



House of Representatives

General Assembly

File No. 209

February Session, 2002

Substitute House Bill No. 5286

House of Representatives, March 28, 2002

The Committee on Public Health reported through REP. EBERLE of the 15th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING PUBLIC HEALTH EMERGENCY RESPONSE AUTHORITY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 19a-7 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (a) The Department of Public Health shall be the lead agency for
5 public health planning and shall assist communities in the
6 development of collaborative health planning activities which address
7 public health issues on a regional basis or which respond to public
8 health needs having state-wide significance. The department shall
9 prepare a multiyear state health plan which will provide an
10 assessment of the health of Connecticut's population and the
11 availability of health facilities. The plan shall include: (1) Policy
12 recommendations regarding allocation of resources; (2) public health
13 priorities; (3) quantitative goals and objectives with respect to the

14 appropriate supply, distribution and organization of public health
15 resources; [and] (4) evaluation of the implications of new technology
16 for the organization, delivery and equitable distribution of services. In
17 the development of the plan the department shall consider the
18 recommendations of any advisory bodies which may be established by
19 the commissioner; and (5) emergency responses to a public health
20 emergency, as defined in section 28-1, as amended by this act.

21 Sec. 2. Section 19a-91 of the general statutes is repealed and the
22 following is substituted in lieu thereof (*Effective from passage*):

23 (a) The Commissioner of Public Health shall oversee the
24 transportation, storage and disposal of the bodies of deceased persons
25 in a public health emergency, as defined in section 28-1, as amended
26 by this act.

27 (b) The Department of Public Health [may] shall adopt [such]
28 regulations, in accordance with chapter 54, concerning the preparation
29 and transportation of the bodies of deceased persons to be removed
30 from or into the limits of any town or into any adjoining state, as the
31 public health and welfare may require, including the transportation,
32 storage and disposal of bodies of deceased persons in a public health
33 emergency. Such regulations shall be signed by the [Commissioner of
34 Public Health] commissioner, and a copy thereof shall be mailed to
35 each town clerk, licensed embalmer and funeral director at least fifteen
36 days before such regulations take effect. Any person who violates any
37 regulation of the department adopted pursuant to the provisions of
38 this section shall be fined not more than fifty dollars.

39 Sec. 3. Subdivision (1) of subsection (a) of section 19a-215 of the
40 general statutes is repealed and the following is substituted in lieu
41 thereof (*Effective from passage*):

42 (1) "Commissioner's list of reportable diseases and laboratory
43 findings" means the list developed pursuant to section 19a-2a, and
44 anthrax and other diseases likely to be caused by bioterrorism.

45 Sec. 4. Subsection (b) of section 19a-221 of the general statutes is
46 repealed and the following is substituted in lieu thereof (*Effective from*
47 *passage*):

48 (b) Any town, city, [or] borough or district director of health may
49 order any person into confinement whom he has reasonable grounds
50 to believe to be infected with any communicable disease and any
51 person who intentionally or unintentionally harbors in or on the body
52 amounts of radioactive material sufficient to constitute a radiation
53 hazard to others and [who is unable or unwilling to conduct himself in
54 such manner as to not expose other persons to danger of infection or
55 irradiation whenever] such director determines such person poses a
56 substantial threat to the public health and [such action] confinement is
57 necessary to protect or preserve the public health.

58 Sec. 5. Section 19a-221 of the general statutes is amended by adding
59 subsection (n) as follows (*Effective from passage*):

60 (NEW) (n) The director of health may apply to the court of probate
61 for the district in which a person described in subsection (b) of this
62 section resides, or is confined to, for an order enforcing the provisions
63 of any order issued by the director of health pursuant to said
64 subsection (b).

65 Sec. 6. Section 19a-222 of the general statutes is repealed and the
66 following is substituted in lieu thereof (*Effective from passage*):

67 (a) Directors of health and boards of health may adopt such
68 measures for, or the director of health may issue an order for, the
69 general vaccination of all or some of the inhabitants of their respective
70 towns, cities or boroughs as they deem reasonable and necessary in
71 order to prevent the introduction or arrest the progress of smallpox or
72 other communicable disease when the director determines that
73 smallpox or other communicable disease poses a substantial threat to
74 the public health and such vaccination is necessary to protect or
75 preserve the public health, and the expenses in whole or in part of such
76 general vaccination shall, upon their order, be paid out of the town,

77 city or borough treasury, as the case may be. Any person who refuses
78 to be vaccinated, or who prevents a person under his care and control
79 from being vaccinated, on application being made by the director of
80 health or board of health or by a physician employed by the director of
81 health or board of health for that purpose, unless, in the opinion of
82 another physician, it would not be prudent on account of sickness,
83 shall be fined not more than five dollars.

