

By: Representative Eubanks

To: Public Health and Human Services

HOUSE BILL NO. 476

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, EXCEPT WHEN THE PERSON IS REQUIRED
 5 TO BE VACCINATED TO ATTEND SCHOOL; TO PROHIBIT ANY PERSON OR
 6 ENTITY FROM REQUIRING ANY SUCH PERSON TO RECEIVE A VACCINATION OR
 7 IMMUNIZATION FOR ANY DISEASE AS A CONDITION OF EMPLOYMENT OR A
 8 CONDITION OF RECEIVING ANY BENEFIT OR SERVICE; TO PROHIBIT ANY
 9 PERSON OR ENTITY FROM USING ANY MEANS OF INTIMIDATION OR THREAT OF
 10 TERMINATION OF ANY SUCH PERSON'S EMPLOYMENT, OR DENIAL OR
 11 REDUCTION OF ANY BENEFIT OR SERVICE TO ANY SUCH PERSON, OR
 12 DISCLOSURE OF ANY SUCH PERSON'S MEDICAL HISTORY OR RECORDS TO
 13 OTHERS, IN ORDER TO CAUSE THE PERSON TO RECEIVE A VACCINATION OR
 14 IMMUNIZATION FOR ANY DISEASE; TO AMEND SECTION 41-23-43,
 15 MISSISSIPPI CODE OF 1972, TO ALLOW FIRST RESPONDERS AN EXEMPTION
 16 FROM VACCINATIONS FOR PHILOSOPHICAL REASONS; AND FOR RELATED
 17 PURPOSES.

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

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

21 (2) Each person who is eighteen (18) years of age or older
 22 shall have the right to determine, in their sole discretion,
 23 whether he or she will receive vaccinations or immunizations for
 24 any disease, except when the person is required to be vaccinated
 25 to attend school under Section 41-23-37.



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

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

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

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

40 41-23-43. (1) As used in this section:

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

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

45 (c) "Bioterrorism" means the intentional use of any
46 microorganism, virus, infectious substance or biological product
47 that may be engineered as a result of biotechnology or any
48 naturally occurring or bioengineered component of any
49 microorganism, virus, infectious substance or biological product,



50 to cause or attempt to cause death, disease or other biological
51 malfunction in any living organism;

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

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

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

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



74 be required to take the designated vaccinations or otherwise
75 required by law.

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

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

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

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

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



99 **SECTION 3.** This act shall take effect and be in force from
100 and after July 1, 2021.

