



House of Representatives

General Assembly

File No. 534

January Session, 2003

Substitute House Bill No. 6676

House of Representatives, April 24, 2003

The Committee on Public Health reported through REP. FELTMAN of the 6th 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. (NEW) (*Effective from passage*) As used in sections 1 to 10,
2 inclusive, of this act, and section 19a-221 of the general statutes, as
3 amended by this act:

4 (1) "Animal" means all vertebrate and invertebrate species;

5 (2) "Bioterrorism" means the intentional use of any microorganism,
6 virus, infectious substance or biological product that may be
7 engineered as a result of biotechnology, or any naturally occurring or
8 bioengineered component of any such microorganism, virus, infectious
9 substance, or biological product, to cause death, disease or other
10 biological malfunction in a human, animal, plant or another living
11 organism in order to influence the conduct of government or to harm,
12 intimidate or coerce a civilian population;

13 (3) "Commissioner" means Commissioner of Public Health;

14 (4) "Communicable disease" means a disease or condition, the
15 infectious agent of which may pass or be carried, directly or indirectly,
16 from the body of one person or animal to the body of another person
17 or animal;

18 (5) "Contaminated" or "contamination" means contaminated or
19 contamination by a biological toxin or a chemical, radioactive or any
20 other substance sufficient to pose a substantial risk of death, disability,
21 injury or harm to other persons;

22 (6) "Isolation" means the physical separation and confinement of an
23 individual, group of individuals or individuals present within a
24 geographic area who are infected with a communicable disease or are
25 contaminated, or whom the commissioner reasonably believes to be
26 infected with a communicable disease or to be contaminated, in order
27 to prevent or limit the transmission of the disease to the general public;

28 (7) "Public health authority" means a person or entity authorized to
29 respond to a public health emergency in accordance with the plan for
30 emergency responses to a public health emergency prepared in
31 accordance with section 8 of this act, including, but not limited to,
32 licensed health care providers or local and district health directors;

33 (8) "Public health emergency" means an occurrence or imminent
34 threat of a communicable disease, except sexually transmitted disease,
35 or contamination caused or believed to be caused by bioterrorism, an
36 epidemic or pandemic disease, a natural disaster, a chemical attack or
37 accidental release or a nuclear attack or accident that poses a
38 substantial risk of a significant number of human fatalities or incidents
39 of permanent or long-term disability;

40 (9) "Quarantine" means the physical separation and confinement of
41 an individual, group of individuals or individuals present within a
42 geographic area who are exposed to a communicable disease, or whom
43 the commissioner reasonably believes have been exposed to a

44 communicable disease or have been exposed to others who have been
45 exposed to a communicable disease, to prevent transmission to the
46 general public;

47 (10) "Respondent" means an individual ordered isolated or
48 quarantined under section 19a-221 of the general statutes, as amended
49 by this act, or section 3 of this act.

50 Sec. 2. (NEW) (*Effective from passage*) (a) In the event of a state-wide
51 or regional public health emergency, the Governor shall make a good
52 faith effort to consult with the legislative leaders specified in
53 subsection (b) of this section before declaring that the emergency exists
54 and may do any of the following: (1) Order the commissioner to
55 implement all or a portion of the public health emergency response
56 plan developed pursuant to section 8 of this act; (2) authorize the
57 commissioner to isolate or quarantine persons in accordance with
58 section 3 of this act; (3) order the commissioner to vaccinate persons in
59 accordance with section 6 of this act; or (4) apply for and receive
60 federal assistance.

61 (b) (1) Any declaration issued pursuant to this section shall become
62 effective upon its filing with the Secretary of the State and with the
63 clerks of the House of Representatives and Senate. The declaration
64 shall state the nature of the public health emergency, the political
65 subdivisions or geographic area subject to the declaration, the
66 conditions that have brought about the public health emergency, the
67 duration of the public health emergency and the public health
68 authority responding to the emergency. Any such declaration issued
69 by the Governor may be disapproved and nullified by majority vote of
70 a joint legislative committee consisting of the president pro tempore of
71 the Senate, the speaker of the House of Representatives, the majority
72 and minority leaders of both houses of the General Assembly and the
73 cochairpersons and ranking members of the joint standing committee
74 of the General Assembly having cognizance of matters relating to
75 public health. Such disapproval shall not be effective unless filed with
76 the Secretary of the State not later than seventy-two hours after the

77 filing of the Governor's declaration with the Secretary of the State.

78 (2) Any declaration issued pursuant to this section may be renewed
79 by the Governor upon its filing with the Secretary of the State and with
80 the clerks of the House of Representatives and Senate. The renewal
81 declaration shall state the nature of the continuing public health
82 emergency, the political subdivisions or geographic area subject to the
83 renewal, the conditions that have brought about the renewal
84 declaration, the duration of the renewal declaration and the public
85 health authority responding to the public health emergency. Any such
86 renewal declaration issued by the Governor may be disapproved and
87 nullified by majority vote of a joint legislative committee consisting of
88 the legislative leaders specified in subsection (b) of this section. Such
89 disapproval shall not be effective unless filed with the Secretary of the
90 State not later than seventy-two hours after the filing of the Governor's
91 renewal declaration with the Secretary of the State.

92 (3) The Governor shall declare a public health emergency to be
93 terminated before the duration stated in the declaration, upon a
94 finding, after consultation with the legislative leaders specified in
95 subsection (b) of this section, that the circumstances that caused such
96 emergency to be declared no longer pose a substantial risk of a
97 significant number of human fatalities or incidents of permanent or
98 long-term disability.

99 (c) Any declaration or order issued pursuant to the provisions of
100 this section shall be (1) published in full at least once in a newspaper
101 having general circulation in each county, (2) announced on radio and
102 television stations located in this state, including utilization of the
103 Emergency Alert System established by the Federal Communications
104 Commission, and (3) posted on the state Internet web site. Failure to
105 take the actions specified in subdivisions (1) to (3), inclusive, of this
106 subsection shall not impair the validity of such declaration or order.

107 (d) Any individual who, during the course of a public health
108 emergency declared under this section, violates the provisions of any
109 order issued pursuant to sections 1 to 10, inclusive, of this act, or who

110 intentionally obstructs, resists, hinders or endangers any person who is
111 authorized to carry out, and who is engaged in an activity that carries
112 out, any of the provisions of the order shall be fined not more than one
113 thousand dollars or imprisoned not more than one year, or both, for
114 each offense.

115 (e) The commissioner may request the Attorney General to apply to
116 the Superior Court for an order enforcing the provisions of any order
117 issued by the commissioner pursuant to sections 1 to 10, inclusive, of
118 this act, and such other equitable relief as the court deems appropriate.

119 (f) The commissioner may delegate to an employee of the
120 Department of Public Health or any local health director, as much of
121 the authority of the commissioner described in this section as the
122 commissioner determines appropriate. Such authorized employee or
123 director shall act as an agent of the commissioner.

124 Sec. 3. (NEW) (*Effective from passage*) (a) Notwithstanding the
125 provisions of section 19a-221 of the general statutes, as amended by
126 this act, or 19a-265 of the general statutes, if the Governor has declared
127 a public health emergency, the commissioner, if so authorized by the
128 Governor pursuant to section 2 of this act, may order into quarantine
129 or isolation, as appropriate, any individual, group of individuals or
130 individuals present within a geographic area whom the commissioner
131 has reasonable grounds to believe to be infected with a communicable
132 disease or to be contaminated or at reasonable risk of having a
133 communicable disease or being contaminated or passing such
134 communicable disease or contamination to other persons if the
135 commissioner determines that such individual or individuals pose a
136 significant threat to the public health and that quarantine or isolation is
137 necessary and the least restrictive alternative to protect or preserve the
138 public health. No individual or group of individuals or individuals
139 present in a geographic area shall be quarantined or isolated unless
140 they meet the conditions in this subsection.

