

MAR 4 2003
Place On Calendar

HOUSE FILE 396
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 147)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to disaster preparedness and providing an
2 effective date.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 396

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DIVISION XV

DISASTER PREPAREDNESS

Section 1. NEW SECTION. 135.150 DEFINITIONS.

As used in this division, unless the context otherwise requires:

1. "Bioterrorism" means the intentional use of any microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product, to cause death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism.
2. "Department" means the Iowa department of public health.
3. "Director" means the director of public health.
4. "Disaster" means disaster as defined in section 29C.2.
5. "Disaster medical assistance team" or "DMAT" means a team of professionals, including licensed health care providers, nonmedical professionals skilled and trained in disaster or emergency response, and public health practitioners, which is sponsored by a hospital or other entity and approved by the department to provide disaster medical assistance in the event of a disaster or threatened disaster.
6. "Division" means the division of epidemiology, emergency medical services, and disaster operations of the department.
7. "Public health disaster" means a state of disaster emergency proclaimed by the governor in consultation with the department pursuant to section 29C.6 for a disaster which specifically involves an imminent threat of an illness or health condition that meets any of the following conditions of paragraphs "a" and "b":
 - a. Is reasonably believed to be caused by any of the

1 following:

2 (1) Bioterrorism or other act of terrorism.

3 (2) The appearance of a novel or previously controlled or
4 eradicated infectious agent or biological toxin.

5 (3) A chemical attack or accidental release.

6 (4) An intentional or accidental release of radioactive
7 material.

8 (5) A nuclear or radiological attack or accident.

9 b. Poses a high probability of any of the following:

10 (1) A large number of deaths in the affected population.

11 (2) A large number of serious or long-term disabilities in
12 the affected population.

13 (3) Widespread exposure to an infectious or toxic agent
14 that poses a significant risk of substantial future harm to a
15 large number of the affected population.

16 Sec. 2. NEW SECTION. 135.151 DIVISION OF EPIDEMIOLOGY,
17 EMERGENCY MEDICAL SERVICES, AND DISASTER OPERATIONS --
18 ESTABLISHED -- DUTIES OF DEPARTMENT.

19 1. A division of epidemiology, emergency medical
20 services, and disaster operations is established within the
21 department. The division shall coordinate the administration
22 of this division of this chapter with other administrative
23 divisions of the department and with federal, state, and local
24 agencies and officials.

25 2. The department shall do all of the following:

26 a. Coordinate with the emergency management division of
27 the department of public defense the administration of
28 emergency planning matters which involve the public health,
29 including development, administration, and execution of the
30 public health components of the comprehensive plan and
31 emergency management program pursuant to section 29C.8.

32 b. Coordinate with federal, state, and local agencies and
33 officials, and private agencies, organizations, companies, and
34 persons, the administration of emergency planning matters that
35 involve the public health.

1 c. Conduct and maintain a statewide risk assessment of any
2 present or potential danger to the public health from
3 biological agents.

4 d. If a public health disaster exists, or if there is
5 reasonable cause to believe that a public health disaster is
6 imminent, conduct a risk assessment of any present or
7 potential danger to the public health from chemical,
8 radiological, or other potentially dangerous agents.

9 e. For the purpose of paragraphs "c" and "d", an employee
10 or agent of the department may enter into and examine any
11 premises containing potentially dangerous agents with the
12 consent of the owner or person in charge of the premises or,
13 if the owner or person in charge of the premises refuses
14 admittance, with an administrative search warrant obtained
15 under section 808.14. Based on findings of the risk
16 assessment and examination of the premises, the director may
17 order reasonable safeguards or take any other action
18 reasonably necessary to protect the public health pursuant to
19 rules adopted to administer this subsection.

20 f. Coordinate the location, procurement, storage,
21 transportation, maintenance, and distribution of medical
22 supplies, drugs, antidotes, and vaccines to prepare for or in
23 response to a public health disaster, including receiving,
24 distributing, and administering items from the national
25 pharmaceutical stockpile program of the centers for disease
26 control and prevention of the United States department of
27 health and human services.

