

SENATE FILE NO. SF0080

Public health orders-local and legislative oversight.

Sponsored by: Senator(s) McKeown, Bouchard, French,
Hutchings, James, Kolb and Steinmetz and
Representative(s) Bear, Fortner and Jennings

A BILL

for

1 AN ACT relating to public health orders; imposing
2 limitations on the declaration of public health
3 emergencies; imposing requirements and limitations on state
4 and county public health orders as specified; requiring
5 ratification of state and county public health orders;
6 authorizing local oversight of state public health orders;
7 making conforming amendments and technical corrections;
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 and 35-1-310 are created to
14 read:

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

3
4 (a) No public health order issued under W.S.
5 35-1-240(a)(ii) or (iv) shall become effective without
6 notice being provided to the public not less than
7 forty-eight (48) hours before the order is to become
8 effective and without the governor and the department of
9 health providing an opportunity for public comment through
10 written and electronic submissions to the governor and the
11 department. Provided, however, any public health order
12 issued under W.S. 35-1-240(a)(ii) or (iv) shall become
13 effective immediately if a delay of forty-eight (48) hours
14 will result in immediate and life-threatening physical
15 harm, exposure or transmission beyond the existing affected
16 area.

17
18 (b) A county may opt out of a public health order
19 issued under W.S. 35-1-240(a)(ii) or (iv) by submitting a
20 writing signed by a majority of the members of that
21 county's board of county commissioners and by publishing a
22 notice as soon as possible in the county's designated
23 official newspaper and on the county's official website.

1

2 (c) No public health order issued under W.S.
3 35-1-240(a)(ii) or (iv) shall be effective for a period
4 exceeding sixty (60) days unless the order is ratified by
5 the legislature through legislative order, with each house
6 voting separately. For purposes of ratifying a public
7 health order issued under W.S. 35-1-240(a)(ii) or (iv), the
8 legislature may convene via electronic means or in another
9 place or places other than the seat of government if the
10 public health emergency necessitates meeting via electronic
11 means or at another place or places. If the legislature
12 meets via electronic means or at a place or places other
13 than the seat of government, the legislative session shall
14 be anchored at the seat of government by at least the
15 presiding officer or acting presiding officer of each house
16 of the legislature.

17

18 (d) For purposes of this section, a public health
19 order shall be considered to be effective for a period
20 exceeding sixty (60) days if the public health order
21 includes an effective period that exceeds sixty (60) days
22 or if the material requirements of the order are contained

1 in multiple orders whose combined effective period exceeds
2 sixty (60) days within any twelve (12) month period.

3

4 (e) Public health orders ratified by the legislature
5 shall be in effect until:

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7 (i) The date set in the legislative order for
8 termination of the public health order. If no date is set
9 the order shall terminate sixty (60) days after
10 ratification;

11

12 (ii) The legislature terminates the order; or

13

14 (iii) The public health officer with approval of
15 the governor terminates the order.

16

17 **35-1-310. Public health orders by county, municipal**
18 **and district health officers; limitations; ratification.**

19

20 (a) No public health order requested or issued by a
21 county, municipal or district health officer or by a county
22 or municipal board of health under this article shall
23 become effective without notice being provided to the

1 public not less than forty-eight (48) hours before the
2 order is to become effective and an opportunity to provide
3 public comment through written and electronic submissions
4 is provided. For public health orders requested or issued
5 by:

6

7 (i) A county health officer, the board of county
8 commissioners shall provide the opportunity for public
9 comment through written and electronic submissions to the
10 board;

11

12 (ii) A municipal health officer, the governing
13 body of the municipality shall provide the opportunity for
14 public comment through written and electronic submissions
15 to the governing body;

16

17 (iii) A district health officer, the governing
18 bodies of each political subdivision participating in the
19 district shall provide the opportunity for public comment
20 through written and electronic submissions to that
21 governing body.