141 (b) The commissioner shall adhere to the following conditions and
142 principles when quarantining or isolating individuals, groups of

143 individuals or individuals present within a geographic area: (1)
144 Quarantine and isolation shall be by the least restrictive means
145 necessary to prevent the spread of a communicable disease or
146 contamination to others and may include, but not be limited to,
147 confinement to private homes or other private or public premises; (2)
148 quarantined individuals shall be confined separately from isolated
149 individuals; (3) the health status of quarantined or isolated individuals
150 shall be monitored frequently to determine if they continue to require
151 quarantine or isolation; (4) if a quarantined individual subsequently
152 becomes infected or contaminated or is reasonably believed to have
153 become infected with a communicable disease or contaminated, such
154 individual shall be promptly moved to isolation; (5) quarantined or
155 isolated individuals shall be immediately released when they are no
156 longer infectious or capable of contaminating others or upon the order
157 of a court of competent jurisdiction; (6) the needs of individuals
158 quarantined or isolated shall be addressed in a systematic and
159 competent fashion, including, but not limited to, providing adequate
160 food, clothing, shelter, means of communication with those in
161 quarantine or isolation and outside those settings, medication and
162 competent medical care; (7) premises used for quarantine and isolation
163 shall be maintained in a safe and hygienic manner and be designed to
164 minimize the likelihood of further transmission of infection or other
165 harms to individuals quarantined or isolated; (8) to the extent possible
166 without jeopardizing the public health, family members and members
167 of a household shall be kept together, and guardians shall stay with
168 their minor wards; and (9) to the extent possible, cultural and religious
169 beliefs shall be considered in addressing the needs of individuals and
170 establishing and maintaining premises used for quarantine and
171 isolation.

172 (c) An order to quarantine or isolate issued by the commissioner
173 shall be in writing and shall include: (1) The name of any individual,
174 group of individuals or individuals present within a geographic area
175 to be quarantined or isolated, or the geographic area where such
176 communicable disease is present or contamination exists; (2) the basis
177 for the commissioner's belief regarding the presence of a

178 communicable disease or that contamination exists within the
179 geographical area; (3) the period of time during which the order shall
180 remain effective; (4) the premises subject to quarantine or isolation,
181 that may include, but need not be limited to, private homes or other
182 private or public premises; and (5) other terms and conditions as may
183 be necessary to protect and preserve the public health. In determining
184 the length of such order, the commissioner shall consider, to the extent
185 known, the length of incubation of the communicable disease or
186 contamination, the date of the individual's exposure and the
187 individual's medical risk of exposing others to such communicable
188 disease or contamination. The order shall be effective for not more
189 than twenty days, provided further orders of quarantine or isolation
190 pursuant to this section may be issued as to any respondent for
191 successive periods of not more than twenty days if issued before the
192 last business day of the preceding period of quarantine or isolation.

193 (d) Such order shall also inform the individuals quarantined or
194 isolated that they have the right to consult an attorney, the right to a
195 hearing pursuant to this section, and that if such a hearing is
196 requested, such individual has the right to be represented by counsel,
197 and that counsel will be provided at the state's expense if such
198 individual is unable to pay for such counsel. A copy of the order shall
199 be provided to each individual quarantined or isolated or notice of the
200 order shall be provided by a means likely to reach those affected.

201 (e) Any individual subject to a quarantine or isolation order under
202 this section shall be confined in a place designated by the
203 commissioner until such time as the commissioner determines such
204 individual is no longer infectious or capable of contaminating others,
205 or is released by order of a court of competent jurisdiction for the
206 district in which such individual is isolated or quarantined. Any
207 individual who desires treatment by prayer or spiritual means without
208 the use of any drugs or material remedies, but through the use of the
209 principles, tenets or teachings of any church incorporated under
210 chapter 598 of the general statutes, or any other religious or spiritual
211 practice, may be so treated during such individual's quarantine or

212 isolation.

213 (f) An individual subject to a quarantine or isolation order under
214 this section may appeal such order to the Probate Court for the district
215 in which such person is quarantined or isolated and, if such individual
216 or such individual's representative makes application to the court
217 requesting a hearing, such hearing shall be held not later than seventy-
218 two hours after receipt of such request, excluding Saturdays, Sundays
219 and legal holidays. The court may extend the time for a hearing based
220 on extraordinary circumstances. If such individual cannot appear
221 personally before the court, a hearing shall be conducted only if his or
222 her representative is present. The commissioner shall be a party to the
223 proceedings. Such hearing may be held via any means that allows all
224 parties to fully participate in the event an individual may infect or
225 contaminate others. A request for a hearing shall not stay the order of
226 quarantine or isolation issued by the commissioner under this section.
227 The hearing shall concern, but need not be limited to, a determination
228 of whether (1) the individual ordered confined is infected with a
229 communicable disease or is contaminated or has a reasonable risk of
230 having a communicable disease or having been contaminated or
231 passing a communicable disease or contamination to other individuals,
232 (2) the individual poses a reasonable threat to the public health, and (3)
233 the quarantine or isolation of the individual is necessary and the least
234 restrictive alternative to prevent the spread of a communicable disease
235 or contamination to others in order to protect and preserve the public
236 health.

237 (g) Notice of the hearing shall be given to the respondent and shall
238 inform the respondent that his or her representative has a right to be
239 present at the hearing; that the respondent has a right to counsel; that
240 the respondent, if indigent or otherwise unable to pay for or obtain
241 counsel, has a right to have counsel appointed to represent the
242 respondent; and that the respondent has a right to cross-examine
243 witnesses testifying at the hearing. If the court finds such respondent is
244 indigent or otherwise unable to pay for or obtain counsel, the court
245 shall appoint counsel for such respondent, unless such respondent

246 refuses counsel and the court finds that the respondent understands
247 the nature of his or her refusal. The court shall provide such
248 respondent a reasonable opportunity to select such respondent's own
249 counsel to be appointed by the court. If the respondent does not select
250 counsel or if counsel selected by the respondent refuses to represent
251 the respondent or is not available for such representation, the court
252 shall appoint counsel for the respondent from a panel of attorneys
253 admitted to practice in this state provided by the Probate Court
254 Administrator. If the order of quarantine or isolation applies to
255 individuals present in a described geographic area, the court may
256 appoint one or more attorneys to represent all the individuals present
257 in the described geographic area where there is a commonality of
258 interests of such individuals, except that an individual may choose to
259 be represented by his or her own attorney on an individual basis. The
260 reasonable compensation of appointed counsel shall be established by,
261 and paid from funds appropriated to, the Judicial Department, but, if
262 funds have not been included in the budget of the Judicial Department
263 for such purposes, such compensation shall be established by the
264 Probate Court Administrator and paid from the Probate Court
265 Administration Fund.

266 (h) Prior to such hearing, the Probate Court, such respondent or
267 such respondent's counsel and the commissioner shall be afforded
268 access to all records including, but not limited to, hospital records if
269 such respondent is hospitalized, and shall be entitled to take notes
270 therefrom. If such respondent is hospitalized at the time of the hearing,
271 the hospital, upon order of the Probate Court, shall make available at
272 such hearing for use by the respondent or his or her counsel all records
273 in its possession relating to the condition of the respondent. All records
274 relating to the condition of the respondent shall be admissible at the
275 request of any party or the Probate Court at the hearing. Nothing in
276 this subsection shall prevent timely objection to the admissibility of
277 evidence in accordance with the rules of civil procedure.

278 (i) The court shall cause a recording of the testimony at such hearing
279 to be made, to be transcribed only in the event of an appeal from the

280 order rendered. A copy of such transcript shall be furnished without
281 charge to any appellant whom the Probate Court finds unable to pay
282 for the same. The cost of such transcript shall be paid from the funds
283 appropriated by the Judicial Department, but, if funds have not been
284 included in the budget of the Judicial Department for such purposes,
285 the cost of such transcription shall be established by the Probate Court
286 Administrator and paid from the Probate Court Administration Fund.

287 (j) If the court, at such hearing, finds that the respondent is infected
288 with a communicable disease or is contaminated, or may have been
289 exposed to a communicable disease or to contamination, or is at
290 reasonable risk of having a communicable disease or having been
291 contaminated and poses a reasonable threat to the public health and
292 that quarantine or isolation of the respondent is necessary and the least
293 restrictive alternative to protect and preserve the public health, it shall
294 order (1) the continued quarantine or isolation of the respondent under
295 such terms and conditions as the court deems necessary to prevent the
296 exposure of others to a communicable disease or contamination, until
297 such time as it is determined by the commissioner that release of the
298 respondent would not constitute a reasonable threat to the public
299 health, or (2) the release of the respondent under such terms and
300 conditions as it deems appropriate to protect the public health.

