

By: Representative Eubanks

To: Public Health and Human  
Services

## HOUSE BILL NO. 88

1 AN ACT TO PROVIDE THAT EACH PERSON WHO IS TWENTY-ONE YEARS OF  
2 AGE OR OLDER SHALL HAVE THE RIGHT TO DETERMINE, IN THEIR SOLE  
3 DISCRETION, WHETHER HE OR SHE WILL RECEIVE VACCINATIONS OR  
4 IMMUNIZATIONS FOR ANY DISEASE; TO PROHIBIT ANY PERSON OR ENTITY,  
5 FROM REQUIRING ANY SUCH PERSON TO RECEIVE A VACCINATION OR  
6 IMMUNIZATION FOR ANY DISEASE AS A CONDITION OF EMPLOYMENT OR A  
7 CONDITION OF RECEIVING ANY BENEFIT OR SERVICE; TO PROHIBIT ANY  
8 PERSON OR ENTITY FROM USING ANY MEANS OF INTIMIDATION OR THREAT OF  
9 TERMINATION OF ANY SUCH PERSON'S EMPLOYMENT, OR DENIAL OR  
10 REDUCTION OF ANY BENEFIT OR SERVICE TO ANY SUCH PERSON, OR  
11 DISCLOSURE OF ANY SUCH PERSON'S MEDICAL HISTORY OR RECORDS TO  
12 OTHERS, IN ORDER TO CAUSE THE PERSON TO RECEIVE A VACCINATION OR  
13 IMMUNIZATION FOR ANY DISEASE; TO AMEND SECTION 41-23-43,  
14 MISSISSIPPI CODE OF 1972, TO ALLOW A VACCINATIONS EXEMPTION FOR  
15 PHILOSOPHICAL REASON; AND FOR RELATED PURPOSES.

16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

17 **SECTION 1.** (1) This section shall be known as the  
18 Mississippi Adult Health and Privacy Act.

19 (2) Each person who is eighteen (18) years of age or older  
20 shall have the right to determine, in their sole discretion,  
21 whether he or she will receive vaccinations or immunizations for  
22 any disease.

23 (3) A person, organization or other entity, whether public,  
24 private or governmental, shall not:



(a) Require any person who is eighteen (18) years of age or older to receive a vaccination or immunization for any disease as a condition of employment or a condition of receiving any benefit or service; or

(b) Use any means of direct or indirect intimidation or threat of termination of any such person's employment, or denial or reduction of any benefit or service to any such person, or disclosure of any such person's medical history or records to others, in order to cause the person to receive a vaccination or immunization for any disease.

**SECTION 2.** Section 41-23-43, Mississippi Code of 1972, is amended as follows:

41-23-43. (1) As used in this section:

(a) "Department" means the Mississippi State Department of Health, Bioterrorism Division;

(b) "Director" means the Executive Director of the State Board of Health;

(c) "Bioterrorism" means the intentional use of any microorganism, virus, infectious substance or biological product that may be engineered as a result of biotechnology or any naturally occurring or bioengineered component of any microorganism, virus, infectious substance or biological product, to cause or attempt to cause death, disease or other biological malfunction in any living organism;



(d) "Disaster locations" means any geographical location where a bioterrorism attack, terrorist attack, catastrophic or natural disaster or emergency occurs;

(e) "First responders" means state and local law enforcement personnel, fire department personnel, emergency medical personnel, emergency management personnel and public works personnel who may be deployed to bioterrorism attacks, terrorist attacks, catastrophic or natural disasters and emergencies.

(2) The department shall offer a vaccination program for first responders who may be exposed to infectious diseases when deployed to disaster locations. The vaccinations shall include, but are not limited to, hepatitis A vaccination, hepatitis B vaccination, diphtheria-tetanus vaccination, influenza vaccination, pneumococcal vaccination and other vaccinations when recommended by the United States Public Health Service and in accordance with Federal Emergency Management Directors Policy. Immune globulin will be made available when necessary.

(3) Participation in the vaccination program shall be voluntary by the first responders, except for first responders who are classified as having "occupational exposure" to blood borne pathogens as defined by the Occupational Safety and Health Administration Standard contained at 29 CFR 1910.10300 who shall be required to take the designated vaccinations or otherwise required by law.



(4) A first responder shall be exempt from vaccinations when a written statement from a licensed physician is presented indicating that a vaccine is medically contraindicated for that person or the first responder signs a written statement that the administration of a vaccination conflicts with their religious or philosophical tenets.

(5) If there is a vaccine shortage, the director, in consultation with the Governor and the Centers for Disease Control and Prevention, shall give priority for vaccination to first responders.

(6) The department shall notify first responders to the availability of the vaccination program and shall provide educational materials on ways to prevent exposure to infectious diseases.

(7) The department may contract with county and local health departments, not-for-profit home health care agencies, hospitals and physicians to administer a vaccination program for first responders.

(8) This section shall be effective upon receipt of federal funding and/or federal grants for administering a first responders vaccination program. Upon receipt of that funding, the department shall make available the vaccines to first responders as provided in this section.

**SECTION 3.** This act shall take effect and be in force from and after July 1, 2017.