28 g. Conduct or coordinate public information activities
29 regarding emergency and disaster planning matters that involve
30 the public health.

31 h. Apply for and accept grants, gifts, or other funds to
32 be used for programs authorized by this division of this
33 chapter.

34 i. Establish and coordinate other programs or activities
35 as necessary for the prevention, detection, management, and

1 containment of public health disasters.

2 j. Adopt rules pursuant to chapter 17A for the
3 administration of this division of this chapter including
4 rules adopted in cooperation with the Iowa pharmacy
5 association and the Iowa hospital association for the
6 development of a surveillance system to monitor supplies of
7 drugs, antidotes, and vaccines to assist in detecting a
8 potential public health disaster.

9 Prior to adoption, the rules shall be approved by the state
10 board of health and the administrator of the emergency
11 management division of the department of public defense.

12 Sec. 3. NEW SECTION. 135.152 HEALTH CARE SUPPLIES.

13 1. The department may purchase and distribute antitoxins,
14 serums, vaccines, immunizing agents, antibiotics, and other
15 pharmaceutical agents or medical supplies as deemed advisable
16 in the interest of preparing for or controlling a public
17 health disaster.

18 2. If a public health disaster exists or there is
19 reasonable cause to believe that a public health disaster is
20 imminent and if the public health disaster or belief that a
21 public health disaster is imminent results in a statewide or
22 regional shortage or threatened shortage of any product
23 described under subsection 1, whether such product has been
24 purchased by the department, the department may control,
25 restrict, and regulate by rationing and using quotas,
26 prohibitions on shipments, allocation, or other means, the
27 use, sale, dispensing, distribution, or transportation of the
28 relevant product necessary to protect the public health,
29 safety, and welfare of the people of this state. The
30 department shall collaborate with persons who have control of
31 the products when reasonably possible.

32 3. In making rationing or other supply and distribution
33 decisions, the department shall give preference to health care
34 providers, disaster response personnel, and mortuary staff.

35 4. During a public health disaster, the department may

1 procure, store, or distribute any antitoxins, serums,
2 vaccines, immunizing agents, antibiotics, and other
3 pharmaceutical agents or medical supplies located within the
4 state as may be reasonable and necessary to respond to the
5 public health disaster, and may take immediate possession of
6 these pharmaceutical agents and supplies. If a public health
7 disaster affects more than one state, this section shall not
8 be construed to allow the department to obtain antitoxins,
9 serums, vaccines, immunizing agents, antibiotics, and other
10 pharmaceutical agents or medical supplies for the primary
11 purpose of hoarding such items or preventing the fair and
12 equitable distribution of these pharmaceutical and medical
13 supplies among affected states. The department shall
14 collaborate with affected states and persons when reasonably
15 possible.

16 5. The state shall pay just compensation to the owner of
17 any product lawfully taken or appropriated by the department
18 for the department's temporary or permanent use in accordance
19 with this section. The amount of compensation shall be
20 limited to the costs incurred to produce the item.

21 Sec. 4. NEW SECTION. 135.153 DISASTER MEDICAL ASSISTANCE
22 TEAMS.

23 1. The department shall approve disaster medical
24 assistance teams to supplement and support disrupted or
25 overburdened local medical and public health personnel,
26 hospitals, and resources at or near the site of a disaster or
27 threatened disaster by providing direct medical care to
28 victims or by providing other support services.

29 2. A member of a disaster medical assistance team acting
30 pursuant to this division of this chapter shall be considered
31 an employee of the state under chapter 669, shall be afforded
32 protection as an employee of the state under section 669.21,
33 and shall be considered an employee of the state for purposes
34 of workers' compensation and death benefits, provided that the
35 member has done all of the following:

1 a. Registered with and received approval to serve on a
2 disaster medical assistance team from the department.

3 b. Provided direct medical care to a victim of a disaster
4 or provided other support services during a disaster.