301 (k) If the court, at such hearing, fails to find that the conditions
302 required for an order for quarantine or isolation under subsection (a)
303 of this section have been proven, it shall order the immediate release of
304 the respondent.

305 (l) A respondent may, not more than every thirty days, move the
306 court to terminate or modify an order made under subsection (j) of this
307 section, in which case a hearing shall be held in accordance with this
308 section. If the court, at a hearing held upon motion of the respondent
309 or its own motion, fails to find that the conditions which required
310 quarantine or isolation still exist, it shall order the immediate release of
311 the respondent. If the court finds that such conditions still exist but
312 that a different remedy is appropriate under this section, the court

313 shall modify its order accordingly.

314 (m) Any person aggrieved by an order of the Probate Court under
315 this section may appeal to the Superior Court. The appeal shall be
316 confined to the record, which shall consist of the transcript of the
317 hearing and all evidence received or considered by the Probate Court.

318 Sec. 4. (NEW) (*Effective from passage*) Notwithstanding the provisions
319 of section 19a-220 of the general statutes, as amended by this act, in the
320 event of a public health emergency declared by the Governor under
321 section 2 of this act, if any individual refuses to obey an order of
322 quarantine or isolation issued by the commissioner pursuant to section
323 3 of this act, the commissioner may direct any law enforcement officer
324 to immediately take such individual into custody and place him or her
325 into quarantine or isolation, as the case may be. The commissioner
326 shall notify the law enforcement officer or other personnel concerning
327 any necessary infection control procedures required.

328 Sec. 5. (NEW) (*Effective from passage*) Entry into quarantine or
329 isolation premises shall be limited to authorized individuals. The
330 authorized individuals shall be determined by the commissioner, and
331 shall include, but need not be limited to, any physician licensed under
332 chapter 370 of the general statutes, other licensed, certified or
333 registered health care providers or other individuals the commissioner
334 deems necessary to meet the needs of quarantined or isolated
335 individuals.

336 Sec. 6. (NEW) (*Effective from passage*) (a) In the event of a public
337 health emergency declared by the Governor under section 2 of this act,
338 the commissioner, as authorized by the Governor pursuant to section 2
339 of this act, may issue an order for the vaccination of such individuals
340 or individuals present within a geographic area as the commissioner
341 deems reasonable and necessary in order to prevent the introduction
342 or arrest the progress of the communicable disease or contamination
343 that caused the declaration of such public health emergency, provided
344 the commissioner shall inform such individuals of the benefits and
345 risks of the vaccine, and of the availability of exemptions for health,

346 religious or conscientious objections, and such individuals, or, in the
347 case of minors, the parent or guardian, shall provide written consent
348 prior to being vaccinated.

349 (b) The commissioner may issue an order pursuant to section 3 of
350 this act to quarantine or isolate, as the case may be, any individual or
351 group of individuals who is unable or unwilling for reasons of health,
352 religion or conscience to undergo vaccination pursuant to this section.
353 A parent or legal guardian may refuse such vaccination on behalf of a
354 minor in the case where an order of vaccination requires a minor to be
355 vaccinated. For purposes of this subsection, a minor is any person
356 under the age of eighteen. Refusal of such vaccination shall not be
357 grounds for quarantine or isolation without a reasonable belief that the
358 individual or group of individuals is infected with a communicable
359 disease or is contaminated, or may be exposed or become exposed to a
360 communicable disease or contamination, or may have been exposed to
361 a communicable disease or to contamination, or is at reasonable risk of
362 having a communicable disease or having been contaminated, and
363 poses a reasonable threat to the public health.

364 (c) Any individual subject to vaccination pursuant to this section
365 may appeal to the Probate Court for the district in which such
366 individual has been ordered vaccinated, and, if such individual or such
367 individual's representative makes application to the court requesting a
368 hearing, such hearing shall be held not later than seventy-two hours
369 after receipt of such request, excluding Saturdays, Sundays and legal
370 holidays. Such request shall be received by the Probate Court not later
371 than forty-eight hours after the individual receives the order. The
372 commissioner may make application to the court to extend the time for
373 a hearing based on extraordinary circumstances. In considering
374 whether to grant such extension, the court shall give due regard to the
375 rights of affected individuals, the protection of the public's health, the
376 severity of the need and available witnesses and evidence. If such
377 individual cannot appear personally before the court, a hearing shall
378 be conducted only if his or her representative is present. The
379 commissioner shall be a party to the proceedings. The hearing may be

380 held via any means that allow all parties to fully participate in the
381 event an individual may infect or contaminate others.

382 (d) Notice of the hearing shall be given to the respondent and shall
383 inform the respondent that such respondent or his or her
384 representative has a right to be present at the hearing; that the
385 respondent has a right to counsel; that the respondent has the right to
386 present testimony from a licensed practitioner of the healing arts, as
387 defined in section 20-1 of the general statutes; that the respondent, if
388 indigent or otherwise unable to pay for or obtain counsel, has a right to
389 have counsel appointed to represent the respondent; and that the
390 respondent has a right to cross-examine witnesses testifying at the
391 hearing. If the court finds such respondent is indigent or otherwise
392 unable to pay for or obtain counsel, the court shall appoint counsel for
393 such respondent, unless such respondent refuses counsel and the court
394 finds that the respondent understands the nature of his or her refusal.
395 The court shall provide such respondent a reasonable opportunity to
396 select such respondent's own counsel to be appointed by the court. If
397 the respondent does not select counsel or if counsel selected by the
398 respondent refuses to represent such respondent or is not available for
399 such representation, the court shall appoint counsel for the respondent
400 from a panel of attorneys admitted to practice in this state provided by
401 the Probate Court Administrator. If the order of vaccination applies to
402 individuals present in a described geographic area, the court may
403 appoint one or more attorneys to represent all the individuals present
404 within the described geographic area where there is a commonality of
405 interests of such individuals, except that an individual may choose to
406 be represented by his or her own attorney on an individual basis. The
407 reasonable compensation of appointed counsel shall be established by,
408 and paid from funds appropriated to, the Judicial Department, but, if
409 funds have not been included in the budget of the Judicial Department
410 for such purposes, such compensation shall be established by the
411 Probate Court Administrator and paid from the Probate Court
412 Administration Fund.

413 (e) Prior to such hearing, the Probate Court, such respondent or

414 such respondent's counsel or the commissioner shall be afforded access
415 to all records including, but not limited to, hospital records if such
416 respondent is hospitalized, and shall be entitled to take notes
417 therefrom. If such respondent is hospitalized at the time of the hearing,
418 the hospital, upon order of the Probate Court, shall make available at
419 such hearing for use by the respondent or his or her counsel all records
420 in its possession relating to the condition of the respondent. All records
421 relating to the condition of the respondent shall be admissible at the
422 request of any party or the Probate Court at the hearing. Nothing in
423 this subsection shall prevent timely objection to the admissibility of
424 evidence in accordance with the rules of civil procedure.

425 (f) The court shall cause a recording of the testimony at such hearing
426 to be made, to be transcribed only in the event of an appeal from the
427 order rendered. A copy of such transcript shall be furnished without
428 charge to any appellant whom the Probate Court finds unable to pay
429 for the same. The cost of such transcript shall be paid from the funds
430 appropriated by the Judicial Department, but, if funds have not been
431 included in the budget of the Judicial Department for such purposes,
432 the cost of such transcription shall be established by the Probate Court
433 Administrator and paid from the Probate Court Administration Fund.

434 (g) If the court, at such hearing, finds that vaccination of the
435 respondent is necessary and the least restrictive alternative to protect
436 and preserve the public health, the court shall order the respondent to
437 undergo vaccination, provided the court may order the isolation or
438 quarantine of any respondent who is unable or unwilling for reasons
439 of health, religion or conscience to undergo vaccination, for a period of
440 time sufficient to ensure such respondent is not able to infect or
441 contaminate others.

442 (h) If the court, at such hearing, fails to find that the conditions
443 required for an order for vaccination under subsection (a) of this
444 section have been proven, it shall vacate the order of vaccination.

