

By: Representative Eubanks

To: Public Health and Human Services

HOUSE BILL NO. 686

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. However, a child shall



24 be required to receive a vaccine for COVID-19 as a condition of
25 school attendance, as provided in Section 41-23-49.

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

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

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

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

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

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

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

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



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

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

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

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



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

79 (4) A first responder shall be exempt from vaccinations
80 when:

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

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

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

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

94 (6) The department shall notify first responders to the
95 availability of the vaccination program and shall provide



96 educational materials on ways to prevent exposure to infectious
97 diseases.

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

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

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