84 (b) Each person required to be vaccinated pursuant to subsection (a)
85 of this section shall receive notice of an order to be vaccinated. The
86 order shall contain a notice of the right to appeal the order in
87 accordance with subsection (c) of this section.

88 (c) Any person who has received an order pursuant to subsection
89 (b) of this section may appeal such order to the Superior Court, not
90 later than forty-eight hours from the time of receipt of such order. If
91 the court, at a hearing, finds by clear and convincing evidence that the
92 person needs to be vaccinated in order to protect and preserve the
93 public health, such court shall order the person to be vaccinated.

94 (d) The director of health may apply to the Superior Court for an
95 order enforcing any order issued pursuant to this section requiring a
96 person to be vaccinated and such other equitable relief as the court
97 deems appropriate.

98 Sec. 7. Section 28-1 of the general statutes is repealed and the
99 following is substituted in lieu thereof (*Effective from passage*):

100 As used in this chapter:

101 (a) "Attack" means any attack or series of attacks by an enemy of the
102 United States causing, or which may cause, substantial damage or
103 injury to civilian property or persons in the United States in any
104 manner by sabotage or by the use of bombs, shellfire or atomic,
105 radiological, chemical, bacteriological or biological means or other
106 weapons or processes.

107 (b) "Major disaster" means any hurricane, storm, flood, high water,

108 wind-driven water, tidal wave, tsunami, earthquake, volcanic
109 eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or
110 other catastrophe in any part of this state which, in the determination
111 of the President, causes damage of sufficient severity and magnitude
112 to warrant major disaster assistance under the Federal Disaster Relief
113 Act of 1974, above and beyond emergency services by the federal
114 government, to supplement the efforts and available resources of this
115 state, local governments thereof, and disaster relief organizations in
116 alleviating the damage, loss, hardship, or suffering caused thereby.

117 (c) "Emergency" means any hurricane, tornado, storm, flood, high
118 water, wind-driven water, tidal wave, tsunami, earthquake, volcanic
119 eruption, landslide, mudslide, snowstorm, drought, fire explosion, or
120 other catastrophe in any part of this state which requires federal
121 emergency assistance to supplement state and local efforts to save lives
122 and protect property, public health and safety or to avert or lessen the
123 threat of a disaster and shall include a public health emergency as
124 defined in subsection (k) of this section.

125 (d) "Civil preparedness" means all those activities and measures
126 designed or undertaken (1) to minimize or control the effects upon the
127 civilian population of major disaster, (2) to minimize the effects upon
128 the civilian population caused or which would be caused by an attack
129 upon the United States, (3) to deal with the immediate emergency
130 conditions which would be created by any such attack, major disaster
131 or emergency and (4) to effectuate emergency repairs to, or the
132 emergency restoration of, vital utilities and facilities destroyed or
133 damaged by any such attack, major disaster or emergency. Such term
134 shall include, but shall not be limited to, (A) measures to be taken in
135 preparation for anticipated attack, major disaster or emergency,
136 including the establishment of appropriate organizations, operational
137 plans and supporting agreements; the recruitment and training of
138 personnel; the conduct of research; the procurement and stockpiling of
139 necessary materials and supplies; the provision of suitable warning
140 systems; the construction and preparation of shelters, shelter areas and
141 control centers; and, when appropriate, the nonmilitary evacuation of

142 the civilian population; (B) measures to be taken during attack, major
143 disaster or emergency, including the enforcement of passive defense
144 regulations prescribed by duly established military or civil authorities;
145 the evacuation of personnel to shelter areas; the control of traffic and
146 panic; and the control and use of lighting and civil communication;
147 and (C) measures to be taken following attack, major disaster or
148 emergency, including activities for fire fighting; rescue, emergency
149 medical, health and sanitation services; monitoring for specific hazards
150 of special weapons; unexploded bomb reconnaissance; essential debris
151 clearance; emergency welfare measures; and immediately essential
152 emergency repair or restoration of damaged vital facilities.

