

REFERENCE TITLE: public health emergencies

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

SB 1197

Introduced by
Senators Allen S, Pearce R: Gray C, Melvin

AN ACT

AMENDING SECTIONS 36-782 AND 36-787, ARIZONA REVISED STATUTES; RELATING TO
PUBLIC HEALTH EMERGENCIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-782, Arizona Revised Statutes, is amended to
3 read:

4 36-782. Enhanced surveillance advisory

5 A. PURSUANT TO A JOINT RESOLUTION PASSED BY THE LEGISLATURE, the
6 governor, in consultation with the director, may issue an enhanced
7 surveillance advisory if the governor has reasonable cause to believe that an
8 illness, health condition or clinical syndrome caused by
9 bioterrorism, ~~epidemic or pandemic disease~~ or a highly fatal and highly
10 infectious agent or biological toxin WITH ENORMOUS NUMBERS OF DEATHS AND
11 ILLNESS has OCCURRED or may occur or that there is a public event that could
12 reasonably be the object of a bioterrorism event. The illness or health
13 condition may not include acquired immune deficiency syndrome or any other
14 infection caused by the human immunodeficiency virus.

15 B. As determined by the governor after considering the least
16 restrictive measures necessary that are consistent with public health and
17 safety, the enhanced surveillance advisory shall direct the following in
18 accordance with this article:

19 1. Those persons and entities required to report.

20 2. The clinical syndromes, any illness or health condition that may be
21 associated with bioterrorism or a specific illness or health condition to be
22 reported.

23 3. Patient tracking.

24 4. Information sharing.

25 5. Specimen testing coordination.

26 C. The director shall notify local health authorities before the
27 governor issues an enhanced surveillance advisory. The department and local
28 health authorities shall provide the enhanced surveillance advisory to those
29 persons and entities required by the advisory to report pursuant to this
30 article by using any available means of communication. This article does not
31 alter the department's or a local health authority's ability to monitor
32 community health status or implement control measures for the early detection
33 of communicable and preventable diseases otherwise allowed by law.

34 D. Before the governor issues an enhanced surveillance advisory, the
35 department and local health authorities must meet with representatives of
36 persons or institutions who will be affected by the enhanced surveillance
37 advisory pursuant to section 36-783, subsections A, B and C. If, because of
38 an immediate threat to the public health, the department and local health
39 authorities are not able to hold this meeting before the governor issues the
40 advisory, the meeting must take place within seventy-two hours after the
41 governor issues the advisory.

42 E. To the extent possible, the department and local health authorities
43 shall share department and local health authority personnel, equipment,
44 materials, supplies and other resources to assist persons and institutions
45 affected to implement the terms of the advisory.

1 F. At the governor's direction, the department may use reasonable
2 efforts to assist the persons and institutions to receive reimbursement of
3 costs incurred because of the implementation of the advisory.

4 G. An enhanced surveillance advisory may be revised or terminated at
5 any time by the director and automatically terminates after sixty days,
6 unless renewed by the governor.

7 Sec. 2. Section 36-787, Arizona Revised Statutes, is amended to read:
8 36-787. Public health authority during state of emergency or
9 state of war emergency

10 A. During a state of emergency or state of war emergency THAT IS
11 declared by the governor PURSUANT TO A JOINT RESOLUTION PASSED BY THE
12 LEGISLATURE in which there is an occurrence or imminent threat of an illness
13 or health condition THAT IS caused by bioterrorism, ~~an epidemic or pandemic~~
14 ~~disease~~ or a highly fatal infectious agent or biological toxin and that poses
15 a substantial risk of a significant number of human fatalities or incidents
16 of permanent or long-term disability, the department shall coordinate all
17 matters pertaining to the public health emergency response of the state. ~~The~~
18 ~~department~~ AND has primary jurisdiction, responsibility and authority for:

19 1. Planning and executing public health emergency assessment,
20 mitigation, preparedness response and recovery for this state.

21 2. Coordinating public health emergency response among state, local
22 and tribal authorities.

