

HOUSE BILL NO. HB0113

Public health orders-limitations.

Sponsored by: Representative(s) Harshman and MacGuire and
Senator(s) Wasserburger

A BILL

for

1 AN ACT relating to public health; imposing requirements for
2 the issuance of public health orders; limiting the duration
3 and scope of public health orders as specified; modifying
4 quarantine and other provisions relating to public health
5 orders; and providing for an effective date.

6

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

8

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

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11 **35-1-245. Public health orders limitations;**
12 **ratification.**

13

1 (a) No public health order issued pursuant to W.S.
2 35-1-240(a)(ii), (iii) or (iv), 35-4-103 or 35-4-112(c)
3 shall be effective unless the governor has:

4

5 (i) Signed the public health order; and

6

7 (ii) Declared a public health emergency pursuant
8 to W.S. 35-4-115(a)(i).

9

10 (b) No public health order issued pursuant to W.S.
11 35-1-240(a)(ii), (iii) or (iv), 35-4-103 or 35-4-112(c)
12 shall be effective for a period exceeding thirty (30) days
13 within an unincorporated area of a county or within a city
14 or town unless the order is ratified in accordance with
15 this subsection. Any order ratified by the applicable
16 governing body shall be effective for a maximum of thirty
17 (30) days after the ratification. Public health orders
18 subject to this subsection may be ratified more than one
19 (1) time. For purposes of this subsection:

20

21 (i) An order issued to apply to a person or
22 location within an unincorporated area of a county shall be

1 ratified by the board of county commissioners of that
2 county;

3

4 (ii) An order issued to apply to a person or
5 location within a city or town shall be ratified by the
6 governing body of that municipality.

7

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

15

16 **Section 2.** W.S. 35-1-240(a)(ii) through (iv),
17 35-4-103, 35-4-112(c) and 35-4-115(a)(ii)(A) and (B) are
18 amended to read:

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20 **35-1-240. Powers and duties.**

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22 (a) The department of health, through the state
23 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 (ii) To investigate and control the causes of
5 epidemic, endemic, communicable, occupational and other
6 diseases and afflictions, and physical disabilities
7 resulting therefrom, affecting the public health. Orders
8 imposed under this paragraph are subject to the limitations
9 imposed by W.S. 35-1-245;

10

11 (iii) To establish, maintain and enforce
12 isolation and quarantine of persons reasonably believed to
13 be or known to be infected with a contagious disease, and
14 in pursuance thereof, and for such purpose only, to
15 exercise such physical control over property and over ~~the~~
16 persons ~~of the people~~ within this state as the state health
17 officer may find necessary for the protection of the public
18 health. Orders imposed under this paragraph are subject to
19 the limitations imposed by W.S. 35-1-245;

20

21 (iv) To close theaters, schools and other public
22 places, and to forbid gatherings of people when necessary
23 to protect the public health. Orders imposed under this

1 paragraph are subject to the limitations imposed by W.S.
2 35-1-245;

3

4 **35-4-103. Investigation of diseases; quarantine;**
5 **regulation of travel; employment of police officers to**
6 **enforce quarantine; report of county health officer;**
7 **supplies and expenses.**

8

9 The department of health shall, immediately after the
10 receipt of information that there is any smallpox, cholera,
11 scarlet fever, diphtheria or other infectious or contagious
12 disease, which is a menace to the public health, in any
13 portion of this state, order the county health officer to
14 immediately investigate the case and report to the state
15 health officer the results of the investigation. The state
16 health officer shall, subject to W.S. 35-4-112 and if in
17 his judgment the occasion requires, direct the county
18 health officer to declare the infected place to be in
19 quarantine. The county health officer shall place any
20 restrictions upon ingress and egress at this location as in
21 his judgment or in the judgment of the state health officer
22 are necessary to prevent the spread of the disease from the
23 infected locality. The county health officer shall upon

1 declaring any city, town or other place to be in
2 quarantine, control the population of the city, town or
3 other place as in his judgment best protects the people and
4 at the same time prevents the spread of the disease. If
5 necessary for the protection of the public health and
6 subject to W.S. 35-4-112, the state health officer shall
7 establish and maintain a state quarantine and shall enforce
8 practical regulations regarding railroads or other lines of
9 travel into and out of the state of Wyoming as necessary
10 for the protection of the public health. The expenses
11 incurred in maintaining the state quarantine shall be paid
12 out of the funds of the state treasury appropriated for
13 this purpose and in the manner in which other expenses of
14 the department are audited and paid. The county health
15 officer or the department may employ a sufficient number of
16 police officers who shall be under the control of the
17 county health officer, to enforce and carry out any
18 quarantine regulations the department may prescribe. The
19 regulations shall be made public in the most practicable
20 manner in the several counties, cities, towns or other
21 places where the quarantine is established. If the
22 quarantine is established by the county health officer, he
23 shall immediately report his actions to the state health

1 officer. The county health officer shall furnish all
2 supplies and other resources necessary for maintaining the
3 quarantine. Upon certificate of the county health officer
4 approved by the director of the state department of health,
5 the county commissioners of any county where a quarantine
6 has been established shall issue warrants to the proper
7 parties for the payment of all expenses, together with the
8 expense of employing sufficient police force, to maintain
9 and enforce the quarantine. Any order imposed under this
10 section is subject to the limitations imposed by W.S.
11 35-1-245. For purposes of this act, "state health officer"
12 means as defined in W.S. 9-2-103(e).

13

14 **35-4-112. Right of appeal of quarantine.**

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16 (c) In the event of a public health emergency of
17 unknown effect, the state health officer may impose a
18 temporary quarantine until there is sufficient information
19 to determine what actions, if any, are reasonably needed to
20 protect the public health. Any order imposed under this
21 subsection is subject to the limitations imposed by W.S.
22 35-1-245.

23

1 **35-4-115. Definitions.**

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3 (a) As used in this article:

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5 (ii) "Quarantine" means:

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7 (A) The physical separation and confinement
8 from nonquarantined individuals of an individual or group
9 of individuals ~~that has been, or may have been, exposed to,~~
10 ~~or is~~ reasonably believed to be infected with, a contagious
11 or possibly contagious disease, ~~from nonquarantined~~
12 ~~individuals,~~ to prevent or limit the transmission of the
13 disease to nonquarantined individuals;

14

15 (B) The isolation of a geographic area
16 where individuals ~~are located who have been or~~ are
17 reasonably believed to have been ~~exposed to or~~ infected by
18 a contagious or possibly contagious disease. ~~;~~ ~~or~~

19

20 **Section 3.** W.S. 35-4-115(a)(ii)(C) is repealed.

21

1 **Section 4.** This act is effective July 1, 2021.

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(END)