

By: Representatives Eubanks, Williamson

To: Public Health and Human Services

HOUSE BILL NO. 647

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 CONFORM TO THE PRECEDING PROVISIONS; 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 and may be cited  
 18 as the "Mississippi Adult Health and Privacy Act."

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



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

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

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

36 (4) With regard to a vaccination against COVID-19, the  
37 provisions of Section 41-23-49 shall apply in addition to the  
38 provisions of this section.

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

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

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

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

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



49 naturally occurring or bioengineered component of any  
50 microorganism, virus, infectious substance or biological product,  
51 to cause or attempt to cause death, disease or other biological  
52 malfunction in any living organism;

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

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

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

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



74 Administration Standard contained at 29 CFR 1910.10300 who shall  
75 be required to take the designated vaccinations or otherwise  
76 required by law.

77 (4) A first responder shall be exempt from vaccinations  
78 when:

79 (a) A written statement from a licensed physician is  
80 presented indicating that a vaccine is medically contraindicated  
81 for that person;

82 (b) The first responder signs a written statement that  
83 the administration of a vaccination conflicts with their religious  
84 tenets \* \* \*; or

85 (c) The first responder signs a written statement that  
86 he or she does not wish to receive the vaccination, as authorized  
87 under Section 1 of this act.

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

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

96 (7) The department may contract with county and local health  
97 departments, not-for-profit home health care agencies, hospitals



98 and physicians to administer a vaccination program for first  
99 responders.

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

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