445 (i) Any person aggrieved by an order of the Probate Court under
446 this section may appeal to the Superior Court. The appeal shall be

447 confined to the record, which shall consist of the transcript of the
448 hearing and all evidence received or considered by the Probate Court.

449 Sec. 7. (NEW) (*Effective from passage*) Notwithstanding any provision
450 of the general statutes, if the Governor has declared a public health
451 emergency pursuant to section 2 of this act, the Commissioner of
452 Public Health may authorize any qualified person, including, but not
453 limited to, any person licensed under chapter 379, 384 or 384d of the
454 general statutes, to administer vaccinations, if the commissioner
455 determines that such action is necessary to protect the health, safety
456 and welfare of the public. Such authorization shall be in writing, and
457 shall contain the categories of qualified persons included in the
458 authorization, any additional training required before performance of
459 the vaccination by such persons and the duration of the authorization.

460 Sec. 8. (NEW) (*Effective from passage*) The Commissioner of Public
461 Health, in consultation with the town, city, borough and district
462 directors of health and the director of emergency management, and the
463 chairpersons and ranking members of the joint standing committees of
464 the General Assembly having cognizance of matters relating to public
465 health, public safety and the judiciary, shall develop a plan for
466 emergency responses to a public health emergency. Before the
467 commissioner approves such plan, it shall be reviewed by a joint
468 legislative committee consisting of the president pro tempore of the
469 Senate, the speaker of the House of Representatives, the majority and
470 minority leaders of both houses of the General Assembly and the
471 cochairpersons and ranking members of the joint standing committees
472 of the General Assembly having cognizance of matters relating to
473 public health, public safety and the judiciary.

474 Sec. 9. (NEW) (*Effective from passage*) If the Governor declares a
475 public health emergency, the commissioner, in consultation with the
476 Chief Medical Examiner, may designate authorized personnel to
477 register death certificates as needed and carry out other duties related
478 to the registration of deaths, including, but not limited to, the issuance
479 of burial transit, removal and cremation permits.

480 Sec. 10. (NEW) (*Effective from passage*) In the case of a public health
481 emergency, neither the state nor any political subdivision of the state,
482 nor, except in cases of wilful or wanton misconduct, the agents or
483 representatives of the state or of any political subdivision thereof, nor
484 any public health authority, nor any person authorized by the
485 commissioner to comply with or attempting to comply with sections 1
486 to 9, inclusive, of this act, or with any order promulgated pursuant to
487 the provisions of sections 1 to 9, inclusive, of this act, shall be liable for
488 the death of or injury to persons. The Attorney General shall appear
489 for and defend the state, any political subdivision of the state and the
490 agents or representatives of the state or any political subdivision
491 thereof or any public health authority exempted from liability for acts
492 under this section in any civil action brought for the death of or injury
493 to persons or for damage to property as a result of any public health
494 emergency activity. The provisions of this section shall not apply if a
495 vaccination has been administered without consent.

496 Sec. 11. (NEW) (*Effective from passage*) (a) The commissioner may
497 issue an order to temporarily suspend, for a period not to exceed sixty
498 consecutive days, the requirements for licensure, certification or
499 registration, pursuant to chapters 368d, 370, 376, 378, 378a, 381a, 383 to
500 383c, inclusive, 384d, 385, 395, 400a and 400j of the general statutes, to
501 allow persons who are appropriately licensed, certified or registered in
502 another state or territory of the United States or the District of
503 Columbia, to render temporary assistance in managing a public health
504 emergency in this state, declared by the Governor pursuant to section 2
505 of this act.

506 (b) Nothing in this section shall be deemed or construed to relieve
507 such licensed, certified or registered person from liability for damages
508 for injuries or death caused by an act or omission on the part of such
509 person while rendering services in the ordinary course of such person's
510 employment or practice.

511 Sec. 12. Section 19a-221 of the general statutes is repealed and the
512 following is substituted in lieu thereof (*Effective from passage*):

513 [(a) For the purposes of this section, (1) "communicable disease"
514 means a disease or condition, the infectious agent of which may pass
515 or be carried, directly or indirectly, from the body of one person or
516 animal to the body of another person or animal; and (2) "respondent"
517 means a person ordered confined under this section.]

518 [(b)] (a) Any town, city, [or] borough or district director of health
519 may order any person [into confinement whom he] isolated or
520 quarantined whom such director has reasonable grounds to believe to
521 be infected with [any] a communicable disease [and any person who
522 intentionally or unintentionally harbors in or on the body amounts of
523 radioactive material sufficient to constitute a radiation hazard to others
524 and who is unable or unwilling to conduct himself in such manner as
525 to not expose other persons to danger of infection or irradiation
526 whenever] or to be contaminated, if such director determines such
527 person poses a substantial threat to the public health and [such action]
528 isolation or quarantine is necessary to protect or preserve the public
529 health, except that in the event the Governor declares a public health
530 emergency, pursuant to section 2 of this act, each town, city, borough
531 and district director of health shall comply with and carry out any
532 order the Commissioner of Public Health issues in furtherance of the
533 Governor's order pursuant to the declaration of the public health
534 emergency.

535 (b) (1) The director shall adhere to the following conditions and
536 principles when isolating or quarantining persons: (A) Isolation and
537 quarantine shall be by the least restrictive means necessary to prevent
538 the spread of a communicable disease or contamination to others and
539 may include, but not be limited to, confinement to private homes or
540 other private or public premises; (B) quarantined persons shall be
541 confined separately from isolated persons; (C) the health status of
542 isolated or quarantined persons shall be monitored frequently to
543 determine if they continue to require isolation or quarantine; (D) if a
544 quarantined person subsequently becomes infected or contaminated or
545 is reasonably believed to have become infected with a communicable
546 disease or contaminated, such person shall be promptly moved to

547 isolation; (E) isolated or quarantined persons shall be immediately
548 released when they are no longer infectious or capable of
549 contaminating others or upon the order of a court of competent
550 jurisdiction; (F) the needs of persons isolated or quarantined shall be
551 addressed in a systematic and competent fashion, including, but not
552 limited to, providing adequate food, clothing, shelter, means of
553 communication with those in isolation or quarantine and outside those
554 settings, medication and competent medical care; (G) premises used
555 for isolation and quarantine shall be maintained in a safe and hygienic
556 manner and be designed to minimize the likelihood of further
557 transmission of infection or other harms to individuals isolated or
558 quarantined; (H) to the extent possible without jeopardizing the public
559 health, family members and members of a household shall be kept
560 together, and guardians shall stay with their minor wards; and (I) to
561 the extent possible, cultural and religious beliefs shall be considered in
562 addressing the needs of persons and establishing and maintaining
563 premises used for quarantine and isolation.

564 [(c)] (2) The order by the director shall be in writing setting forth:
565 [(1)] (A) The name of the person to be [confined] isolated or
566 quarantined, [(2)] (B) the basis for the director's belief that the person
567 has a communicable disease or [harbors radioactive material, that the
568 person] has been contaminated and poses a substantial threat to the
569 public health and that [confinement] isolation or quarantine is
570 necessary to protect or preserve the public health, [(3)] (C) the period
571 of time during which the order shall remain effective, [(4)] (D) the
572 place of [confinement] isolation or quarantine that may include, but
573 need not be limited to, private homes or other private or public
574 premises, as designated by the director, and [(5)] (E) such other terms
575 and conditions as may be necessary to protect and preserve the public
576 health. Such order shall also inform the person [confined that he]
577 isolated or quarantined that such person has the right to consult an
578 attorney, the right to a hearing under this section, and that if such a
579 hearing is requested, he has the right to be represented by counsel, and
580 that counsel will be provided at the state's expense if he is unable to
581 pay for such counsel. A copy of the order shall be given to such

582 person. In determining the duration of the order, the director shall
583 consider, to the extent known, the length of incubation of the
584 communicable disease or contamination, the date of the person's
585 exposure and the person's medical risk of exposing others to such
586 communicable disease or contamination. Within twenty-four hours of
587 the issuance of the order, the director of health shall notify the
588 Commissioner of Public Health that such an order has been issued.
589 The order shall be effective for not more than [fifteen] twenty days,
590 provided further orders of confinement pursuant to this section may
591 be issued as to any respondent for successive periods of not more than
592 [fifteen] twenty days if issued before the last business day of the
593 preceding period of [confinement] isolation or quarantine.

