

HOUSE BILL NO. HB0098

Public health orders-reforms.

Sponsored by: Representative(s) Gray, Andrew, Bear, Greear,
Jennings, Neiman, Ottman, Styvar and Winter
and Senator(s) Biteman, Driskill and
Steinmetz

A BILL

for

1 AN ACT relating to public health; limiting public health
2 orders as specified; requiring legislative ratification and
3 gubernatorial approval of health orders as specified;
4 requiring ratification of political subdivision health
5 orders as specified; requiring senate confirmation of the
6 state health officer; authorizing the removal of the state
7 health officer and local health officers as specified;
8 specifying applicability; and providing for an effective
9 date.

10

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

12

13 **Section 1.** W.S. 35-1-245 is created to read:

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1 **35-1-245. Public health orders limitations;**
2 **ratification.**

3

4 (a) No public health order issued pursuant to W.S.
5 35-1-240(a)(ii), (iii) or (iv), 35-4-103 or 35-4-112 shall
6 be effective unless signed by the governor.

7

8 (b) No public health order issued pursuant to W.S.
9 35-1-240(a)(ii), (iii) or (iv), 35-4-103 or 35-4-112 shall
10 be effective for a period exceeding ten (10) days unless
11 the order is ratified by the legislature through
12 legislative order, each house voting separately, or as
13 provided in subsection (c) of this section. Any order
14 ratified by legislative order shall be effective for a
15 maximum of ten (10) days after the ratification. Public
16 health orders subject to this subsection may be ratified
17 more than one (1) time.

18

19 (c) If the legislature is not in session at the time
20 a public health order under W.S. 35-1-240(a)(ii), (iii) or
21 (iv), 35-4-103 or 35-4-112 is issued and the legislature
22 declines to convene a session within the ten (10) days of
23 the issuance of the order, the governor may extend the

1 order for an additional seven (7) days provided the
2 governor calls a special session of the legislature
3 concurrently with the issuance of the extension.

4

5 (d) No public health order issued solely by a county,
6 municipal or district health officer or by a county or
7 municipal board of health under this article shall be
8 effective for a period exceeding ten (10) days unless the
9 order is ratified in accordance with this subsection. Any
10 order ratified by the applicable governing body as provided
11 in this subsection shall be effective for a maximum of ten
12 (10) days after the ratification. Public health orders
13 subject to this subsection may be ratified more than one
14 (1) time. For purposes of this subsection:

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16 (i) An order issued by a county health officer
17 or by a county board of health shall be ratified by a vote
18 of the majority of the board of county commissioners of
19 that county;

20

21 (ii) An order issued by a municipal health
22 officer or by a city board of health shall be ratified by a

1 vote of the majority of the members of the governing body
2 of that municipality;

3

4 (iii) An order issued by a district health
5 officer or a district board of health shall be ratified by
6 a majority vote of the governing bodies of each political
7 subdivision participating in the district.

8

9 (e) For purposes of this section, a public health
10 order is considered to be effective for a period exceeding
11 ten (10) days if the public health order includes an
12 effective period that exceeds ten (10) days or if the
13 material requirements of the order are contained in
14 multiple orders whose combined effective period exceeds ten
15 (10) days within any twelve (12) month period.

16

17 **Section 2.** W.S. 9-2-103(e)(intro), 35-1-240(a)(ii)
18 through (iv), 35-1-306(a), 35-4-103 and 35-4-112(c) are
19 amended to read:

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21 **9-2-103. Division administrators; appointment;**
22 **qualifications; duties; salaries, tenure and removal**
23 **generally; necessary personnel.**

1

2 (e) The director shall appoint a state health officer
3 who shall be licensed in Wyoming as a physician and who
4 shall carry out the statutory duties and any other duties
5 assigned to him by the director. The state health officer
6 shall be confirmed by the senate. Notwithstanding W.S.
7 9-1-202(b), the governor may remove the state health
8 officer at his discretion. The state health officer shall:

9

10 **35-1-240. Powers and duties.**

11

12 (a) The department of health, through the state
13 health officer, or under his direction and supervision,
14 through the other employees of the department, shall have
15 and exercise the following powers and duties:

16

17 (ii) To investigate and control the causes of
18 epidemic, endemic, communicable, occupational and other
19 diseases and afflictions, and physical disabilities
20 resulting therefrom, affecting the public health. Orders
21 imposed under this paragraph to control the cause of
22 disease are subject to the limitations imposed by W.S.
23 35-1-245;

