

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 disaster contingency fund managed by the Wyoming
23 emergency management division within the Wyoming military
24 department.

1

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

6

7 **35-4-112. Right of appeal of quarantine.**

8

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

1

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

8

9 (c) In the event of an act of bioterrorism or
10 probable bioterrorism of unknown effect, the state health
11 officer may impose a temporary quarantine until there is
12 sufficient information to determine what actions, if any,
13 are reasonably needed to protect the public health.

14

15 **35-4-113. Mandatory treatment.**

16

17 (a) Except as provided by subsection (b) of this
18 section, the state health officer shall not subject any
19 person to any vaccination or medical treatment without the
20 consent of the person.

21

22 (b) During an incident of bioterrorism or a public
23 health emergency from natural causes and an individual or
24 group isolation or quarantine is not reasonably practicable

1 and effective, the state health officer may subject a
2 person to vaccination or medical treatment without consent
3 in the following circumstances:

4

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

10

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

17

18 (iii) If a person capable of giving consent, or
19 the parent or legal guardian of a minor child or other
20 incompetent person, withholds or refuses consent when the
21 vaccination or medical treatment is reasonably needed to
22 protect the health of others from a disease carrying the
23 risk of death or disability.

24

1 (c) Nothing in subsection (b) of this section shall
2 allow the involuntary vaccination or medical treatment of a
3 person when the vaccination or medical treatment is shown
4 to cause more harm than good as evidenced by a physician's
5 statement, medical record or court order.

6

7 **35-4-114. Immunity from liability.**

8

9 In an incident of bioterrorism or a public health emergency
10 any health care provider or other person who competently
11 follows the instructions of the state health officer or his
12 designee is immune from any liability arising from
13 complying with those instructions.

14

15 **35-4-115. Reporting.**

16

17 The state health officer shall report any known or
18 suspected incident of bioterrorism or naturally occurring
19 public health emergency to the sheriff of the county and to
20 any other local law enforcement agency of any city or town
21 affected. Unless he has received a report from the state
22 health officer in the matter, any sheriff or other Wyoming
23 peace officer shall report any known or suspected incident

1 of bioterrorism or naturally occurring public health
2 emergency in his jurisdiction to the state health officer.

3

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

5

6 (a) As used in this article:

7

8 (i) "Bioterrorism" means the intentional use of
9 any microorganism, virus, prion, infectious substance or
10 biological product either in a complete form or as a
11 bioengineered component and either in a naturally occurring
12 form, a form derived from a naturally occurring form or a
13 form engineered through biotechnology to cause death,
14 disease or other biological malfunction in a person, an
15 animal, a plant or other living organism where the use
16 causes, or has the potential to cause if unchecked, human
17 death, significant human disease, widespread economic
18 injury or significant death or disease in domestic animals,
19 livestock or wildlife;

20

21 (ii) "Quarantine" means:

22

23 (A) The physical separation and confinement
24 of an individual or group of individuals that has been, or

1 may have been, exposed to, or is reasonably believed to be
2 infected with, a contagious or possibly contagious disease,
3 from nonquarantined individuals, to prevent or limit the
4 transmission of the disease to nonquarantined individuals;

5

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

10

11 (C) The physical separation and confinement
12 of an individual or group of individuals or the isolation
13 of a geographic area where an act of bioterrorism of
14 unknown effect has occurred or is reasonably believed to
15 have occurred.

16

17 **Section 2.** W.S. 9-2-1005 by creating a new subsection
18 (p), 11-2-202(a) by creating a new paragraph (viii),
19 11-19-102, 19-13-102(a) by creating new paragraphs (ii) and
20 (iii), by amending and renumbering (ii) as (iv), by
21 renumbering (iii) as (v), by amending and renumbering (iv)
22 as (vi) and by creating a new paragraph (vii), 19-13-104(a)
23 and by creating new subsections (d) and (e), 35-1-201 and

1 35-1-240(a) by creating new paragraphs (xxi) and (xxii) are
2 amended to read:

3

4 **9-2-1005. Payment of warrants; budget powers of**
5 **governor; agency budgets; federal funds; new employees.**

6

7 (p) Notwithstanding any other provision in any
8 legislative appropriation act, the governor may transfer
9 funds into the disaster expenses account, in accordance
10 with W.S. 19-13-117(b).

11

12 **11-2-202. Powers and duties of director generally.**

13

14 (a) The director shall have his office in Cheyenne
15 and shall:

16

17 (viii) In the event of the introduction or
18 threat of introduction of any plant disease or blight as a
19 result or probable result of terrorism, including
20 bioterrorism, take any steps that are necessary and
21 practical to prevent significant economic and environmental
22 damage from the introduction.