153 (e) "Civil preparedness forces" means any organized personnel
154 engaged in carrying out civil preparedness functions in accordance
155 with the provisions of this chapter or any regulation or order
156 thereunder. All the police and fire forces of the state or any political
157 subdivision of the state, or any part of any political subdivision,
158 including all the auxiliaries of these forces, shall be construed to be a
159 part of the civil preparedness forces. Any member of the civil
160 preparedness forces who is called upon either by civil preparedness
161 personnel or state or municipal police personnel to assist in any
162 emergency shall be deemed to be engaging in civil preparedness duty
163 while assisting in such emergency or while engaging in training under
164 the auspices of the Office of Emergency Management or the state or
165 municipal police department, for the purpose of eligibility for death,
166 disability and injury benefits as provided in section 28-14.

167 (f) "Mobile support unit" means an organization of civil
168 preparedness forces created in accordance with the provisions of this
169 chapter to be dispatched by the Governor or state director of
170 emergency management supplement civil preparedness forces in a
171 stricken or threatened area.

172 (g) "Civil preparedness emergency" or "disaster emergency" mean
173 an emergency declared by the Governor under the provisions of this
174 chapter in the event of serious disaster or of enemy attack, sabotage or

175 other hostile action within the state or a neighboring state, or in the
176 event of the imminence thereof.

177 (h) "Local civil preparedness emergency" or "disaster emergency"
178 mean an emergency declared by the chief executive officer of any town
179 or city in the event of serious disaster affecting such town or city.

180 (i) "Governor" means the Governor or anyone legally administering
181 the office of Governor.

182 (j) "Political subdivision" means any city, town, municipality,
183 borough or other unit of local government.

184 (k) "Public health emergency" means an imminent threat or
185 occurrence of a communicable disease that poses a substantial risk of
186 death to a significant number of persons over a short period of time.

187 Sec. 8. Subsection (a) of section 28-5 of the general statutes is
188 repealed and the following is substituted in lieu thereof (*Effective from*
189 *passage*):

190 (a) The director may make studies and surveys of the manpower,
191 industries, resources and facilities of the state to ascertain the
192 capabilities of the state for civil preparedness and to plan for their
193 most efficient use in time of emergency. The director shall consult with
194 the Commissioner of Public Health concerning preparation for an
195 emergency response to a public health emergency. The director may
196 apply to the superior court for the judicial district of Hartford, or to a
197 judge of said court if the court is not in session, for a subpoena to
198 compel the attendance of witnesses or the production of books, papers,
199 records or documents of individuals, firms, associations or
200 corporations as may be necessary to the effective preparation of the
201 civil preparedness of the state. Said court or such judge shall, before
202 issuing such subpoena, provide adequate opportunity for the director
203 and the party against whom the subpoena is requested to be heard. No
204 such subpoena shall issue unless the court or judge certifies that the
205 attendance of such witness or the production of such books, papers,

206 records or documents is reasonably necessary to the effective
207 preparation of the civil preparedness of the state and that the director
208 has made reasonable efforts to secure such attendance or such books,
209 papers, records or documents without recourse to compulsory process.

210 Sec. 9. Section 28-9 of the general statutes is repealed and the
211 following is substituted in lieu thereof (*Effective from passage*):

212 In the event of serious disaster, enemy attack, sabotage or other
213 hostile action or in the event of the imminence thereof, or in the event
214 of a public health emergency, the Governor may proclaim that a state
215 of civil preparedness emergency exists, in which event he may
216 personally take direct operational control of any or all parts of the civil
217 preparedness forces and functions in the state. Any such proclamation
218 shall be effective upon filing with the Secretary of the State. Any such
219 proclamation, or order issued pursuant thereto, issued by the
220 Governor because of a disaster resulting from man-made cause may be
221 disapproved by majority vote of a joint legislative committee
222 consisting of the president pro tempore of the Senate, the speaker of
223 the House of Representatives and the majority and minority leaders of
224 both houses of the General Assembly, provided at least one of the
225 minority leaders votes for such disapproval. Such disapproval shall
226 not be effective unless filed with the Secretary of the State within
227 seventy-two hours of the filing of the Governor's proclamation with
228 the Secretary of the State. As soon as possible after such proclamation,
229 if the General Assembly is not then in session, the Governor shall meet
230 with the president pro tempore of the Senate, the speaker of the House
231 of Representatives, and the majority and minority leaders of both
232 houses of the General Assembly and shall confer with them on the
233 advisability of calling a special session of the General Assembly. Upon
234 such proclamation, the following provisions of this section and the
235 provisions of section 28-11, as amended by this act, shall immediately
236 become effective and shall continue in effect until the Governor
237 proclaims the end of the civil preparedness emergency:

238 [(a)] (1) The Governor is authorized and empowered to modify or

239 suspend in whole or in part, by order as hereinafter provided, any
240 statute, regulation or requirement or part thereof whenever in his
241 opinion it is in conflict with the efficient and expeditious execution of
242 civil preparedness functions. The Governor shall specify in such order
243 the reason or reasons therefor and any statute, regulation or
244 requirement or part thereof to be modified or suspended and the
245 period, not exceeding six months unless sooner revoked, during which
246 such order, modification or suspension shall be enforced. Any such
247 order shall have the full force and effect of law upon the filing of the
248 full text thereof in the office of the Secretary of the State. The Secretary
249 of the State shall, within four days after receipt of the order, cause such
250 order to be printed and published in full in at least one issue of a
251 newspaper published in each county and having general circulation
252 therein, but failure to publish shall not impair the validity of such
253 order. Any statute, regulation or requirement inconsistent therewith
254 shall be inoperative for the effective period of such order or
255 suspension. Any such order shall be communicated by the Governor at
256 the earliest date to both houses of the General Assembly.

257 [(b)] (2) The Governor may order into action all or any part of the
258 Office of Emergency Management or local or joint organizations for
259 civil preparedness mobile support units or any other civil
260 preparedness forces.

261 [(c)] (3) The Governor shall order and enforce such blackouts and
262 radio silences as are authorized by the United States Army or its duly
263 designated agency and may take any other precautionary measures
264 reasonably necessary in the light of the emergency.

265 [(d)] (4) The Governor may designate such vehicles and persons as
266 shall be permitted to move and the routes which they shall follow.

267 [(e)] (5) The Governor shall take appropriate measures for
268 protecting the health and safety of inmates of state institutions and
269 children in schools.

270 [(f)] (6) The Governor may order the evacuation of all or part of the

271 population of stricken or threatened areas and may take such steps as
272 are necessary for the receipt and care of such evacuees.

273 [(g)] (7) The Governor may take such other steps as are reasonably
274 necessary in the light of the emergency to protect the health, safety and
275 welfare of the people of the state, to prevent or minimize loss or
276 destruction of property and to minimize the effects of hostile action.

277 [(h)] (8) In order to insure the automatic and effective operation of
278 civil preparedness in the event of enemy attack, sabotage or other
279 hostile action, or in the event of the imminence thereof, the Governor
280 may, at his discretion, at any time prior to actual development of such
281 conditions, issue such proclamations and executive orders as he deems
282 necessary, such proclamations and orders to become effective only
283 under such conditions.

284 Sec. 10. Subsection (a) of section 28-11 of the general statutes is
285 repealed and the following is substituted in lieu thereof (*Effective from*
286 *passage*):

287 (a) During the existence of a civil preparedness emergency, the
288 Governor may, in the event of shortage or disaster making such action
289 necessary for the protection of the public, take possession (1) of any
290 land or buildings, machinery or equipment; (2) of any horses, vehicles,
291 motor vehicles, aircraft, ships, boats, rolling stock of steam, diesel or
292 electric railroads or any other means of conveyance whatsoever; (3) of
293 any cattle, poultry or any provisions for man or beast, and any fuel,
294 gasoline or other means of propulsion and any antitoxins or other
295 biologic products necessary or convenient for the use of the military or
296 naval forces of the state or of the United States, or for the better
297 protection of the welfare and public health of the state or its
298 inhabitants according to the purposes of this chapter.

299 Sec. 11. (NEW) (*Effective from passage*) (a) For the purposes of this
300 section, (1) "communicable disease" means a disease or condition, the
301 infectious agent of which may pass or be carried, directly or indirectly,
302 from the body of one person or animal to the body of another person

303 or animal; and (2) "respondent" means a person ordered confined
304 pursuant to this section.

305 (b) Notwithstanding the provisions of section 19a-221 of the general
306 statutes, as amended by this act, if the Governor has declared a public
307 health emergency, the Commissioner of Public Health may order into
308 confinement any person whom the commissioner has reasonable
309 grounds to believe to be infected with any communicable disease or at
310 substantial risk of having a communicable disease or passing such
311 communicable disease to other persons if the commissioner
312 determines such person poses a substantial threat to the public health
313 and confinement is necessary to protect or preserve the public health.