594 [(d)] (c) A person ordered [confinement] isolated or quarantined under
595 this section shall be [confinement] isolated or quarantined in a place
596 designated by the director of health until such time as such director
597 determines such person no longer poses a substantial threat to the
598 public health or is released by order of a [court of competent
599 jurisdiction] Probate Court for the district in which such person is
600 isolated or quarantined. Any person who desires treatment by prayer
601 or spiritual means without the use of any drugs or material remedies,
602 but through the use of the principles, tenets or teachings of any church
603 incorporated under chapter 598, may be so treated during [his
604 confinement] such person's isolation or quarantine in such place.

605 [(e)] (d) A person [confinement] isolated or quarantined under this
606 section shall have the right to a [court] hearing in Probate Court and, if
607 such person or [his] such person's representative requests a hearing in
608 writing, such hearing shall be held [within] not later than seventy-two
609 hours [of] after receipt of such request, excluding Saturdays, Sundays
610 and legal holidays. A request for a hearing shall not stay the order of
611 [confinement] isolation or quarantine issued by the director of health
612 under this section. The hearing shall be held to determine if (1) the
613 person ordered [confinement] isolated or quarantined is infected with a
614 communicable disease or [harbors radioactive material] is
615 contaminated, (2) the person poses a substantial threat to the public

616 health, and (3) [confinement] isolation or quarantine of the person is
617 necessary and the least restrictive alternative to protect and preserve
618 the public health. The [Commissioner of Public Health] commissioner
619 shall have the right to be made a party to the proceedings.

620 [(f)] (e) Jurisdiction shall be vested in the court of probate for the
621 district in which such person resides or is [confined. The] isolated or
622 quarantined. The appeal shall be heard by the judge of probate for
623 such district, except that on motion of the respondent for appointment
624 of a three-judge court, the Probate Court Administrator shall appoint a
625 three-judge court from among the several judges of probate to conduct
626 the hearing. Such three-judge court shall consist of at least one judge
627 who is an attorney-at-law admitted to practice in this state. [The judge
628 of the court of probate having jurisdiction under the provisions of this
629 section shall be a member, provided such judge may disqualify himself
630 in which case all three members of such court shall be appointed by
631 the Probate Court Administrator.] Such three-judge court when
632 convened shall be subject to all of the provisions of law as if it were a
633 single-judge court. The [involuntary confinement] isolation or
634 quarantine of a person under this section shall not be ordered by the
635 court without the vote of at least two of the three judges convened
636 hereunder. The judges of such court shall designate a chief judge from
637 among their members. All records for any case before the three-judge
638 court shall be maintained in the court of probate having jurisdiction
639 over the matter as if the three-judge court had not been appointed.

640 [(g)] (f) Notice of the hearing shall be given the respondent and shall
641 inform [him] the respondent that [he or his] his or her representative
642 has a right to be present at the hearing; that [he] the respondent has a
643 right to counsel; that [he] the respondent, if indigent or otherwise
644 unable to pay for or obtain counsel, has a right to have counsel
645 appointed to represent [him] the respondent; and that [he] the
646 respondent has a right to cross-examine witnesses testifying at the
647 hearing. [If the court finds such respondent is indigent or otherwise
648 unable to pay for or obtain counsel, the court shall appoint counsel for
649 him, unless such respondent refuses counsel and the court finds that

650 the respondent understands the nature of his refusal. The court shall
651 provide such respondent a reasonable opportunity to select his own
652 counsel to be appointed by the court. If the respondent does not select
653 counsel or if counsel selected by the respondent refuses to represent
654 him or is not available for such representation, the court shall appoint
655 counsel for the respondent from a panel of attorneys admitted to
656 practice in this state provided by the Probate Court Administrator in
657 accordance with regulations promulgated by the Probate Court
658 Administrator in accordance with section 45a-77. The reasonable
659 compensation of appointed counsel for a person who is indigent or
660 otherwise unable to pay for counsel shall be established by, and paid
661 from funds appropriated to, the Judicial Department.] If the court finds
662 such respondent is indigent or otherwise unable to pay for counsel, the
663 court shall appoint counsel for such respondent, unless such
664 respondent refuses counsel and the court finds that the respondent
665 understands the nature of his or her refusal. The court shall provide
666 such respondent a reasonable opportunity to select his or her own
667 counsel to be appointed by the court. If the respondent does not select
668 counsel or if counsel selected by the respondent refuses to represent
669 such respondent or is not available for such representation, the court
670 shall appoint counsel for the respondent from a panel of attorneys
671 admitted to practice in this state provided by the Probate Court
672 Administrator. The reasonable compensation of appointed counsel
673 shall be established by and paid from funds appropriated to, the
674 Judicial Department, but, if funds have not been included in the
675 budget of the Judicial Department for such purposes, such
676 compensation shall be established by the Probate Court Administrator
677 and paid from the Probate Court Administration Fund.

678 [(h)] (g) Prior to such hearing, such respondent or [his] respondent's
679 counsel shall be afforded access to all records including, without
680 limitation, hospital records if such respondent is hospitalized. If such
681 respondent is hospitalized at the time of the hearing, the hospital shall
682 make available at such hearing for use by the [patient] respondent or
683 [his] the respondent's counsel all records in its possession relating to
684 the condition of the respondent. Nothing [herein] in this subsection

685 shall prevent timely objection to the admissibility of evidence in
686 accordance with the rules of civil procedure.

687 [(i)] (h) At such hearing, the director of health who ordered the
688 [confinement] isolation or quarantine of the respondent shall have the
689 burden of showing by clear and convincing evidence that the
690 respondent is infected with a communicable disease or [harbors
691 radioactive material] is contaminated and poses a substantial threat to
692 the public health and that [confinement] isolation or quarantine of the
693 respondent is necessary and the least restrictive alternative to protect
694 and preserve the public health.

695 [(j)] (i) If the court, [on] at such hearing, finds by clear and
696 convincing evidence that the respondent is infected with a
697 communicable disease or [harbors radioactive material] is
698 contaminated and poses a substantial threat to the public health and
699 that [confinement] isolation or quarantine of the respondent is
700 necessary and the least restrictive alternative to protect and preserve
701 the public health, it shall order (1) the continued [confinement]
702 isolation or quarantine of the respondent under such terms and
703 conditions as it deems appropriate until such time as it is determined
704 that [his] the respondent's release would not constitute a substantial
705 threat to the public health, or (2) the release of the respondent under
706 such terms and conditions as it deems appropriate to protect the public
707 health.

708 [(k)] (j) If the court, [on] at such hearing, fails to find that the
709 conditions required for an order for [confinement] isolation or
710 quarantine have been proven, it shall order the immediate release of
711 the respondent.

712 [(l)] (k) A respondent may, at any time, move the court to terminate
713 or modify an order made under subsection [(j)] (i) of this section, in
714 which case a hearing shall be held in accordance with this section. The
715 court shall annually, upon its own motion, hold a hearing to determine
716 if the conditions which required the [confinement or restriction]
717 isolation or quarantine of the respondent still exist. If the court, at a

718 hearing held upon motion of the respondent or its own motion, fails to
719 find that the conditions which required [confinement or restriction]
720 isolation or quarantine still exist, it shall order the immediate release of
721 the respondent. If the court finds that such conditions still exist but
722 that a different remedy is appropriate under this section, the court
723 shall modify its order accordingly.

724 [(m)] (l) Any person aggrieved by an order of the Probate Court [of
725 Probate] under this section may appeal to the Superior Court.

726 Sec. 13. Subsection (a) of section 28-11 of the general statutes is
727 repealed and the following is substituted in lieu thereof (*Effective from*
728 *passage*):

729 (a) During the existence of a civil preparedness or public health
730 emergency, as defined in section 1 of this act, the Governor may, in the
731 event of shortage or disaster making such action necessary for the
732 protection of the public, take possession (1) of any land or buildings,
733 machinery or equipment; (2) of any horses, vehicles, motor vehicles,
734 aircraft, ships, boats, rolling stock of steam, diesel or electric railroads
735 or any other means of conveyance whatsoever; (3) of any antitoxins,
736 pharmaceutical products, vaccines or other biological products; and (4)
737 of any cattle, poultry or any provisions for [man] persons or beast, and
738 any fuel, gasoline or other means of propulsion necessary or
739 convenient for the use of the military or naval forces of the state or of
740 the United States, or for the better protection of the welfare of the state
741 or its inhabitants according to the purposes of this chapter.