5 3. The department shall provide the department of
6 personnel with a list of individuals who have registered with
7 and received approval from the department to serve on a
8 disaster medical assistance team. The department shall update
9 the list on a quarterly basis, or as necessary for the
10 department of personnel to determine eligibility for coverage.

11 4. Upon notification of a compensable loss, the department
12 of personnel shall seek funding from the executive council for
13 those costs associated with covered workers' compensation
14 benefits.

15 Sec. 5. NEW SECTION. 135.154 ADDITIONAL DUTIES OF THE
16 DEPARTMENT RELATED TO A PUBLIC HEALTH DISASTER.

17 If a public health disaster exists, the department, in
18 conjunction with the governor, may do any of the following:

19 1. Decontaminate or cause to be decontaminated, to the
20 extent reasonable and necessary to address the public health
21 disaster, any facility or material if there is cause to
22 believe the contaminated facility or material may endanger the
23 public health.

24 2. Adopt and enforce measures to provide for the
25 identification and safe disposal of human remains, including
26 performance of postmortem examinations, transportation,
27 embalming, burial, cremation, interment, disinterment, and
28 other disposal of human remains. To the extent possible,
29 religious, cultural, family, and individual beliefs of the
30 deceased person or the deceased person's family shall be
31 considered when disposing of any human remains.

32 3. Take reasonable measures as necessary to prevent the
33 transmission of infectious disease and to ensure that all
34 cases of communicable disease are properly identified,
35 controlled, and treated.

1 4. Take reasonable measures as necessary to ensure that
2 all cases of chemical, biological, and radiological
3 contamination are properly identified, controlled, and
4 treated.

5 5. Order physical examinations and tests and collect
6 specimens as necessary for the diagnosis or treatment of
7 individuals, to be performed by any qualified person
8 authorized to do so by the department. An examination or test
9 shall not be performed or ordered if the examination or test
10 is reasonably likely to lead to serious harm to the affected
11 individual. The department may isolate or quarantine,
12 pursuant to chapter 139A and the rules implementing chapter
13 139A and this division of this chapter, any individual whose
14 refusal of medical examination or testing results in
15 uncertainty regarding whether the individual has been exposed
16 to or is infected with a communicable or potentially
17 communicable disease or otherwise poses a danger to public
18 health.

19 6. Vaccinate or order that individuals be vaccinated
20 against an infectious disease and to prevent the spread of
21 communicable or potentially communicable disease.
22 Vaccinations shall be administered by any qualified person
23 authorized to do so by the department. The vaccination shall
24 not be provided or ordered if it is reasonably likely to lead
25 to serious harm to the affected individual. To prevent the
26 spread of communicable or potentially communicable disease,
27 the department may isolate or quarantine, pursuant to chapter
28 139A and the rules implementing chapter 139A and this division
29 of this chapter, any person who is unable or unwilling to
30 undergo vaccination pursuant to this subsection.

31 7. Treat or order that individuals exposed to or infected
32 with disease receive treatment or prophylaxis. Treatment or
33 prophylaxis shall be administered by any qualified person
34 authorized to do so by the department. Treatment or
35 prophylaxis shall not be provided or ordered if the treatment

1 or prophylaxis is reasonably likely to lead to serious harm to
2 the affected individual. To prevent the spread of
3 communicable or potentially communicable disease, the
4 department may isolate or quarantine, pursuant to chapter 139A
5 and the rules implementing chapter 139A and this division, any
6 individual who is unable or unwilling to undergo treatment or
7 prophylaxis pursuant to this section.

8 8. Isolate or quarantine individuals or groups of
9 individuals pursuant to chapter 139A and the rules
10 implementing chapter 139A and this division of this chapter.

11 9. Inform the public when a public health disaster has
12 been declared or terminated, about protective measures to take
13 during the disaster, and about actions being taken to control
14 the disaster.

15 10. Accept grants and loans from the federal government
16 pursuant to section 29C.6 or available provisions of federal
17 law.