22

1 (b) No public health order requested or issued by a
2 county, municipal or district health officer or by a county
3 or municipal board of health under this article shall be
4 effective for a period exceeding thirty (30) days unless
5 the order is ratified in accordance with this subsection.
6 Any order ratified by the applicable governing body shall
7 be effective for a maximum of thirty (30) days after the
8 ratification. Public health orders subject to this
9 subsection may be ratified more than one (1) time. For
10 purposes of this subsection:

11

12 (i) An order issued by a county health officer
13 or by a county board of health shall be ratified by a vote
14 of the majority of the board of county commissioners of
15 that county;

16

17 (ii) An order issued by a municipal health
18 officer or by a city board of health shall be ratified by a
19 vote of the majority of the members of the governing body
20 of that municipality;

21

22 (iii) An order issued by a district health
23 officer or a district board of health shall be ratified by

1 a majority vote of the governing bodies of each political
2 subdivision participating in the district.

3

4 (c) For purposes of this section, a public health
5 order is considered to be effective for a period exceeding
6 thirty (30) days if the public health order includes an
7 effective period that exceeds thirty (30) days or if the
8 material requirements of the order are contained in
9 multiple orders whose combined effective period exceeds
10 thirty (30) days within any twelve (12) month period.

11

12 **Section 2.** W.S. 35-1-240(a)(ii) and (iv),
13 35-1-303(a), 35-1-305 by creating a new subsection (d) and
14 35-4-115(a)(i) and by creating a new subsection (b) are
15 amended to read:

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

18

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

23

1 (ii) To investigate and control the causes of
2 epidemic, endemic, communicable, occupational and other
3 diseases and afflictions, and physical disabilities
4 resulting therefrom, affecting the public health. Orders
5 imposed under this paragraph shall be subject to the
6 limitations imposed by W.S. 35-1-245;

7
8 (iv) To close theaters, schools and other public
9 places, and to forbid gatherings of people when necessary
10 to protect the public health. Orders imposed under this
11 paragraph shall be subject to the limitations imposed by
12 W.S. 35-1-245;

13
14 **35-1-303. Rules and regulations; jurisdiction.**

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16 (a) Subject to the requirements of W.S. 35-1-310,
17 county, and/or city and district boards of health may enact
18 rules and regulations pertaining to the prevention of
19 disease and the promotion of public health in the area over
20 which such respective boards have jurisdiction. But in no
21 instance shall such rules and regulations be less effective
22 than, or in conflict with, rules and regulations
23 promulgated by the state department of health. ~~The~~ District

1 ~~and/or~~ and city health officers shall have all powers
2 vested by law in county health officers.

3

4 **35-1-305. Appointment of health officers and other**
5 **personnel generally; local board of health may fix fees for**
6 **certain services.**

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8 (d) All health officers appointed under this article
9 shall comply with the provisions of W.S. 35-1-310.

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11 **35-4-115. Definitions; limitations on public health**
12 **emergencies.**

13

14 (a) As used in this article:

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16 (i) "Public health emergency" means an
17 occurrence or imminent threat of an illness or health
18 condition caused by an epidemic or pandemic disease, a
19 novel and highly fatal infectious agent or a biological
20 toxin that poses a substantial risk of a significant number
21 of human fatalities or incidents of permanent or long-term
22 disability. Subject to subsection (b) of this section, the

1 governor shall declare when a public health emergency
2 exists or has ended;

3
4 (b) No public health emergency declared by the
5 governor under paragraph (a)(i) of this section that
6 results in requirements or orders of the closure of public
7 or private buildings, facilities or other places, limits
8 in-person restaurant dining or forbids or otherwise limits
9 in-person gatherings shall be effective for a period
10 exceeding sixty (60) days unless the order is ratified by
11 the legislature through legislative order, with each house
12 voting separately. Any order ratified by legislative order
13 shall be effective for a maximum of sixty (60) days after
14 the ratification. Public health emergencies subject to this
15 subsection may be ratified more than one (1) time.

16
17 **Section 3.** This act shall only apply to public health
18 emergencies or orders issued on or after the effective date
19 of this act. No public health emergency or order issued
20 before the effective date of this act shall be subject to
21 this act during any period for which the public health
22 emergency or order is effective.

23

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)