742 Sec. 14. Subsection (c) of section 45a-82 of the general statutes is
743 repealed and the following is substituted in lieu thereof (*Effective from*
744 *passage*):

745 (c) All payments from said fund authorized by sections 5-259, 17a-
746 77, 17a-274, 17a-498, 17a-510, 19a-221, section 3 of this act, section 6 of
747 this act, 45a-1 to 45a-12, inclusive, 45a-18 to 45a-26, inclusive, 45a-34 to
748 45a-56, inclusive, sections 45a-62 to 45a-68, inclusive, 45a-74 to 45a-83,
749 inclusive, 45a-90 to 45a-94, inclusive, 45a-98, 45a-99, 45a-105, 45a-119 to

750 45a-123, inclusive, 45a-128, 45a-130, 45a-131, 45a-133, 45a-152, 45a-175
751 to 45a-180, inclusive, 45a-199 and 45a-202, shall be made upon
752 vouchers approved by the Probate Court Administrator.

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>
Sec. 13	<i>from passage</i>
Sec. 14	<i>from passage</i>

Statement of Legislative Commissioners:

In subdivision (2) of subsection (b) of section 12, the existing numbering was bracketed, and capital letters were inserted to indicate subparagraphs, in conformance with statutory form.

PH *Joint Favorable Subst.*

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:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Public Health, Dept.	GF	See Below	See Below
Attorney General	GF	See Below	See Below
Governor's Off.	GF	See Below	See Below
Judicial Dept.	GF	See Below	See Below
Probate Court	PCAF	See Below	See Below
Legislative Mgmt.	GF - Cost	Minimal	Minimal

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

Municipal Impact:

Municipalities	Effect	FY 04 \$	FY 05 \$
All Municipalities	STATE MANDATE	See Below	See Below

Explanation

The bill itemizes the responsibilities of selected state agencies and officials when a public health emergency has been declared by the governor and expands the authority of the state and local directors of health to confine persons and order vaccinations. It also requires the Department of Public Health to plan for an emergency response to a public health emergency. Fiscal impacts are as follows:

DECLARATION OF PUBLIC HEALTH EMERGENCY

The bill confers various duties upon the Governor, the Department of Public Health (DPH), the Secretary of the State, the Attorney General, certain members of the General Assembly, the Superior Court, probate courts, local directors of health and law enforcement officials that 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.

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

A potential minimal revenue gain would result for the state to the extent that fines of up to \$1,000 are imposed upon persons violating provisions of a public health emergency order or intentionally interfering with an authorized person who is carrying out any provision of a public health emergency order.

Legislative Review of Governor's Declaration

The bill permits a 10 member legislative committee to review and disapprove the governor's declaration within 72 hours of it being filed. It is anticipated that Legislative Management may incur minimal costs for legislator mileage reimbursement.

PLAN FOR PUBLIC HEALTH EMERGENCY RESPONSES

It is anticipated that the Department of Public Health will be able to develop a plan for emergency responses to a public health emergency within its anticipated budgetary resources. Local directors of health and the Office of Emergency Management under the Department of Public Safety will be able to consult to the extent that respective resources allow.

The bill requires the chairpersons and ranking members of the Public Health, Public Safety, and Judiciary committees to consult on the plan. Additionally, the bill requires the Speaker of the House, the Senate President Pro Tempore and the House and Senate majority and minority leaders to review the plan. It is anticipated that Legislative

Management may incur minimal costs for legislator mileage reimbursement.

AUTHORITY TO QUARANTINE/ISOLATE AND VACCINATE

The bill authorizes the commissioner of public health to quarantine or isolate persons in cases of a public health emergency, and expands the authority of local health directors do so.

Probate Court

Any party who is the subject of the commissioner's or a local health director's order may request a hearing before the probate court to contest it. The bill requires the court to hold a hearing within 72 hours after receiving a written request from the person (excluding weekends and holidays) and to provide legal counsel to the person if they are unable to pay.

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 resides would be eligible to collect a \$150 application fee. It is uncertain which party, the local health department or the person challenging the order, would be responsible for paying this court fee.

In addition, the bill permits payment from the Probate Court Administration Fund (PCAF) for those parties determined to be indigent. Passage of this portion of the bill would result in costs to the fund. Because the number of potential hearings is unknown at this time, the related costs are also unknown. In FY 02, costs related to indigent persons utilizing the probate court system were \$560,712. This includes attorney costs, which are paid at a rate of \$30 - \$50 per hour.

Judicial Department

The Judicial Department would pay the cost of counsel for any

indigent person aggrieved by an order of the Probate Court who appeals such order to the Superior Court under the bill. The per diem cost to provide counsel for a hearing on a quarantine order is currently \$182. The potential cost would depend upon the number of hearings held. It is anticipated that the workload associated with these appeals could be handled by the Judicial Department without additional appropriations.

DUTIES OF THE ATTORNEY GENERAL

The bill allows the Commissioner of the Department of Public Health to ask the Attorney General to enforce through Superior Court any orders for quarantine, isolation, or vaccination. The caseload impact and subsequent cost is uncertain, pending the scope of any potential, future public health emergency. There could be a significant state cost for outside legal counsel, however, if the volume of additional appearances within the timeframes established under the bill were to exceed the capacity of the Attorney General's staff.

Additionally, it requires the Attorney General to defend the state, any political subdivision thereof or any public health authority exempted from liability against lawsuits claiming personal injury or death resulting from actions taken during a public health emergency. It is anticipated that any potential caseload increase resulting from this provision could be handled by the Attorney General without additional appropriations.

OLR Bill Analysis

sHB 6676

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

SUMMARY:

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

1. authorizes the governor, subject to disapproval by legislative leaders, to declare a public health emergency and order the DPH commissioner to take certain actions;
2. authorizes the commissioner to quarantine, isolate, and vaccinate people during a public health emergency;
3. allows people to refuse vaccination on medical, religious, or conscientious grounds and allows those who do so to be quarantined or isolated;
4. requires DPH to develop a public health emergency response plan, which legislative leaders must review before it is approved;
5. broadens local health directors' existing quarantine authority, but specifies that they must follow the commissioner's orders during a declared emergency;
6. allows the governor to seize anti-toxins and pharmaceutical or other biologic products when there is a shortage of these during a public health or civil preparedness emergency;
7. immunizes the state and towns, state and local officials, and others against liability for damages for their actions or inactions during a public health emergency;

8. allows DPH to suspend temporarily license requirements for out-of-state health professionals who work in Connecticut during a public health emergency; and
9. allows DPH to authorize people to register death certificates and carry out related duties during an emergency.

EFFECTIVE DATE: Upon passage

GOVERNOR'S AUTHORITY

Declaring a Public Health Emergency (§§ 1 & 2)

The bill authorizes the governor to declare a statewide or regional public health emergency after he makes a good faith effort to consult with legislative leaders (see below). He can do this when a communicable disease, other than a sexually transmitted disease, or contamination that poses a substantial risk of a significant number of human fatalities or permanent or long-term disabilities occurs or is an imminent threat. The disease or contamination must be caused by, or the governor must believe it is caused by, bioterrorism, an epidemic or pandemic disease, a natural disaster, or a chemical or nuclear attack or accident.

A communicable disease under the bill and current law is a disease or condition that can be directly or indirectly passed or carried from a person or animal to another person or animal. Contamination occurs when a biological toxin or chemical, radioactive, or other substance is sufficient to pose a substantial risk of death, disability, injury, or harm to others.

The governor's declaration must state the nature of the emergency, the towns or geographic areas subject to the declaration, the conditions that create the emergency, how long it will last, and the public health authority responding to the emergency. A "public health authority" under the bill, is any person or entity authorized to respond under the emergency plan the bill requires the public health commissioner to prepare (see below). These could include local or district health directors and licensed health care providers.