18 Sec. 6. NEW SECTION. 135.155 INFORMATION SHARING.

19 1. When the department of public safety or other federal,
20 state, or local law enforcement agency learns of a case of a
21 reportable disease or health condition, unusual cluster, or a
22 suspicious event that may be the cause of a public health
23 disaster, the department or agency shall immediately notify
24 the department, the administrator of the emergency management
25 division of the department of public defense, the department
26 of agriculture and land stewardship, and the department of
27 natural resources as appropriate.

28 2. When the department learns of a case of a reportable
29 disease or health condition, an unusual cluster, or a
30 suspicious event that the department reasonably believes could
31 potentially be caused by bioterrorism or other act of
32 terrorism, the department shall immediately notify the
33 department of public safety, the emergency management division
34 of the department of public defense, and other appropriate
35 federal, state, and local agencies and officials.

1 3. Sharing of information on reportable diseases, health
2 conditions, unusual clusters, or suspicious events between the
3 department and public safety authorities and other
4 governmental agencies shall be restricted to sharing of only
5 the information necessary for the prevention, control, and
6 investigation of a public health disaster.

7 4. Release of information pursuant to this section shall
8 be consistent with the federal Health Insurance Portability
9 and Accountability Act of 1996, Pub. L. No. 104-191.

10 Sec. 7. Section 29C.6, subsection 1, Code 2003, is amended
11 to read as follows:

12 1. After finding a disaster exists or is threatened,
13 proclaim a state of disaster emergency. This proclamation
14 shall be in writing, indicate the area affected and the facts
15 upon which it is based, be signed by the governor, and be
16 filed with the secretary of state. If the state of disaster
17 emergency specifically constitutes a public health disaster as
18 defined in section 135.150, the written proclamation shall
19 include a statement to that effect. A state of disaster
20 emergency shall continue for thirty days, unless sooner
21 terminated or extended in writing by the governor. The
22 general assembly may, by concurrent resolution, rescind this
23 proclamation. If the general assembly is not in session, the
24 legislative council may, by majority vote, rescind this
25 proclamation. Recision shall be effective upon filing of the
26 concurrent resolution or resolution of the legislative council
27 with the secretary of state. A proclamation of disaster
28 emergency shall activate the disaster response and recovery
29 aspect of the state, local and interjurisdictional disaster
30 emergency plans applicable to the political subdivision or
31 area in question and be authority for the deployment and use
32 of any forces to which the plan applies, and for use or
33 distribution of any supplies, equipment, and materials and
34 facilities assembled, stockpiled, or arranged to be made
35 available.

1 care supplies when a public health disaster exists or is
2 imminent, authorizes the department to establish disaster
3 medical assistance teams to supplement medical and public
4 health resources during times of disaster, authorizes the
5 department to receive, distribute, and administer items of the
6 national pharmaceutical stockpile program, directs the
7 department to carry out additional duties during a public
8 health disaster, and provides for information sharing related
9 to a public health disaster. The bill also authorizes the
10 Iowa department of public health to investigate and control
11 diseases, illnesses, and health conditions that may be a
12 potential cause of a public health disaster.

13 The bill takes effect upon enactment.

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HOUSE FILE 396

16

H-1038

17

1 Amend House File 396 as follows:

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2 1. Page 1, line 16, by inserting after the word
3 "director" the following: "or the director's
4 designee".

19

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5 2. Page 3, lines 24 and 25, by striking the words
6 "national pharmaceutical" and inserting the following:
7 "strategic national".

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8 3. Page 5, line 20, by striking the words "to
9 produce" and inserting the following: "by the owner
10 to procure".