23

1 **11-19-102. Duty of public to report diseases to state**
2 **veterinarian; failure to comply or obstruction of duty;**
3 **penalties.**

4
5 Any person who knows or suspects that there is among his
6 domestic animals or upon his premises ~~any contagious or~~
7 ~~infectious disease~~ among any domestic animals any
8 reportable contagious or infectious disease, and any
9 veterinarian who treats any reportable contagious or
10 infectious disease, shall immediately report the same to
11 the state veterinarian. Any person may report any disease
12 among any domestic animals or wildlife. The state
13 veterinarian shall by rule and regulation identify which
14 diseases are reportable contagious or infectious diseases
15 and the means for reporting and shall publicize the same by
16 posting on an internet website and by any other means he
17 deems appropriate. The state veterinarian shall report any
18 disease credibly reported to him, or of which he has
19 knowledge, to the state health officer if the disease is a
20 threat to human health. A failure to report, or any attempt
21 to conceal the existence of the disease or to willfully or
22 maliciously obstruct or resist the veterinarian in the
23 discharge of his duty is a misdemeanor. Any person

1 convicted of any of the above acts or omissions shall be
2 punished as provided in W.S. 11-1-103.

3

4 **19-13-102. Definitions.**

5

6 (a) As used in this act:

7

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

18

19 (iii) "Emergency" means an occurrence, including
20 a loss of communications, which demands immediate action to
21 protect the health, safety and welfare of the public and to
22 prevent loss of life, health, property, essential public
23 services or damage to the environment;

24

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

24

1 ~~(iii)~~ (v) "Emergency support task force" means an
2 emergency management organization created in accordance
3 with the provisions of this act by the state or a political
4 subdivision to supplement emergency management programs in
5 a stricken area;

6
7 ~~(iv)~~ (vi) "Political subdivision" means an
8 incorporated community or a county in Wyoming;~~;~~

9
10 (vii) "This act" means W.S. 19-13-101 through
11 19-13-117.

12
13 **19-13-104. Powers of governor generally.**

14
15 (a) The governor has general direction and control of
16 the emergency management agency, and is responsible for the
17 carrying out of the provisions of this act, and in the
18 event of disaster beyond local control, may assume direct
19 operational control over all or any part of the emergency
20 management functions within Wyoming. The governor may
21 delegate ~~such~~ in whole or in part the powers to carry out
22 this act:

23
24 (i) To the adjutant general directly;~~;~~ ~~or~~

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

or

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

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

(i) Any state agency with abilities or authority needed to respond to the disaster, including a state agency over which the governor does not ordinarily have direct authority;

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

1 (iii) Any emergency support task force created
2 pursuant to W.S. 19-13-107;

3
4 (iv) Any private volunteers, or personnel and
5 resources made available to him from any source.

6
7 (e) In a disaster beyond local control, if national
8 guard and other available government employees are
9 inadequate to meet the needs created by the disaster, the
10 governor may call to duty and organize into ad hoc units
11 additional members of the state militia as authorized by
12 article 17, section 1 of the Wyoming constitution.

13
14 **35-1-201. Exceptions with reference to religion.**

15
16 Except as provided in W.S. 35-4-113, with respect to all
17 persons who, either on behalf of themselves or their minor
18 children or wards, rely in good faith upon spiritual means
19 or prayer in the free exercise of religion to prevent or
20 cure disease, nothing in this act shall have the effect of
21 requiring or giving any health officer or other person the
22 right to compel any such person, minor child or ward, to go
23 or be confined in a hospital, or other medical institution
24 unless no other place for quarantine of such person, minor

1 child, or ward can be secured, nor to compel any such
2 person, child, or ward to submit to any medical treatment.

3

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

5

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

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

16

17 (xxii) During an incident of bioterrorism or
18 public health emergency, the state health officer or his
19 designee may prescribe any pharmaceutical or therapeutic
20 interventions en masse as necessary to protect the public
21 health.

22

23 **Section 3.** It shall be the duty of the Wyoming
24 emergency management agency, the state health officer and

1 the state veterinarian to jointly review the state
2 emergency management plan developed pursuant to the Wyoming
3 Emergency Management Act to ensure the adequacy of the plan
4 to deal with an incident of bioterrorism. Upon completion
5 of the review, the parties shall jointly report on the
6 adequacy of the plan no later than October 1, 2002, to the
7 joint labor, health and social services interim committee
8 and the joint agriculture, public lands and water resources
9 interim committee with any recommendations for further
10 needed legislative action.

11

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

16

17 (END)