314 (c) The order by the commissioner shall be in writing and contain:
315 (1) (A) The name of the person or persons to be confined, or (B) the
316 name of the geographic area where such communicable disease is
317 present and such persons living in such area are to be confined, (2) the
318 basis for the commissioner's belief that the person has a communicable
319 disease or is at a substantial risk of having a communicable disease or
320 passing such communicable disease to other persons, that the person
321 poses a substantial threat to the public health and that confinement is
322 necessary to protect or preserve the public health, (3) the period of
323 time during which the order shall remain effective, (4) the place of
324 confinement as designated by the commissioner, and (5) such other
325 terms and conditions as may be necessary to protect and preserve the
326 public health. Such order shall also inform the person confined that
327 such person has the right to consult an attorney, the right to a hearing
328 pursuant to this section and that if such a hearing is requested, such
329 person has the right to be represented by counsel, and that counsel
330 shall be provided at the state's expense if such person is unable to pay
331 for such counsel. A copy of the order shall be given to such person or
332 by publication if the order is to quarantine individuals in a geographic
333 area. The order shall be effective for not more than fifteen days,
334 provided further orders of confinement pursuant to this section may
335 be issued as to any respondent for successive periods of not more than
336 fifteen days if issued before the last business day of the preceding

337 period of confinement.

338 (d) A person ordered confined under this section shall be confined
339 in a place designated by the commissioner until such time as the
340 commissioner determines such person no longer poses a substantial
341 threat to the public health or is released by order of a court of
342 competent jurisdiction. Any person who desires treatment by prayer or
343 spiritual means without the use of any drugs or material remedies, but
344 through the use of the principles, tenets or teachings of any church
345 incorporated under chapter 598 of the general statutes, may be so
346 treated during such person's confinement in such place.

347 (e) A person confined under this section shall have the right to a
348 hearing before the Superior Court and, if such person or such person's
349 representative requests a hearing in writing, such hearing shall be held
350 within seventy-two hours of receipt of such request, excluding
351 Saturdays, Sundays and legal holidays. A request for a hearing shall
352 not stay the order of confinement issued by the commissioner under
353 this section. If the order of confinement applies to persons living in a
354 named geographic area, the court may authorize one or more attorneys
355 to represent all the persons living in the named geographic area where
356 there is a commonality of interests of such persons. The hearing shall
357 be held to determine if (1) the person ordered confined is infected with
358 a communicable disease or at substantial risk of having a
359 communicable disease or passing a communicable disease to other
360 persons, (2) the person poses a substantial threat to the public health,
361 and (3) confinement of the person is necessary and the least restrictive
362 alternative to protect and preserve the public health.

363 (f) At such hearing, the commissioner shall have the burden of
364 showing by clear and convincing evidence that the respondent is
365 infected with any communicable disease or at substantial risk of
366 having a communicable disease or passing such communicable disease
367 to other persons and poses a substantial threat to the public health and
368 that confinement of the respondent is necessary and the least
369 restrictive alternative to protect and preserve the public health.

370 (g) If the court, on such hearing, finds by clear and convincing
371 evidence that the respondent is infected with a communicable disease
372 or at substantial risk of having a communicable disease and poses a
373 substantial threat to the public health and that confinement of the
374 respondent is necessary and the least restrictive alternative to protect
375 and preserve the public health, it shall order (1) the continued
376 confinement of the respondent under such terms and conditions as it
377 deems appropriate until such time as it is determined that his release
378 would not constitute a substantial threat to the public health, or (2) the
379 release of the respondent under such terms and conditions as it deems
380 appropriate to protect the public health.

381 (h) If the court, on such hearing, fails to find that the conditions
382 required for an order for confinement have been proven, it shall order
383 the immediate release of the respondent.

384 (i) The commissioner may apply to the Superior Court for an order
385 enforcing the provisions of any order issued by the commissioner
386 pursuant to subsection (b) of this section and such other equitable
387 relief as the court deems appropriate.

388 Sec. 12. (NEW) (*Effective from passage*) (a) If the Governor declares a
389 public health emergency, the Commissioner of Public Health may
390 issue an order for the vaccination of such persons as the commissioner
391 deems reasonable and necessary in order to prevent the introduction
392 or arrest the progress of a communicable disease if the commissioner
393 determines that such communicable disease poses a substantial threat
394 to the public health and such vaccination is necessary to protect and
395 preserve the public health. A copy of the order shall be given to such
396 person or by publication if the order is to vaccinate individuals in a
397 geographic area. The commissioner may apply to the Superior Court
398 for an order enforcing any order issued pursuant to this section and
399 such equitable relief as the court deems appropriate.