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By TYMESON of Madison

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H-1038 FILED MARCH 10, 2003

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Adopted 3/18/03

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HOUSE FILE 396

H-1047

1 Amend House File 396 as follows:
2 1. Page 10, by inserting after line 23 the
3 following:
4 "Sec. ____ . SMALLPOX VACCINATIONS. It is the
5 intent of the general assembly that public safety
6 workers, smallpox response teams, and others who will
7 be required to be vaccinated pursuant to the federal
8 Homeland Security Act be protected from both health-
9 related and other results of the federally required
10 vaccination. State and local government should work
11 with employees in the public safety areas or response
12 teams to achieve the following:
13 1. Vaccinations should be given only on a
14 voluntary basis.
15 2. Extensive screening should be employed to
16 protect those workers who would be at risk from
17 current health conditions if vaccinated.
18 3. Reprisals or discrimination for workers not
19 voluntarily receiving vaccinations should be
20 prohibited.
21 4. Public employers should protect employees from
22 loss of income or seniority as a result of side
23 effects from vaccinations. Homeland security moneys
24 received from the federal government should include a
25 set-aside to purchase supplemental insurance for
26 public safety or response employees to cover those
27 reactions not covered by traditional employer-provided
28 health insurance.
29 5. Disability or long-term reactions from
30 vaccinations should be considered a work-related
31 injury and should be covered by local or state
32 policies governing disability.
33 6. Vaccinations should be scheduled at staggered
34 times to allow for normal loss of staff time because
35 of vaccination-related illnesses without seriously
36 hampering public safety service.
37 7. Vaccinations administered in Iowa should meet
38 the requirements of the federal Needlestick Safety and
39 Prevention Act of 2000 that requires safety features
40 in the use of needles to administer medicine.
41 8. The Iowa department of public health and the
42 division of emergency management of the department of
43 public defense should coordinate efforts to ensure
44 adequate supplies of vaccinia immune globulin and
45 cidofovir and other appropriate medical care and
46 pharmaceuticals to protect those employees who suffer
47 reactions to vaccinations."
48 2. By renumbering as necessary.

By MURPHY of Dubuque

H-1047 FILED MARCH 12, 2003

~~XXXXXXXXXXXXXXXXXXXX~~ Lost 3/18/03

HOUSE FILE 396
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 147)

(As Amended and Passed by the House March 18, 2003)

Passed House, Date Passed 3/18/03 Passed Senate, Date Passed 4/8/03
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved 4/14/03

A BILL FOR

1 An Act relating to disaster preparedness and providing an
2 effective date.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

HF 396

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DIVISION XV

DISASTER PREPAREDNESS

Section 1. NEW SECTION. 135.150 DEFINITIONS.

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1. "Bioterrorism" means the intentional use of any microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product, to cause death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism.

2. "Department" means the Iowa department of public health.

3. "Director" means the director or the director's designee of public health.

4. "Disaster" means disaster as defined in section 29C.2.

5. "Disaster medical assistance team" or "DMAT" means a team of professionals, including licensed health care providers, nonmedical professionals skilled and trained in disaster or emergency response, and public health practitioners, which is sponsored by a hospital or other entity and approved by the department to provide disaster medical assistance in the event of a disaster or threatened disaster.

6. "Division" means the division of epidemiology, emergency medical services, and disaster operations of the department.

7. "Public health disaster" means a state of disaster emergency proclaimed by the governor in consultation with the department pursuant to section 29C.6 for a disaster which specifically involves an imminent threat of an illness or health condition that meets any of the following conditions of paragraphs "a" and "b":

1 a. Is reasonably believed to be caused by any of the
2 following:

3 (1) Bioterrorism or other act of terrorism.

4 (2) The appearance of a novel or previously controlled or
5 eradicated infectious agent or biological toxin.

6 (3) A chemical attack or accidental release.

7 (4) An intentional or accidental release of radioactive
8 material.

9 (5) A nuclear or radiological attack or accident.

10 b. Poses a high probability of any of the following:

11 (1) A large number of deaths in the affected population.

12 (2) A large number of serious or long-term disabilities in
13 the affected population.

14 (3) Widespread exposure to an infectious or toxic agent
15 that poses a significant risk of substantial future harm to a
16 large number of the affected population.

17 Sec. 2. NEW SECTION. 135.151 DIVISION OF EPIDEMIOLOGY,
18 EMERGENCY MEDICAL SERVICES, AND DISASTER OPERATIONS --
19 ESTABLISHED -- DUTIES OF DEPARTMENT.

