

ENROLLED ACT NO. 93, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING  
2021 GENERAL SESSION

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

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

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

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

(a) No public health order requested or issued by a county, municipal or district health officer under this article shall become effective without notice being provided to the public not less than forty-eight (48) hours before the order is to become effective and an opportunity to provide public comment through written and electronic submissions is provided, except when the delay will result in immediate and life threatening physical harm, exposure or transmission beyond the existing affected area. Any order issued under this chapter by a county, municipal or district health officer that restricts individuals' movements or their ability to engage in any activity, that applies to individuals not under an isolation or quarantine order and that is designed to prevent or limit the transmission of a contagious or possibly contagious disease shall be effective for a period of not more than ten (10) days. Subsequent orders, including order extensions, for the same or substantially same purpose of any duration shall only be issued as follows:

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

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

(iii) The governing body of a political subdivision that is a member of a health district or a district health department, by a majority vote of the governing body, may issue an order subsequent to an order issued by a district health officer to have effect within the governing body's political subdivision only.

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

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

(d) As used in this section:

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

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

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

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

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

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

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

(d) For purposes of this section:

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

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

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

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(c) Any order issued under this section that restricts individuals' movements or their ability to engage in any activity, that applies to individuals not under an isolation or quarantine order and that is designed to prevent or limit the transmission of a contagious or possibly contagious disease shall be effective for a period of not more than ten (10) days. Subsequent orders for the same or substantially same purpose shall only be issued by the governor, with consultation provided by the state health officer and shall be in effect for not more than sixty (60) days.

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

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

ORIGINAL HOUSE  
BILL NO. HB0127

ENGROSSED

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

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk