

By: Representative Eubanks

To: Public Health and Human Services

HOUSE BILL NO. 47

1 AN ACT TO PROVIDE THAT EACH PERSON WHO IS EIGHTEEN 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 FIRST RESPONDERS AN EXEMPTION
 15 FROM VACCINATIONS FOR PHILOSOPHICAL REASONS; AND FOR RELATED
 16 PURPOSES.

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

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

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

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



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

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

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

38 41-23-43. (1) As used in this section:

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

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

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



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

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

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

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



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

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

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

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

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

97 **SECTION 3.** This act shall take effect and be in force from
98 and after July 1, 2018.