20 1. A division of epidemiology, emergency medical
21 services, and disaster operations is established within the
22 department. The division shall coordinate the administration
23 of this division of this chapter with other administrative
24 divisions of the department and with federal, state, and local
25 agencies and officials.

26 2. The department shall do all of the following:

27 a. Coordinate with the emergency management division of
28 the department of public defense the administration of
29 emergency planning matters which involve the public health,
30 including development, administration, and execution of the
31 public health components of the comprehensive plan and
32 emergency management program pursuant to section 29C.8.

33 b. Coordinate with federal, state, and local agencies and
34 officials, and private agencies, organizations, companies, and
35 persons, the administration of emergency planning matters that

1 involve the public health.

2 c. Conduct and maintain a statewide risk assessment of any
3 present or potential danger to the public health from
4 biological agents.

5 d. If a public health disaster exists, or if there is
6 reasonable cause to believe that a public health disaster is
7 imminent, conduct a risk assessment of any present or
8 potential danger to the public health from chemical,
9 radiological, or other potentially dangerous agents.

10 e. For the purpose of paragraphs "c" and "d", an employee
11 or agent of the department may enter into and examine any
12 premises containing potentially dangerous agents with the
13 consent of the owner or person in charge of the premises or,
14 if the owner or person in charge of the premises refuses
15 admittance, with an administrative search warrant obtained
16 under section 808.14. Based on findings of the risk
17 assessment and examination of the premises, the director may
18 order reasonable safeguards or take any other action
19 reasonably necessary to protect the public health pursuant to
20 rules adopted to administer this subsection.

21 f. Coordinate the location, procurement, storage,
22 transportation, maintenance, and distribution of medical
23 supplies, drugs, antidotes, and vaccines to prepare for or in
24 response to a public health disaster, including receiving,
25 distributing, and administering items from the strategic
26 national stockpile program of the centers for disease control
27 and prevention of the United States department of health and
28 human services.

29 g. Conduct or coordinate public information activities
30 regarding emergency and disaster planning matters that involve
31 the public health.

32 h. Apply for and accept grants, gifts, or other funds to
33 be used for programs authorized by this division of this
34 chapter.

35 i. Establish and coordinate other programs or activities

1 as necessary for the prevention, detection, management, and
2 containment of public health disasters.

3 j. Adopt rules pursuant to chapter 17A for the
4 administration of this division of this chapter including
5 rules adopted in cooperation with the Iowa pharmacy
6 association and the Iowa hospital association for the
7 development of a surveillance system to monitor supplies of
8 drugs, antidotes, and vaccines to assist in detecting a
9 potential public health disaster.

10 Prior to adoption, the rules shall be approved by the state
11 board of health and the administrator of the emergency
12 management division of the department of public defense.

13 Sec. 3. NEW SECTION. 135.152 HEALTH CARE SUPPLIES.

14 1. The department may purchase and distribute antitoxins,
15 serums, vaccines, immunizing agents, antibiotics, and other
16 pharmaceutical agents or medical supplies as deemed advisable
17 in the interest of preparing for or controlling a public
18 health disaster.

19 2. If a public health disaster exists or there is
20 reasonable cause to believe that a public health disaster is
21 imminent and if the public health disaster or belief that a
22 public health disaster is imminent results in a statewide or
23 regional shortage or threatened shortage of any product
24 described under subsection 1, whether such product has been
25 purchased by the department, the department may control,
26 restrict, and regulate by rationing and using quotas,
27 prohibitions on shipments, allocation, or other means, the
28 use, sale, dispensing, distribution, or transportation of the
29 relevant product necessary to protect the public health,
30 safety, and welfare of the people of this state. The
31 department shall collaborate with persons who have control of
32 the products when reasonably possible.

33 3. In making rationing or other supply and distribution
34 decisions, the department shall give preference to health care
35 providers, disaster response personnel, and mortuary staff.