23 3. Collaborating with relevant federal government authorities, elected
24 officials of other states, private organizations and private sector
25 companies.

26 4. Coordinating recovery operations and mitigation initiatives
27 subsequent to public health emergencies.

28 5. Organizing public information activities regarding state public
29 health emergency response operations.

30 6. Establishing, in conjunction with applicable professional licensing
31 boards, a process for temporary waiver of the professional licensure
32 requirements necessary for the implementation of any measures required to
33 adequately address the state of emergency or state of war emergency.

34 7. Granting temporary waivers of health care institution licensure
35 requirements necessary for implementation of any measures required to
36 adequately address the state of emergency or state of war emergency.

37 B. In addition to the authority provided in subsection A ~~of this~~
38 ~~section~~, during a state of emergency or state of war emergency, the governor,
39 PURSUANT TO A JOINT RESOLUTION PASSED BY THE LEGISLATURE AND in consultation
40 with the director of the department of health services, may issue orders
41 that:

42 1. Mandate medical examinations for exposed persons.

43 2. Ration medicine and vaccines.

44 3. Provide for transportation of medical support personnel and ill and
45 exposed persons.

1 4. Provide for procurement of medicines and vaccines.
2 C. In addition to the authority provided in subsections A and B,
3 during a state of emergency or state of war emergency in which there is an
4 occurrence or the imminent threat of smallpox, plague, viral hemorrhagic
5 fevers or a highly contagious and highly fatal disease with transmission
6 characteristics similar to smallpox, the governor, **PURSUANT TO A JOINT**
7 **RESOLUTION PASSED BY THE LEGISLATURE AND** in consultation with the director of
8 the department of health services, may issue orders that:
9 1. Mandate treatment or vaccination of persons who are diagnosed with
10 **AN** illness resulting from exposure or who are reasonably believed to have
11 been exposed or who may reasonably be expected to be exposed.
12 2. Isolate and quarantine persons.
13 D. Law enforcement officials of this state and the national guard
14 shall enforce orders issued by the governor under this section.
15 E. Diseases subject to this section do not include acquired immune
16 deficiency syndrome or **ANY** other infection caused by the human
17 immunodeficiency virus.
18 F. If during a state of emergency or state of war emergency the public
19 health is not endangered, ~~nothing in this title shall authorize~~ the
20 department ~~or any of~~ **AND** its officers or representatives ~~to~~ **MAY NOT** impose on
21 any person against the person's will any mode of treatment, ~~provided that~~ **IF**
22 **THAT PERSON COMPLIES WITH** sanitary or preventive measures and quarantine laws
23 ~~are complied with by the person.~~
24 G. ~~Nothing in this title shall authorize~~ The department ~~or any of~~ **AND**
25 its officers or representatives ~~to~~ **MAY NOT**:
26 1. Impose **ANY MODE OF TREATMENT** on any person **THAT IS** contrary to ~~his~~
27 **THAT PERSON'S** religious ~~concepts any mode of treatment, provided that~~ **OR**
28 **PHILOSOPHICAL BELIEFS IF THAT PERSON COMPLIES WITH** sanitary or preventive
29 measures and quarantine laws ~~are complied with by the person.~~
30 2. **REMOVE A MINOR CHILD FROM THE CARE OF THAT CHILD'S PARENT OR LEGAL**
31 **GUARDIAN IF THE PARENT OR LEGAL GUARDIAN COMPLIES WITH SANITARY OR PREVENTIVE**
32 **MEASURES AND QUARANTINE LAWS OR VOLUNTARILY AGREES TO TREAT THE PARENT OR**
33 **GUARDIAN'S HOME AS A QUARANTINE AND KEEP THE CHILD ISOLATED IN THE HOME.**
34 ~~G.~~ H. At the governor's direction, the department may use reasonable
35 efforts to assist the persons and institutions affected by the state of
36 emergency or state of war emergency declared pursuant to this section in
37 seeking reimbursement of costs incurred as a result of providing services
38 related to the implementation of isolation and quarantine under this article
39 to the extent these services are not otherwise subject to reimbursement.