W.S.
3 19-13-104 and any emergency support task force established
4 pursuant to W.S. 19-13-107 on bioterrorism and other public
5 health related matters;

6
7 (xxii) During an incident of bioterrorism or
8 public health emergency, the state health officer or his
9 designee may prescribe any pharmaceutical or therapeutic
10 interventions en masse as necessary to protect the public
11 health.

12
13 **Section 3.** It shall be the duty of the Wyoming
14 emergency management agency, the state health officer and
15 the state veterinarian to jointly review the state
16 emergency management plan developed pursuant to the Wyoming
17 Emergency Management Act to ensure the adequacy of the plan
18 to deal with an incident of bioterrorism. Upon completion
19 of the review, the parties shall jointly report on the
20 adequacy of the plan no later than October 1, 2002, to the
21 joint labor, health and social services interim committee
22 and the joint agriculture, public lands and water resources
23 interim committee with any recommendations for further
24 needed legislative action.

1

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

6

7

(END)