1 4. During a public health disaster, the department may
2 procure, store, or distribute any antitoxins, serums,
3 vaccines, immunizing agents, antibiotics, and other
4 pharmaceutical agents or medical supplies located within the
5 state as may be reasonable and necessary to respond to the
6 public health disaster, and may take immediate possession of
7 these pharmaceutical agents and supplies. If a public health
8 disaster affects more than one state, this section shall not
9 be construed to allow the department to obtain antitoxins,
10 serums, vaccines, immunizing agents, antibiotics, and other
11 pharmaceutical agents or medical supplies for the primary
12 purpose of hoarding such items or preventing the fair and
13 equitable distribution of these pharmaceutical and medical
14 supplies among affected states. The department shall
15 collaborate with affected states and persons when reasonably
16 possible.

17 5. The state shall pay just compensation to the owner of
18 any product lawfully taken or appropriated by the department
19 for the department's temporary or permanent use in accordance
20 with this section. The amount of compensation shall be
21 limited to the costs incurred by the owner to procure the
22 item.

23 Sec. 4. NEW SECTION. 135.153 DISASTER MEDICAL ASSISTANCE
24 TEAMS.

25 1. The department shall approve disaster medical
26 assistance teams to supplement and support disrupted or
27 overburdened local medical and public health personnel,
28 hospitals, and resources at or near the site of a disaster or
29 threatened disaster by providing direct medical care to
30 victims or by providing other support services.

31 2. A member of a disaster medical assistance team acting
32 pursuant to this division of this chapter shall be considered
33 an employee of the state under chapter 669, shall be afforded
34 protection as an employee of the state under section 669.21,
35 and shall be considered an employee of the state for purposes

1 of workers' compensation and death benefits, provided that the
2 member has done all of the following:

3 a. Registered with and received approval to serve on a
4 disaster medical assistance team from the department.

5 b. Provided direct medical care to a victim of a disaster
6 or provided other support services during a disaster.

7 3. The department shall provide the department of
8 personnel with a list of individuals who have registered with
9 and received approval from the department to serve on a
10 disaster medical assistance team. The department shall update
11 the list on a quarterly basis, or as necessary for the
12 department of personnel to determine eligibility for coverage.

13 4. Upon notification of a compensable loss, the department
14 of personnel shall seek funding from the executive council for
15 those costs associated with covered workers' compensation
16 benefits.

17 Sec. 5. NEW SECTION. 135.154 ADDITIONAL DUTIES OF THE
18 DEPARTMENT RELATED TO A PUBLIC HEALTH DISASTER.

19 If a public health disaster exists, the department, in
20 conjunction with the governor, may do any of the following:

21 1. Decontaminate or cause to be decontaminated, to the
22 extent reasonable and necessary to address the public health
23 disaster, any facility or material if there is cause to
24 believe the contaminated facility or material may endanger the
25 public health.

26 2. Adopt and enforce measures to provide for the
27 identification and safe disposal of human remains, including
28 performance of postmortem examinations, transportation,
29 embalming, burial, cremation, interment, disinterment, and
30 other disposal of human remains. To the extent possible,
31 religious, cultural, family, and individual beliefs of the
32 deceased person or the deceased person's family shall be
33 considered when disposing of any human remains.

34 3. Take reasonable measures as necessary to prevent the
35 transmission of infectious disease and to ensure that all

1 cases of communicable disease are properly identified,
2 controlled, and treated.

3 4. Take reasonable measures as necessary to ensure that
4 all cases of chemical, biological, and radiological
5 contamination are properly identified, controlled, and
6 treated.

7 5. Order physical examinations and tests and collect
8 specimens as necessary for the diagnosis or treatment of
9 individuals, to be performed by any qualified person
10 authorized to do so by the department. An examination or test
11 shall not be performed or ordered if the examination or test
12 is reasonably likely to lead to serious harm to the affected
13 individual. The department may isolate or quarantine,
14 pursuant to chapter 139A and the rules implementing chapter
15 139A and this division of this chapter, any individual whose
16 refusal of medical examination or testing results in
17 uncertainty regarding whether the individual has been exposed
18 to or is infected with a communicable or potentially
19 communicable disease or otherwise poses a danger to public
20 health.