400 (b) Any person to whom an order of vaccination is applicable may
401 appeal such order not later than forty-eight hours after receipt of the
402 order to the Superior Court. If the order applies to individuals in a

403 geographic area, the court may appoint one or more attorneys to
 404 represent all persons subject to such order who have a commonality of
 405 interests. If the court, on such hearing, finds by clear and convincing
 406 evidence that the person or persons should be vaccinated in order to
 407 protect and preserve the public health, it shall order such person to be
 408 vaccinated.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>from passage</i>
Sec. 6	<i>from passage</i>
Sec. 7	<i>from passage</i>
Sec. 8	<i>from passage</i>
Sec. 9	<i>from passage</i>
Sec. 10	<i>from passage</i>
Sec. 11	<i>from passage</i>
Sec. 12	<i>from passage</i>

Statement of Legislative Commissioners:

In subsection (b) of section 2, "including the transportation, storage and disposal of bodies of deceased persons in a public health emergency" was inserted at the end of the first sentence to clarify the authority of the commissioner for the adoption of the regulations.

PH *Joint Favorable Subst.-LCO*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Fund-Type	Agency Affected	Current FY \$	FY 03 \$	FY 04 \$
GF - Cost	Public Health, Dept.	See Below	See Below	See Below
GF - Cost	Military Dept.	See Below	See Below	See Below
GF - Cost	Governor's Off.	See Below	See Below	See Below
GF - Cost	Judicial Dept.	See Below	See Below	See Below
PCAF - Cost	Judicial Dept.	See Below	See Below	See Below

Note: GF=General Fund; PCAF=Probate Court Administration Fund

Municipal Impact:

Effect	Municipalities	Current FY \$	FY 03 \$	FY 04 \$
See Below	All Municipalities	See Below	See Below	See Below

Explanation

The bill itemizes responsibilities of selected state agencies in cases in which a public health emergency has been declared by the governor, expands the list of reportable diseases and laboratory findings, and expands the authority of local directors of health to confine persons and order vaccinations.

Declaration of Public Health Emergency

The bill confers various duties upon the Department of Public Health (DPH), the Office of Emergency Management (OEM) within the Military Department, the Superior Court and local directors of health which are contingent upon a declaration by the governor of a public health emergency. Any resulting state or local costs would be triggered by situations warranting such a declaration and would vary directly with the severity and scope of the health emergency, which

cannot be predicted in advance.

Its enactment may facilitate public health control efforts related to imminent threats or communicable diseases. To the extent that these efforts are successful in mitigating the impact of these threats or diseases, a potential significant future state and local cost savings may result under various health care and/or emergency management programs.

As provided in CGS Section 28-5, OEM's role is to develop and prepare plans, in coordination with the federal government and other state agencies, to address major disasters and other emergency conditions. While additional resources may be necessary to address certain declared emergencies, passage of the bill is not anticipated to result in any additional fiscal impact.

DPH will be able to amend the state health plan and other regulations as required in the bill within its anticipated budgetary resources.

Reportable Diseases and Laboratory Findings

No fiscal impact is expected to result from explicitly requiring any health care provider to report instances of anthrax and other diseases likely to be caused by bioterrorism. DPH and local directors of health will respond to such reports within their normally budgeted resources.

Authority of Local Health Directors to Quarantine

The bill expands the authority of local health directors to order confinement of persons posing a threat to the public health and authorizes them to apply to the probate court for enforcement orders.

Any resulting workload increase to probate courts is expected to be minimal. The probate court is a non-General Fund agency that is funded through fees and assessments on court business. Additional revenues may be generated as the court for the district in which the party to be confined resides would be eligible to collect a \$150

application fee. It is uncertain which party, the local health department or the person to be confined, would be responsible for paying this court fee.

Any person who is quarantined under the bill may request a hearing before the Superior Court to contest the quarantine order. The bill requires the court to hold a hearing within 72 hours after receiving a written request from a quarantined person (excluding weekends and holidays) and to provide legal counsel to the quarantined person if they are unable to pay for it. In addition, the commissioner of public health may apply to the Superior Court for a court order enforcing the quarantine order.

