

SENATE FILE NO. SF0011

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; providing public health protections against
4 communicable diseases; providing definitions; providing
5 expanded powers of the state health officer; providing
6 expanded powers of the governor; conforming provisions; and
7 providing for an effective date.

8

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

10

11 **Section 1.** W.S. 33-16-111, 33-16-207, 33-16-318,
12 35-1-241 and 35-4-112 through 35-4-115 and are created to
13 read:

14

15 **33-16-111. Exceptions.**

16

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3 act may be superseded by the provisions of W.S. 35-1-241.

4

5 **33-16-207. Exceptions.**

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9 act may be superseded by the provisions of W.S. 35-1-241.

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11 **33-16-318. Exceptions.**

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15 act may be superseded by the provisions of W.S. 35-1-241.

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17 **35-1-241. Safe disposal of corpses in emergency**
18 **circumstances.**

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

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23 (i) Adopt and enforce measures to provide for
24 the safe disposal of corpses as may be reasonable and

1 necessary for emergency response. These measures may
2 include the embalming, burial, cremation, interment,
3 disinterment, transportation and disposal of corpses;

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

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

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11 (iv) Compel any person authorized to embalm,
12 bury, cremate, inter, disinter, transport or dispose of
13 corpses to accept any corpse or provide the use of his
14 business or facility if the actions are reasonable and
15 necessary for emergency response. The use of a business or
16 facility may include transferring the management and
17 supervision of the business or facility to the state health
18 officer and granting the right for the state health officer
19 to take immediate possession for a limited or unlimited
20 period of time, but shall not exceed beyond the termination
21 of the public health emergency.

22

23 (b) Every corpse prior to disposal pursuant to
24 subsection (a) of this section shall be clearly labeled

1 with all available information to identify the decedent and
2 the circumstances of death. Any corpse of a deceased person
3 with an infectious disease shall have an external, clearly
4 visible tag indicating that the corpse is infected and, if
5 known, the infectious disease.

6
7 (c) Every person in charge of disposing of any corpse
8 pursuant to subsection (a) of this section shall maintain a
9 written record of each corpse and all available information
10 to identify the decedent and the circumstances of death and
11 disposal. If a corpse cannot be identified, prior to
12 disposal a qualified person shall, to the extent possible,
13 take fingerprints and one (1) or more photographs of the
14 corpse, and collect a DNA specimen. All information
15 collected under this subsection shall be promptly forwarded
16 to the state health official.

17
18 (d) As used in this section "public health emergency"
19 means as defined by W.S. 35-4-115(a)(i).

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21 **35-4-112. Right of appeal of quarantine.**

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23 (a) Any person who has been quarantined pursuant to
24 this act may appeal to the district court at any time for

1 release from the quarantine. The court may hold a hearing
2 on the appeal after notice is provided to the state health
3 officer at least seventy-two (72) hours prior to the
4 hearing. After the hearing, if the court finds that the
5 quarantine is not reasonably necessary to protect the
6 public health, it shall order the person released from
7 quarantine. The burden of proof for the need for the
8 quarantine shall be on the state health officer, except
9 that in the case of bona fide scientific or medical
10 uncertainty the court shall give deference to the
11 professional judgment of the state health officer unless
12 the person quarantined proves by a preponderance of the
13 evidence that the quarantine is not reasonably necessary to
14 protect the public health.

15

16 (b) Any person quarantined shall have the right to
17 communicate by telephone or any other available electronic
18 means, but the state health officer may, in order to
19 protect the public health, deny the quarantined person's
20 right to meet in person with any person not subject to the
21 quarantine.

22

23 (c) In the event of a public health emergency of
24 unknown effect, the state health officer may impose a

1 temporary quarantine until there is sufficient information
2 to determine what actions, if any, are reasonably needed to
3 protect the public health.

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5 **35-4-113. Treatment when consent is not available;**
6 **quarantine.**

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

12

13 (b) During a public health emergency, the state
14 health officer may subject a person to vaccination or
15 medical treatment without consent in the following
16 circumstances:

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

23

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

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8 (c) If a person withholds or refuses consent for
9 himself, a minor or other incompetent when the vaccination
10 or medical treatment is reasonably needed to protect the
11 health of others from a disease carrying the risk of death
12 or disability, then the person for whom the vaccination or
13 medical treatment is refused may be quarantined by the
14 state health officer.

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

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18 During a public health emergency any health care provider
19 or other person who in good faith follows the instructions
20 of the state health officer is immune from any liability
21 arising from complying with those instructions.

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23 **35-4-115. Definitions.**

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1 (a) As used in this article:

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3 (i) "Public health emergency" means an
4 occurrence or imminent threat of an illness or health
5 condition caused by an epidemic or pandemic disease, a
6 novel and highly fatal infectious agent or a biological
7 toxin that poses a substantial risk of a significant number
8 of human fatalities or incidents of permanent or long-term
9 disability. The governor shall declare when a public
10 health emergency exists or has ended;

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12 (ii) "Quarantine" means:

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14 (A) The physical separation and confinement
15 of an individual or group of individuals that has been, or
16 may have been, exposed to, or is reasonably believed to be
17 infected with, a contagious or possibly contagious disease,
18 from nonquarantined individuals, to prevent or limit the
19 transmission of the disease to nonquarantined individuals;

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21 (B) The isolation of a geographic area
22 where individuals are located who have been or are
23 reasonably believed to have been exposed to or infected by
24 a contagious or possibly contagious disease; or

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(C) The physical separation and confinement of an individual or group of individuals or the isolation of a geographic area where a public health emergency of unknown effect has occurred or is reasonably believed to have occurred.

Section 2. W.S. 6-4-502(b)(i), 7-4-208, 35-1-201 and 35-1-240(a) by creating a new paragraph (xxi) are amended to read:

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

(b) This section does not apply to:

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

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

1 If there is no coroner, deputy coroner or in case of their
2 absence, or inability to act, the county sheriff of the
3 same county or the state health officer pursuant to W.S.
4 35-1-241 is authorized to perform the duties of coroner in
5 relation to dead bodies.

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7 **35-1-201. Exceptions with reference to religion.**

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

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21 **35-1-240. Powers and duties.**

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23 (a) The department of health, through the state
24 health officer, or under his direction and supervision,

1 through the other employees of the department, shall have
2 and exercise the following powers and duties:

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4 (xxi) During a public health emergency as
5 defined by W.S. 35-4-115(a)(i), the state health officer
6 may prescribe pharmaceutical or therapeutic interventions
7 en masse as necessary to protect the public health.

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

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11

(END)