



General Assembly

February Session, 2002

Raised Bill No. 5286

LCO No. 1178

Referred to Committee on Public Health

Introduced by:
(PH)

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2 repealed and the following is substituted in lieu thereof (*Effective from*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 Section 19a-91 of the general statutes is repealed and the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. Such regulations shall be
32 signed by the [Commissioner of Public Health] commissioner, and a
33 copy thereof shall be mailed to each town clerk, licensed embalmer
34 and funeral director at least fifteen days before such regulations take
35 effect. Any person who violates any regulation of the department
36 adopted pursuant to the provisions of this section shall be fined not
37 more than fifty dollars.

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39 general statutes is repealed and the following is substituted in lieu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

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

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45 repealed and the following is substituted in lieu thereof (*Effective from*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

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

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

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

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

66 (a) Directors of health and boards of health may adopt such
67 measures for, or the director of health may issue an order for, the
68 general vaccination of all or some of the inhabitants of their respective
69 towns, cities or boroughs as they deem reasonable and necessary in
70 order to prevent the introduction or arrest the progress of smallpox or
71 other communicable disease when the director determines that
72 smallpox or other communicable disease poses a substantial threat to
73 the public health and such vaccination is necessary to protect or
74 preserve the public health, and the expenses in whole or in part of such
75 general vaccination shall, upon their order, be paid out of the town,
76 city or borough treasury, as the case may be. Any person who refuses
77 to be vaccinated, or who prevents a person under his care and control
78 from being vaccinated, on application being made by the director of

79 health or board of health or by a physician employed by the director of
80 health or board of health for that purpose, unless, in the opinion of
81 another physician, it would not be prudent on account of sickness,
82 shall be fined not more than five dollars.

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

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

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

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

99 As used in this chapter:

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

106 (b) "Major disaster" means any hurricane, storm, flood, high water,
107 wind-driven water, tidal wave, tsunami, earthquake, volcanic
108 eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or

109 other catastrophe in any part of this state which, in the determination
110 of the President, causes damage of sufficient severity and magnitude
111 to warrant major disaster assistance under the Federal Disaster Relief
112 Act of 1974, above and beyond emergency services by the federal
113 government, to supplement the efforts and available resources of this
114 state, local governments thereof, and disaster relief organizations in
115 alleviating the damage, loss, hardship, or suffering caused thereby.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

237 [(a)] (1) The Governor is authorized and empowered to modify or
238 suspend in whole or in part, by order as hereinafter provided, any
239 statute, regulation or requirement or part thereof whenever in his
240 opinion it is in conflict with the efficient and expeditious execution of
241 civil preparedness functions. The Governor shall specify in such order
242 the reason or reasons therefor and any statute, regulation or
243 requirement or part thereof to be modified or suspended and the
244 period, not exceeding six months unless sooner revoked, during which
245 such order, modification or suspension shall be enforced. Any such
246 order shall have the full force and effect of law upon the filing of the
247 full text thereof in the office of the Secretary of the State. The Secretary
248 of the State shall, within four days after receipt of the order, cause such
249 order to be printed and published in full in at least one issue of a
250 newspaper published in each county and having general circulation
251 therein, but failure to publish shall not impair the validity of such
252 order. Any statute, regulation or requirement inconsistent therewith
253 shall be inoperative for the effective period of such order or
254 suspension. Any such order shall be communicated by the Governor at
255 the earliest date to both houses of the General Assembly.

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

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

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

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

269 [(f)] (6) The Governor may order the evacuation of all or part of the
270 population of stricken or threatened areas and may take such steps as
271 are necessary for the receipt and care of such evacuees.

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

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

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

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

298 Sec. 11. (NEW) (*Effective from passage*) (a) For the purposes of this
299 section, (1) "communicable disease" means a disease or condition, the

300 infectious agent of which may pass or be carried, directly or indirectly,
301 from the body of one person or animal to the body of another person
302 or animal; and (2) "respondent" means a person ordered confined
303 pursuant to this section.

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

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

333 provided further orders of confinement pursuant to this section may
334 be issued as to any respondent for successive periods of not more than
335 fifteen days if issued before the last business day of the preceding
336 period of confinement.

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

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

362 (f) At such hearing, the commissioner shall have the burden of
363 showing by clear and convincing evidence that the respondent is
364 infected with any communicable disease or at substantial risk of

365 having a communicable disease or passing such communicable disease
366 to other persons and poses a substantial threat to the public health and
367 that confinement of the respondent is necessary and the least
368 restrictive alternative to protect and preserve the public health.

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

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

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

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

397 for an order enforcing any order issued pursuant to this section and
398 such equitable relief as the court deems appropriate.

399 (b) Any person to whom an order of vaccination is applicable may
400 appeal such order not later than forty-eight hours after receipt of the
401 order to the Superior Court. If the order applies to individuals in a
402 geographic area, the court may appoint one or more attorneys to
403 represent all persons subject to such order who have a commonality of
404 interests. If the court, on such hearing, finds by clear and convincing
405 evidence that the person or persons should be vaccinated in order to
406 protect and preserve the public health, it shall order such person to be
407 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 Purpose:

To create procedures for response to public health emergencies.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]