

HOUSE BILL NO. HB0127

Public health amendments.

Sponsored by: Representative(s) Barlow, Larsen, Olsen,
Sommers and Wilson and Senator(s) Baldwin,
Case, Driskill and Perkins

A BILL

for

1 AN ACT relating to the public health; amending and creating
2 provisions governing the issuance of orders relating to the
3 public health; amending provisions governing the
4 appointment and oversight of the state health officer;
5 providing applicability; and providing for an effective
6 date.

7

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

9

10 **Section 1.** W.S. 35-1-310 is created to read:

11

12 **35-1-310. Limitation on orders.**

13

14 (a) Any order issued under this chapter by a county,
15 municipal or district health officer that restricts

1 individuals' movements or their ability to engage in any
2 activity, that applies to individuals not under an
3 isolation or quarantine order and that is designed to
4 prevent or limit the transmission of a contagious or
5 possibly contagious disease shall be effective for a period
6 of not more than ten (10) days. Subsequent orders,
7 including order extensions, for the same or substantially
8 same purpose of any duration shall only be issued as
9 follows:

10

11 (i) The board of county commissioners, by a vote
12 of the majority of the board, may issue an order subsequent
13 to an order issued by a county health officer;

14

15 (ii) The governing body of a municipality, by a
16 vote of the majority of the governing body, may issue an
17 order subsequent to an order issued by a municipal health
18 officer;

19

20 (iii) The governing body of a political
21 subdivision that is a member of a district health
22 department, by a majority vote of the governing body, may
23 issue an order subsequent to an order issued by a district

1 health officer to have effect within the governing body's
2 political subdivision only.

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4 (b) Nothing in this chapter shall be construed to
5 limit a parent or guardian's right to the care, custody and
6 control of a minor child under the care of the parent or
7 guardian.

8

9 (c) Nothing in this chapter shall be construed to
10 limit a caregiver's right to the care, custody and control
11 of a vulnerable adult.

12

13 (d) As used in this section:

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15 (i) "Caregiver" means a family member
16 responsible, or a person with court ordered responsibility,
17 for the care, custody and control of a vulnerable adult;

18

19 (ii) "Vulnerable adult" means as defined in W.S.
20 35-20-102(a)(xviii).

21

1 **Section 2.** W.S. 9-2-103(e)(intro) and (i),
2 21-4-309(d)(i) and 35-1-240(a)(intro) and by creating a new
3 subsection (c) are amended to read:

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5 **9-2-103. Division administrators; appointment;**
6 **qualifications; duties; salaries, tenure and removal**
7 **generally; necessary personnel.**

8

9 (e) The ~~director~~governor shall appoint a state
10 health officer who shall be licensed in Wyoming as a
11 physician and who shall carry out the statutory duties and
12 any other duties assigned to ~~him~~the state health officer
13 by the director. The state health officer shall:

14

15 (i) ~~Answer directly to the director~~Serve at the
16 pleasure of the director and governor, either of whom may
17 remove the state health officer;

18

19 **21-4-309. Mandatory immunizations for children**
20 **attending schools; exceptions.**

21

22 (d) For purposes of this section:

23

1 (i) "State health officer" means the person
2 appointed by the ~~director of the department of health~~
3 ~~governor~~ pursuant to W.S. ~~9-2-103~~ 9-2-103(e);

4
5 **35-1-240. Powers and duties.**

6
7 (a) Subject to subsection (c) of this section, the
8 department of health, through the state health officer, or
9 under his direction and supervision, through the other
10 employees of the department, shall have and exercise the
11 following powers and duties:

12
13 (c) Any order issued under this section that
14 restricts individuals' movements or their ability to engage
15 in any activity, that applies to individuals not under an
16 isolation or quarantine order and that is designed to
17 prevent or limit the transmission of a contagious or
18 possibly contagious disease shall be effective for a period
19 of not more than ten (10) days. Subsequent orders,
20 including order extensions, for the same or substantially
21 same purpose shall only be issued by the governor for any
22 duration, with consultation provided by the state health
23 officer.

1

2 **Section 3.** W.S. 9-2-103(d) is repealed.

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4 **Section 4.** This act shall only apply to orders issued
5 by the state health officer or municipal, county or
6 district health officers on or after the effective date of
7 this act. No order issued before the effective date of this
8 act shall be subject to this act during any period for
9 which the public health order is effective.

10

11 **Section 5.** This act is effective July 1, 2021.

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13

(END)