The governor's declaration takes effect when it is filed with the

secretary of the state and the House and Senate clerks. The bill allows six members of a 10-member legislative committee to vote to disapprove and nullify the declaration. The committee is comprised of the House speaker, Senate president pro tempore, the House and Senate majority and minority leaders, and the Public Health Committee's chairmen and ranking members. Their disapproval is effective only if they file it with the secretary of the state within the 72 hours after its initial filing. Under current law, a similar disapproval process applies when the governor declares a civil preparedness emergency.

The governor can terminate the declaration before its original end date if, after consulting with legislative leaders, he finds that the circumstances no longer pose a substantial risk of human death or disability. He can renew a declaration by following the process for initially declaring an emergency.

Orders Under A Declaration

When he declares a public health emergency, the governor can (1) order the DPH commissioner to implement all or part of the public health emergency response plan and vaccinate people and (2) authorize him to isolate or quarantine people. He can also apply for and receive federal help.

The declaration and any orders issued pursuant to it must be published in full at least once in a newspaper with general circulation in each county; announced on radio and television stations, including the emergency alert system; and posted on the state's website. But failure to take any of these actions does not invalidate the declaration or orders.

The bill allows the DPH commissioner to ask the attorney general to apply to Superior Court for an order to enforce the commissioner's orders and to provide any other equitable relief it deems appropriate. It allows the commissioner to delegate some or all of his authority to a DPH employee or any local health director, who then acts as the commissioner's agent.

The bill subjects anyone who violates an order issued during a public health emergency to a \$ 1,000 fine, up to one year in prison, or both for each offense. It imposes the same penalties on anyone who

intentionally obstructs, resists, hinders, or endangers any authorized person carrying out any provision of an order.

Seizing Pharmaceuticals and Other Property (§13)

Current law allows the governor to seize certain types of private property in short supply during a civil preparedness emergency. The bill allows him to seize antitoxins, pharmaceuticals, vaccines, or other biological products during a public health or civil preparedness emergency. It also allows him to seize land and buildings, vehicles, fuel, livestock and animals, and other property during a public health emergency.

DEPARTMENT OF PUBLIC HEALTH AUTHORITY

Public Health Emergency Response Plan (§8)

The bill requires the commissioner to develop a plan to respond to a public health emergency. He must do this in consultation with local health directors; the Office of Emergency Management director; and the chairmen and ranking members of the Public Health, Public Safety, and Judiciary committees. These legislators and the top six House and Senate leaders must review the plan before the commissioner approves it. By law, emergency and emergency response plans are exempt from disclosure under the Freedom of Information Act if there are reasonable grounds to believe that disclosure may result in a safety risk. But they may be disclosed to a law enforcement agency that asks for them (CGS § 1-210 (b)(19)).

Quarantine and Isolation Authority (§3a)

The bill authorizes the commissioner to quarantine or isolate people when the governor authorizes him to do so when he declares a public health emergency. (Local health directors already have this authority without an emergency declaration, see below.) The bill defines isolation as the physical separation and confinement of one or more people, singly, in groups, or in a geographic area, who (1) are infected with a communicable disease or are contaminated or (2) the commissioner reasonably believes are infected or contaminated. It defines quarantine as the physical separation and confinement of one or more people, singly, in groups, or in a geographic area, who are

exposed, or who the commissioner reasonably believes have been exposed directly or to others who have been exposed, to a communicable disease. In both cases the action is taken in order to prevent or limit the transmission of the disease to the public.

The commissioner can order someone quarantined or isolated if he has reasonable grounds to believe (1) the person is infected with a communicable disease or is contaminated or has a reasonable risk of having a communicable disease or being contaminated or passing the disease or contamination to other people, (2) the person poses a significant threat to the public health, and (3) quarantine or isolation is needed and the least restrictive alternative to protect the public health. The bill bars isolating or quarantining anyone who does not meet these conditions.

Isolation and Quarantine Orders (§3 (c) & (d))

The commissioner's order must be in writing and contain (1) the name of the person or people to be quarantined or isolated or the geographic area where the communicable disease or contamination exists; (2) the basis for the commissioner's belief that a communicable disease or contamination exists in that area, (3) the duration of the isolation or quarantine, (4) where it will take place, and (5) other necessary terms and conditions. In determining the length of the order, the commissioner must consider, to the extent he knows it, the incubation period of the disease or contamination, when the individual was exposed, and the person's risk of exposing others.

An order is effective for up to 20 days. Further orders for successive 20-day periods can be issued if this is done before the last business day of the confinement period. The order must inform the people affected that they have a right to consult an attorney and have a court hearing, and if they ask for a hearing, the right to counsel, which the state must pay for if they cannot afford it. Each person affected must receive a copy of the order, or a notice must be provided by a means most likely to reach him.

Isolation and Quarantine Conditions (§3(b)& (e) §5))

The bill requires the commissioner to adhere to the following conditions and principles when he isolates or quarantines anyone or any group.

1. The isolation or quarantine must be by the least restrictive means needed to prevent the spread of the disease or contamination to others. It may include confinement in private homes or other private or public places.
2. People who are quarantined must be separated from those isolated.
3. The health status of people in quarantine and isolation must be monitored frequently to determine if they need to stay there.
4. If someone in quarantine becomes infected or contaminated or is reasonably believed to have become so, he must be isolated promptly.
5. People in quarantine or isolation must be released immediately when they are no longer infectious or capable of contaminating others or when a court orders their release.
6. The needs of people in isolation or quarantine must be addressed systematically and competently. This includes providing them with adequate food, clothing, shelter, medication and competent medical care, and a way to communicate with others.
7. The places used for isolation or quarantine must be kept hygienic and safe. They must be designed to prevent further disease transmission.
8. Family and household members and guardians and their wards must be kept together to the extent possible.
9. Cultural and religious beliefs must, to the extent possible, be considered in establishing and maintaining isolation and quarantine sites and in addressing the needs of people placed there.

Isolation or quarantine must be in a place the commissioner determines. It continues until he determines the person is no longer infectious or capable of infecting others or is released by court order. A person wanting treatment by prayer or spiritual means through principles and teachings of an incorporated church and without the use of drugs or material remedies, or through any other religious or spiritual practice, may receive such treatment during confinement.

Only individuals the commissioner authorizes can enter a quarantine or isolation site. These can include physicians, other health care providers, or other people he decides are needed to meet the needs of the confined people.

Appealing Orders (§3 (f)-(m))

A person ordered into quarantine or isolation has the right to a probate court hearing to contest the order. The bill applies existing due process procedures governing appeals of municipal health directors' confinement orders to appeals of the commissioner's orders. These include (1) notice requirements, including notice of the respondent's right to counsel and to cross-examine witnesses; (2) the process by which counsel is appointed for indigent respondents and compensated; (3) the respondent's right to access all records; and (4) procedures that apply if the respondent is hospitalized when the hearing occurs.

The hearing must be held in the probate court where the person is isolated or quarantined. It must occur within 72 hours after the court receives his written request (excluding weekends and holidays). The request does not stay the confinement order. The bill makes the commissioner a party to the proceeding. If an individual could infect or contaminate others, the hearing can be held by any means that allow all the parties to participate fully. If the individual cannot appear personally, the hearing can take place only if his attorney is present. The bill also allows the court to extend the hearing for extraordinary circumstances.

The hearing must determine if (1) the person is (a) infected with a communicable disease or contaminated or (b) at reasonable risk of having a communicable disease, of having been contaminated, or of passing the disease or contamination to other people; (2) the person poses a reasonable threat to the public health; and (3) quarantine or isolation is needed and is the least restrictive alternative to prevent the spread of disease or contamination and protect the public health.

If a person appealing the order is indigent, the bill, following current law for appealing municipal health directors' orders, establishes a process for one to be appointed. Under current law, the Judicial Department pays for such attorneys, but the bill permits payment from

the Probate Court Administration Fund, if the Judicial Department budget does not include funds for court-appointed attorneys in these cases. When an order applies to people in a designated geographic area, the bill allows the court to authorize one or more attorneys to represent them all when they have a common interest. But in this circumstance, an individual can choose to be represented by his own lawyer.

As under current law, the bill gives the individual and his attorney access to all records before the hearing, including the individual's hospital records. The bill gives the commissioner access to these and allows the parties to take notes from these records. Under the bill, if any party requests it, all records related to the person's condition must be admitted at the hearing.