1

2 (iii) To establish, maintain and enforce
3 isolation and quarantine, and in pursuance thereof, and for
4 such purpose only, to exercise such physical control over
5 property and over the persons of the people within this
6 state as the state health officer may find necessary for
7 the protection of the public health. Orders imposed under
8 this paragraph are subject to the limitations imposed by
9 W.S. 35-1-245;

10

11 (iv) To close theaters, schools and other public
12 places, and to forbid gatherings of people when necessary
13 to protect the public health. Orders imposed under this
14 paragraph are subject to the limitations imposed by W.S.
15 35-1-245;

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17 **35-1-306. Appointment of health officer and other**
18 **personnel where departments not established; fees and**
19 **charges for services; payment.**

20

21 (a) In counties or municipalities where such
22 departments are not established the boards of county
23 commissioners or municipal governing body shall appoint the

1 county or municipal health officer and other necessary
2 personnel. The governing body of any combination of
3 municipalities, counties, or municipalities and counties
4 where such departments are not established may form a
5 health district and appoint a district health officer
6 thereof. The term of office for the county, municipal, or
7 district health officer shall be four (4) years unless
8 sooner removed by the board of county commissioners,
9 municipal, or district governing body. Additionally, the
10 governing bodies of each political subdivision
11 participating in the district may jointly act to remove a
12 district health officer by a majority vote of each
13 governing body voting separately. He shall have a degree of
14 doctor of medicine, and shall assist the state department
15 of health in carrying out the provisions of all health and
16 sanitary laws and regulations of the state.

17

18 **35-4-103. Investigation of diseases; quarantine;**
19 **regulation of travel; employment of police officers to**
20 **enforce quarantine; report of county health officer;**
21 **supplies and expenses.**

22

1 The department of health shall, immediately after the
2 receipt of information that there is any smallpox, cholera,
3 scarlet fever, diphtheria or other infectious or contagious
4 disease, which is a menace to the public health, in any
5 portion of this state, order the county health officer to
6 immediately investigate the case and report to the state
7 health officer the results of the investigation. The state
8 health officer shall, subject to W.S. 35-4-112 and if in
9 his judgment the occasion requires, direct the county
10 health officer to declare the infected place to be in
11 quarantine. The county health officer shall place any
12 restrictions upon ingress and egress at this location as in
13 his judgment or in the judgment of the state health officer
14 are necessary to prevent the spread of the disease from the
15 infected locality. The county health officer shall upon
16 declaring any city, town or other place to be in
17 quarantine, control the population of the city, town or
18 other place as in his judgment best protects the people and
19 at the same time prevents the spread of the disease. If
20 necessary for the protection of the public health and
21 subject to W.S. 35-4-112, the state health officer shall
22 establish and maintain a state quarantine and shall enforce
23 practical regulations regarding railroads or other lines of

1 travel into and out of the state of Wyoming as necessary
2 for the protection of the public health. The expenses
3 incurred in maintaining the state quarantine shall be paid
4 out of the funds of the state treasury appropriated for
5 this purpose and in the manner in which other expenses of
6 the department are audited and paid. The county health
7 officer or the department may employ a sufficient number of
8 police officers who shall be under the control of the
9 county health officer, to enforce and carry out any
10 quarantine regulations the department may prescribe. The
11 regulations shall be made public in the most practicable
12 manner in the several counties, cities, towns or other
13 places where the quarantine is established. If the
14 quarantine is established by the county health officer, he
15 shall immediately report his actions to the state health
16 officer. The county health officer shall furnish all
17 supplies and other resources necessary for maintaining the
18 quarantine. Upon certificate of the county health officer
19 approved by the director of the state department of health,
20 the county commissioners of any county where a quarantine
21 has been established shall issue warrants to the proper
22 parties for the payment of all expenses, together with the
23 expense of employing sufficient police force, to maintain

1 and enforce the quarantine. Any order imposed under this
2 section is subject to the limitations imposed by W.S.
3 35-1-245. For purposes of this act, "state health officer"
4 means as defined in W.S. 9-2-103(e).

5

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

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8 (c) In the event of a public health emergency of
9 unknown effect, the state health officer may impose a
10 temporary quarantine until there is sufficient information
11 to determine what actions, if any, are reasonably needed to
12 protect the public health. Any order imposed under this
13 subsection is subject to the limitations imposed by W.S.
14 35-1-245.

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16 **Section 3.** This act shall apply to public health
17 orders in effect on or after the effective date of this
18 act. For purposes of calculating the effective period of
19 public health orders in effect on the effective date of
20 this act, the first day of the effective period shall be
21 the effective date of this act.

22

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

5

6

(END)