

By: Representative Eubanks

To: Public Health and Human Services

HOUSE BILL NO. 759

1 AN ACT TO PROVIDE THAT EACH PERSON WHO IS EIGHTEEN YEARS OF
 2 AGE OR OLDER HAS THE RIGHT TO DETERMINE, IN THAT PERSON'S 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 A PERSON TO RECEIVE A VACCINATION OR
 7 IMMUNIZATION FOR ANY DISEASE AS A CONDITION OF EMPLOYMENT OR A
 8 CONDITION OF RECEIVING A BENEFIT OR SERVICE; TO PROHIBIT A PERSON
 9 OR ENTITY FROM USING ANY MEANS OF INTIMIDATION OR THREAT OF
 10 TERMINATION OF SUCH PERSON'S EMPLOYMENT, OR DENIAL OR REDUCTION OF
 11 A BENEFIT OR SERVICE TO SUCH PERSON, OR DISCLOSURE OF SUCH
 12 PERSON'S MEDICAL HISTORY OR RECORDS TO OTHERS, IN ORDER TO CAUSE
 13 THE PERSON TO RECEIVE A VACCINATION OR IMMUNIZATION FOR ANY
 14 DISEASE; TO AMEND SECTION 41-23-43, MISSISSIPPI CODE OF 1972, TO
 15 ALLOW FIRST RESPONDERS AN EXEMPTION FROM VACCINATIONS FOR
 16 PHILOSOPHICAL REASONS; AND FOR RELATED PURPOSES.

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

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

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



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

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

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

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

39 41-23-43. (1) As used in this section:

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

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

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



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

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

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

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

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



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

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

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

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

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

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



98 **SECTION 3.** This act shall take effect and be in force from
99 and after its passage.

