

By: Representative Eubanks

To: Public Health and Human Services

HOUSE BILL NO. 840

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 not be required to receive a vaccine for COVID-19 as a condition  
25 of 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.