The potential cost to the Judicial Department to hold the hearings required in the bill is uncertain, pending circumstances which include: (1) the total number of hearings, (2) the number of hearings involving indigents, and (3) the applicability of the court's ability under the bill to authorize one or more attorneys to represent all persons in the geographic area named in the quarantine order. The per diem maximum cost to provide counsel for a hearing on a quarantine order would be \$182.

Authority of Local Health Directors to Vaccinate

The bill expands the authority of local health directors to order vaccinations and allows them to apply to the Superior Court for enforcement orders. Additionally, an aggrieved party would be entitled to appeal a vaccination order to the Superior Court not later than forty-eight hours from the time they received such order. The potential cost to the Judicial Department is uncertain.

The preceding Fiscal Impact statement is prepared for the benefit of the members of the General Assembly, solely for the purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either House thereof for any purpose.

OLR Bill Analysis

sHB 5286

**AN ACT CONCERNING PUBLIC HEALTH EMERGENCY
RESPONSE AUTHORITY****SUMMARY:**

This bill strengthens the Department of Public Health (DPH) commissioner's, local health directors', and the governor's powers to respond to a public health emergency. The bill:

1. requires DPH to include emergency responses to a public health emergency in its state health plan;
2. includes public health emergency in the definition of emergency for civil preparedness purposes and authorizes the governor to declare a civil preparedness emergency in the event of a public health emergency;
3. requires the director of the Office of Emergency Management (OEM) to consult with the commissioner in preparing for emergency responses to a public health emergency;
4. gives the commissioner quarantine authority in the event of a public health emergency;
5. authorizes the commissioner to issue vaccination orders for any communicable diseases when necessary to protect public health;
6. expands existing quarantine and vaccination authority of local health directors;
7. allows the governor to seize anti-toxins or other biologic products necessary to protect public health in the event of a declared civil preparedness emergency;
8. requires DPH to include anthrax and other diseases likely to result from terrorism on its reportable diseases list; and
9. expands DPH's current authority over transportation and disposal of corpses.

EFFECTIVE DATE: Upon passage

DEPARTMENT OF PUBLIC HEALTH AUTHORITY***Public Health Emergency***

The bill requires the commissioner to include emergency responses to a public health emergency in the multi-year state health plan he must prepare by law. The bill defines “public health emergency” as an imminent threat or occurrence of a communicable disease that poses a substantial risk of death to a significant number of people over a short period. It adds public health emergency to the current definition of “emergency” in the civil preparedness statutes and requires the OEM director to consult with the commissioner in preparing for emergency responses to a public health emergency.

The bill allows the governor to declare a civil preparedness emergency in the event of a public health emergency (see below).

Quarantine (Confinement) Authority

The bill authorizes the commissioner to quarantine people when the governor declares a public health emergency. (Local health directors already have this authority, see below).

The commissioner can order someone confined if he has reasonable grounds to believe the person (1) is infected with a communicable disease or at substantial risk of having one or passing it to other people, (2) poses a substantial threat to the public health, and (3) confinement is needed to protect the public health. A “communicable disease” is a disease or condition where the infectious agent can pass or be carried directly or indirectly from one person or animal to another person or animal. The commissioner’s order must be in writing and contain (1) the person’s name, the geographic area where the communicable disease is present, and that the people there will be confined; (2) the basis for the commissioner’s belief that the person has or is at risk for a communicable disease, poses a threat to public health, and needs confinement; (3) the time period for confinement; (4) the designated place of confinement; and (5) other necessary terms and conditions.

The order must inform the person that he has a right to consult an attorney, the right to a court hearing, and if a hearing is requested, the right to counsel. The state must pay for counsel if the person cannot afford it. An individual to be confined must receive a copy of the order, or it can be published if the order is to quarantine a number of people in a geographic area. The order is effective for up to 15 days.

Further orders for successive 15-day periods can be issued if this is done before the last business day of the previous confinement period. (It is unclear whether all people confined are to receive an individual notice.)

Confinement must be in a place determined by the commissioner. It continues until he determines the person is no longer a substantial threat to the public health or is released by court order. A person wanting treatment by prayer or spiritual means through principles and teachings of any incorporated church, without the use of drugs or material remedies, may receive such treatment during confinement.

A confined person has the right to a court hearing to contest the order. If a written request is made, the hearing must be held within 72 hours of receipt of the request (excluding weekends and holidays.) A hearing request does not stay the confinement order. If the order applies to people living in a named geographic area, the court can authorize one or more attorneys to represent all of them when they have a common of interest.

