

WORKING DRAFT

SENATE FILE NO. _____

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; modifying reporting requirements of
 4 pharmacists; providing public health protections against
 5 communicable diseases; providing definitions; requiring
 6 reports; providing expanded powers of the state public
 7 health officer; 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, 33-16-303,
 13 33-24-155, 35-1-241 and 35-4-112 through 35-4-115 and are
 14 created to read:

15

1 **33-16-111. Exceptions.**

2

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5 act may be superseded by the provisions of W.S. 35-1-241.

6

7 **33-16-207. Exceptions.**

8

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11 act may be superseded by the provisions of W.S. 35-1-241.

12

13 **33-16-303. Exceptions.**

14

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17 act may be superseded by the provisions of W.S. 35-1-241.

18

19 **33-24-155. Reports required to state health officer.**

20

21 (a) A pharmacist shall report any unusually high types
22 of prescriptions filled or unusual trends in pharmacy
23 visits that the pharmacist has reason to believe is related
24 to a public health emergency.

1

2 (b) Prescription related events that require a report
3 include the following, if the pharmacist has reason to
4 believe the events are caused by a public health emergency:

5

6 (i) An unusually high number of prescriptions
7 processed to treat fever, respiratory or gastrointestinal
8 complaints;

9

10 (ii) An unusually high number of prescriptions
11 for antibiotics;

12

13 (iii) An unusually high number of requests for
14 information on over-the-counter pharmaceuticals to treat
15 fever, respiratory or gastrointestinal complaints; and

16

17 (iv) Any prescription that treats a disease that
18 is relatively uncommon.

19

20 (c) The report shall be made in writing to the state
21 health officer within twenty-four (24) hours of receiving
22 the prescription. The report shall include the following
23 information if it is available:

24

1 (i) The patient's name, date of birth, sex, **race**,
2 and current address, including city and county;

3
4 ***** STAFF COMMENTS *****

5
6 It is possible that asking for "race" to be
7 reported might violate federal laws prohibiting
8 discrimination. I do not see why "race" would
9 help with an emergency.
10

11 (ii) The name and address of the health care
12 provider, **coroner, or medical examiner** and the reporting
13 individual, if different;

14
15 ***** STAFF COMMENTS *****

16
17 Why would the pharmacist know the name of the
18 coroner or medical examiner? Why would he be
19 prescribing for dead people?
20

21 (iii) Any other information needed to locate the
22 patient for investigation of a public health emergency.

23
24 (d) For incidents related to animal or insect bites,
25 information related to the suspected location of the biting
26 animal or insect and the name and address of the owner, if
27 known, shall be reported.

28
29 (e) As used in this section, "public health emergency"
30 means as defined by W.S. 35-4-115(a)(i).

1

2 **35-1-241. Safe disposal of corpses in emergency**
3 **circumstances.**

4

5 (a) The state public health officer, during the
6 period that a public health emergency exists, may:

7

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

13

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

15

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

19

20 (iv) Compel any person authorized to embalm,
21 bury, cremate, inter, disinter, transport or dispose of
22 corpses to accept any corpse or provide the use of his
23 business or facility if the actions are reasonable and
24 necessary for emergency response. The use of a business or

1 facility may include transferring the management and
2 supervision of the business or facility to the public
3 health authority and granting the right for the state
4 health officer to take immediate possession for a limited
5 or unlimited period of time, but shall not exceed beyond
6 the termination of the public health emergency.

7
8 (b) Every corpse prior to disposal pursuant to
9 subsection (a) of this section shall be clearly labeled
10 with all available information to identify the decedent and
11 the circumstances of death. Any corpse of a deceased person
12 with an infectious disease shall have an external, clearly
13 visible tag indicating that the corpse is infected and, if
14 known, the infectious disease.

15
16 (c) Every person in charge of disposing of any corpse
17 pursuant to subsection (a) of this section shall maintain a
18 written record of each corpse and all available information
19 to identify the decedent and the circumstances of death and
20 disposal. If a corpse cannot be identified, prior to
21 disposal a qualified person shall, to the extent possible,
22 take fingerprints and one (1) or more photographs of the
23 corpse, and collect a DNA specimen. All information

1 collected under this subsection shall be promptly forwarded
2 to the state public health official.

3

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

6

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

8

9 (a) Any person who has been quarantined pursuant to
10 this act may appeal to the district court at any time for
11 release from the quarantine. The court may hold a hearing
12 on the appeal after notice is provided to the state health
13 officer at least seventy-two (72) 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 a public health emergency of
10 unknown effect, the state health officer may impose a
11 temporary quarantine until there is sufficient information
12 to determine what actions, if any, are reasonably needed to
13 protect the public health.

14

15 **35-4-113. Treatment when consent is not available;**
16 **quarantine.**

17

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

22

23 (b) During a public health emergency, the state
24 health officer may subject a person to vaccination or

1 medical treatment without consent in the following
2 circumstances:

3

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

9

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

16

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

24

1 **35-4-114. Immunity from liability.**

2

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

8

9 **35-4-115. Definitions.**

10

11 (a) As used in this article:

12

13 (i) "Public health emergency" means an
14 occurrence or imminent threat of an illness or health
15 condition caused by an epidemic or pandemic disease, a
16 novel and highly fatal infectious agent or a biological
17 toxin that poses a substantial risk of a significant number
18 of human fatalities or incidents of permanent or long-term
19 disability;

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 a public health emergency of
14 unknown effect has occurred or is reasonably believed to
15 have occurred.

16

17 **Section 2.** W.S. 6-4-502(b)(i), 7-4-208,
18 33-24-101(c)(iii), 35-1-201 and 35-1-240(a) by creating a
19 new paragraph (xxi) are amended to read:

20

21 **6-4-502. Mutilation of dead human bodies; penalties;**
22 **exceptions.**

23

24 (b) This section does not apply to:

1

2 (i) A state public health officer acting
3 pursuant to W.S. 35-1-241, or physician or surgeon acting
4 on the order of a court of competent jurisdiction, a
5 coroner or other qualified officer;

6

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

9

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

15

16

17 **33-24-101. Short title; definition.**

18

19 (c) As used in this act, "unprofessional conduct"
20 means:

21

22 (iii) Willfully betraying patient confidences,
23 provided a pharmacist may provide otherwise confidential
24 patient information to other licensed health care

1 professionals treating the patient and to the state health
2 officer pursuant to W.S. 33-24-155;

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:

24

1 (xxi) During a public health emergency as
2 defined by 35-4-115(a)(i), the state health officer or his
3 designee may prescribe any pharmaceutical or therapeutic
4 interventions en masse as necessary to protect the public
5 health.

6

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

8

9

(END)