The bill requires the court to record the hearing. A transcript must be made if someone appeals. It must be made available for free to an indigent appellant. In such cases, the Judicial Department pays for the transcript, unless its budget does not include funds for this purpose, in which case the Probate Court Administration Fund must pay.

If the court finds that the above three conditions are met (i.e., reasonable risk of disease or contamination, reasonable threat to public health, and confinement is needed and least restrictive alternative), it must

1. order continued confinement under terms and conditions it finds necessary to prevent exposing others until the time the commissioner determines that the person's release would not pose a reasonable threat to public health or
2. release the person under terms and conditions it believes appropriate to protect the public health.

The court must order the person's immediate release if the conditions required for a confinement order are not proven.

The bill permits a person who is quarantined or isolated to ask the probate court every 30 days to modify or terminate its order. After a hearing, the court can continue confinement; modify it if it finds that, although the conditions for confinement still exist, a different remedy is appropriate; or order the person's release if it finds that conditions

for the confinement no longer exist. The same process is available under current law to people the court quarantines or isolates after a municipal health director's order.

The bill permits anyone aggrieved by a probate court decision to appeal to Superior Court. The appeal is confined to the record, that is, the transcript and any evidence the probate court received or considered.

Enforcing Orders (§ 4)

The bill allows the commissioner to direct law enforcement officers to quarantine or isolate anyone who refuses to obey his confinement order during a public health emergency. He must notify these officers and others about any infection control procedures they may need.

Vaccinations (§ 6)

The bill authorizes the commissioner to issue vaccination orders if the governor authorizes him to do so when he declares a public health emergency. The commissioner can order vaccinations for people, including those who were present in a specific geographic area, as he deems reasonable and necessary to prevent the introduction or stop the progress of the disease or contamination that caused the emergency. He must inform those he wants vaccinated (1) of the vaccine's benefits and risks and (2) that they can decline the vaccination for health, religious, or conscientious reasons. Adults, and parents or guardians for minor children, must give written consent before they or the children are vaccinated.

If a person or group cannot or will not be vaccinated for health, religious, or conscientious reasons, the bill allows the commissioner to order them into quarantine or isolation, as appropriate. A parent may refuse vaccination on behalf of a child under age 18. But refusing vaccination is not grounds for confinement without a reasonable belief that the individual or group poses a reasonable threat to public health because they (1) are infected or contaminated; (2) may be, have been, or become exposed to the disease or contamination; or (3) are at reasonable risk of having a communicable disease or having been contaminated. The bill appears to require such people to meet its other test for quarantine and isolation, that is, the commissioner must determine they pose a significant public health threat, and

confinement must be the least restrictive alternative for protecting public health.

A person can appeal a vaccination order to the probate court within 48 hours after receiving it, and the court must hold the hearing within 72 hours of receiving his request. The bill allows the commissioner to ask the court to extend the time for the hearing based on extraordinary circumstances. (The court may do this on its own in quarantine and isolation appeals.) In deciding whether to grant the extension, the court must consider the rights of those affected by the order, the public's health, the severity of the need, and the availability of witnesses and evidence.

The bill gives people appealing the same due process rights as it gives those who appeal quarantine and isolation orders. It also applies the same due process procedures on (1) notice, (2) hearing extensions, (3) access to hospital and other records, (4) appointment and payment of counsel for indigent people, (5) appointment of attorneys to represent groups in a geographic area, and (6) recording and transcribing hearings. In addition, the bill allows appellants to present testimony from any licensed healing arts practitioner.

The court must order the vaccination, or confinement for those who are unable or refuse to be vaccinated, if it finds vaccination is needed and the least restrictive way to protect the public health. If it does not find this, it must vacate the vaccination order.

The bill permits anyone aggrieved by the probate court's decision to appeal to Superior Court. The appeal is confined to the record, that is, the transcript and any evidence the probate court received or considered.

Administering Vaccinations (§ 7)

During a public health emergency, the bill allows the commissioner to authorize any qualified person, including dentists, veterinarians, and paramedics, to administer vaccinations if he determines this is needed to protect the public's health, safety, and welfare. (Physicians, nurses, and physicians' assistants are also qualified to administer injections.) His authorization must be written, specify how long it lasts, and contain the categories of people covered and any additional training they need before administering vaccinations.

Registering Deaths (§ 9)

In a public health emergency, the bill allows the commissioner, in consultation with the chief medical examiner, to designate people to register death certificates as needed and perform other related duties, including issuing burial transit, removal, and cremation permits. These are functions normally performed by local registrars of vital statistics.

Out-of-State Health Care Providers Allowed In Emergency (§ 11)

The bill allows various health care practitioners licensed, certified, or registered in another state, territory, or the District of Columbia to work in Connecticut during a declared emergency. It allows the commissioner to suspend, for up to 60 days, state licensing, certification, or registration requirements that apply to them. The bill covers emergency medical personnel, physicians and physician assistants, physical therapists, nurses and nurses' aides, respiratory care practitioners, psychologists, marital and family therapists, clinical social workers, professional counselors, paramedics, embalmers and funeral directors, sanitarians, asbestos contractors and consultants, and pharmacists.

The bill specifies that it does not protect these practitioners from liability for damages for deaths or injuries that result from their acts or omissions during the ordinary course of their work.

IMMUNITY FROM LIABILITY (§ 10)

The bill immunizes the state and its political subdivisions, their agents, a public health authority, and anyone the commissioner authorizes to act on an order or otherwise comply with the bill's provisions related to public health emergencies from liability for deaths or injuries during an emergency. This immunity does not extend to willful or wanton misconduct and vaccinations administered without consent. The bill requires the attorney general to defend those with immunity, except people the commissioner authorizes to act on an order or otherwise comply with its emergency-related provisions, in any civil action for death, injury, or property damage.

LOCAL HEALTH DIRECTORS' AUTHORITY (§12)

Municipal health directors currently have the authority to confine people; the bill extends this authority to district health directors. It specifies that in a declared public health emergency, municipal and district directors must comply with the public health commissioner's orders. But their authority applies even if the governor has not declared an emergency. The bill establishes parallel processes for ordering and contesting quarantine and isolation orders: one that operates during a declared emergency, the other when a health director acts on his own.

Under current law, a health director can confine someone he reasonably believes to be infected with a communicable disease or who constitutes a radiation hazard, if he determines the person poses a substantial public health threat and confinement is needed to protect public health. The bill replaces the reference to radiation with the more general term, contamination. It changes the general and previously undefined term "confinement" to quarantine and isolation, and gives them the same meaning as they have during a public health emergency. And, by eliminating the existing restriction on directors' confinement authority to cases where people are unable or unwilling to behave in a way so as not to expose others to danger, the bill allows directors to isolate or quarantine a person whenever conditions warrant it, regardless of the person's behavior.

The bill applies the law's current requirements for directors' confinement orders to isolation or quarantine orders and generally makes them parallel to the orders the bill permits the commissioner to issue during a public health emergency. It extends, from 15 to 20 days, the period for which an order can be effective, and similarly extends the duration of further confinement orders.

The bill applies to local directors' decisions the same conditions for isolation and quarantine that apply when the public health commissioner confines people. It also makes most of the notice, hearing, and other due process rights and procedures that currently apply to appeals of orders directors issue when there is no declared emergency parallel those it establishes for public health emergencies. But the two processes are not identical. The following are the principal differences between them.

1. The hearing on a local director’s order is to determine whether a person poses a substantial, rather than a reasonable, threat to public health.
2. The local or district director who issued the order has the burden of proof and must produce, and the court must find, clear and convincing evidence of his claims.
3. The probate court in the appeal of a local director’s order can appoint a three-judge panel if the respondent requests this. Current law requires three probate judges to hear an appeal from a confinement order.
4. Such a hearing cannot be extended under extraordinary circumstances, nor does the bill prohibit holding a hearing if the respondent or his attorney is not present.
5. The parties do not have specific authorization to ask that all records relating to the respondent be admissible.
6. The court does not have to record the hearing or transcribe it for appeals, and an appeal to Superior Court is not limited to the record.
7. There is no limit on the frequency (once every 30 days during an emergency) with which a person can ask the court to modify or terminate a local director’s isolation or quarantine order.
8. Alternative treatment during isolation or quarantine does not extend to unincorporated religions and other spiritual practices.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute
Yea 22 Nay 0