The hearing must determine if (1) the person is infected with a communicable disease or is at substantial risk of having it or passing it to another, (2) the person poses a substantial threat to the public health, and (3) confinement is necessary and the least restrictive alternative to protect the public health. The commissioner has the burden of showing by clear and convincing evidence that all of these conditions exist.

The court must order the person confined if it finds by clear and convincing evidence that these conditions are met and that confinement is the least restrictive alternative to protect public health. It must order (1) continued confinement under terms and conditions it finds appropriate until the time it is determined (presumably by the commissioner) that release of the person would not threaten the public health or (2) release of the person under terms and conditions necessary to protect the public health. The court must order the immediate release of the person if the conditions required for a confinement order have not been proven.

The commissioner can apply to Superior Court to have its orders enforced.

Vaccinations

The bill authorizes the commissioner to issue orders for vaccinating certain people if the governor declares a public health emergency. The commissioner can order vaccinations for those people he deems reasonable and necessary to prevent the introduction or stop the progress of a communicable disease. He must determine that the disease poses a substantial threat to the public health and vaccination is necessary to protect the public health. The person must receive a copy of the order or it must be published if the order involves vaccinating people in a geographic area. The commissioner can apply to the Superior Court to enforce the vaccination order.

A person can appeal a vaccination order to the Superior Court within 48 hours after receiving it. If the order applies to people in a geographic area, the court can appoint attorneys to represent all those with a common interest. The court must order the vaccination if clear and convincing evidence shows it is necessary to protect the public health.

Transportation and Disposal of the Deceased

The bill requires the commissioner to oversee the transportation, storage, and disposal of dead bodies in a public health emergency. It requires, rather than allows, DPH to adopt regulations on the preparation and transportation of bodies between towns or into an adjoining state, including the transportation, storage, and disposal of bodies in a public health emergency.

Reportable Diseases

The bill adds anthrax and other diseases likely to be caused by terrorism (not defined) to DPH's list of reportable diseases. By law, health care providers must report cases of reportable diseases occurring in their practices to the local health director and to DPH within 12 hours of when they recognize the disease. Such reports are confidential and not available for public inspection.

LOCAL HEALTH DIRECTOR AUTHORITY**Quarantine (Confinement) Provisions**

The bill specifies that district directors of health, in addition to

municipal health directors, can order the confinement of any person infected with a communicable disease or harboring in or on his body radioactive material making him hazardous to others. The bill expands their quarantine authority by eliminating a current provision of law that limits it to cases of people unable or unwilling to conduct themselves so as not to expose others to danger and situations when the health director determines that a substantial threat to public health exists. A "communicable disease" is a disease or condition, which may be passed or carried, directly or indirectly, by an infectious agent from one person or animal to another.

By law, local health director's quarantine order must be in writing and contain various information. An order can be effective for up to 15 days, and further orders for successive periods of up to 15 days can be issued. By law, a confined person has a right to a court hearing after requesting one in writing. The bill allows the local health director to apply to the probate court where the quarantined person lives or is confined to enforce the quarantine order.

Vaccinations

Current law allows local health directors to adopt measures for the general vaccination of residents, as deemed reasonable and necessary to prevent smallpox. The bill expands this authority by allowing local health directors to order vaccinations to prevent or limit the spread of smallpox or another communicable diseases that pose a substantial threat to the public health and the vaccination is necessary to protect the public health.

The bill requires that people subject to a vaccination order must first get a notice of it, which must include a notice of their right to appeal. It allows a person receiving a vaccination order to appeal to Superior Court within 48 hours of receiving it. The court must order the person vaccinated if it finds at a hearing, by clear and convincing evidence, that he needs vaccination to protect the public health. The health director can apply to Superior Court for an order to enforce a vaccination order. By law, a person who refuses vaccination or who prevents someone else from being vaccinated is subject to a \$5 fine.

GOVERNOR'S AUTHORITY

The bill authorizes the governor to declare a civil preparedness

emergency and take all necessary action in the event of a public health emergency. By law, this includes modifying or suspending any statute, regulation, or requirement whenever he believes it conflicts with the speedy and efficient execution of civil preparedness functions.

The bill also extends the governor’s authority to seize property in the event of a shortage or disaster during a declared civil preparedness emergency to include anti-toxins or other biologic products that must be seized for military or public health purposes.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Report

Yea 25 Nay 0