21 6. Vaccinate or order that individuals be vaccinated
22 against an infectious disease and to prevent the spread of
23 communicable or potentially communicable disease.
24 Vaccinations shall be administered by any qualified person
25 authorized to do so by the department. The vaccination shall
26 not be provided or ordered if it is reasonably likely to lead
27 to serious harm to the affected individual. To prevent the
28 spread of communicable or potentially communicable disease,
29 the department may isolate or quarantine, pursuant to chapter
30 139A and the rules implementing chapter 139A and this division
31 of this chapter, any person who is unable or unwilling to
32 undergo vaccination pursuant to this subsection.

33 7. Treat or order that individuals exposed to or infected
34 with disease receive treatment or prophylaxis. Treatment or
35 prophylaxis shall be administered by any qualified person

1 authorized to do so by the department. Treatment or
2 prophylaxis shall not be provided or ordered if the treatment
3 or prophylaxis is reasonably likely to lead to serious harm to
4 the affected individual. To prevent the spread of
5 communicable or potentially communicable disease, the
6 department may isolate or quarantine, pursuant to chapter 139A
7 and the rules implementing chapter 139A and this division, any
8 individual who is unable or unwilling to undergo treatment or
9 prophylaxis pursuant to this section.

10 8. Isolate or quarantine individuals or groups of
11 individuals pursuant to chapter 139A and the rules
12 implementing chapter 139A and this division of this chapter.

13 9. Inform the public when a public health disaster has
14 been declared or terminated, about protective measures to take
15 during the disaster, and about actions being taken to control
16 the disaster.

17 10. Accept grants and loans from the federal government
18 pursuant to section 29C.6 or available provisions of federal
19 law.

20 Sec. 6. NEW SECTION. 135.155 INFORMATION SHARING.

21 1. When the department of public safety or other federal,
22 state, or local law enforcement agency learns of a case of a
23 reportable disease or health condition, unusual cluster, or a
24 suspicious event that may be the cause of a public health
25 disaster, the department or agency shall immediately notify
26 the department, the administrator of the emergency management
27 division of the department of public defense, the department
28 of agriculture and land stewardship, and the department of
29 natural resources as appropriate.

30 2. When the department learns of a case of a reportable
31 disease or health condition, an unusual cluster, or a
32 suspicious event that the department reasonably believes could
33 potentially be caused by bioterrorism or other act of
34 terrorism, the department shall immediately notify the
35 department of public safety, the emergency management division

1 of the department of public defense, and other appropriate
2 federal, state, and local agencies and officials.

3 3. Sharing of information on reportable diseases, health
4 conditions, unusual clusters, or suspicious events between the
5 department and public safety authorities and other
6 governmental agencies shall be restricted to sharing of only
7 the information necessary for the prevention, control, and
8 investigation of a public health disaster.

9 4. Release of information pursuant to this section shall
10 be consistent with the federal Health Insurance Portability
11 and Accountability Act of 1996, Pub. L. No. 104-191.

12 Sec. 7. Section 29C.6, subsection 1, Code 2003, is amended
13 to read as follows:

14 1. After finding a disaster exists or is threatened,
15 proclaim a state of disaster emergency. This proclamation
16 shall be in writing, indicate the area affected and the facts
17 upon which it is based, be signed by the governor, and be
18 filed with the secretary of state. If the state of disaster
19 emergency specifically constitutes a public health disaster as
20 defined in section 135.150, the written proclamation shall
21 include a statement to that effect. A state of disaster
22 emergency shall continue for thirty days, unless sooner
23 terminated or extended in writing by the governor. The
24 general assembly may, by concurrent resolution, rescind this
25 proclamation. If the general assembly is not in session, the
26 legislative council may, by majority vote, rescind this
27 proclamation. Recision shall be effective upon filing of the
28 concurrent resolution or resolution of the legislative council
29 with the secretary of state. A proclamation of disaster
30 emergency shall activate the disaster response and recovery
31 aspect of the state, local and interjurisdictional disaster
32 emergency plans applicable to the political subdivision or
33 area in question and be authority for the deployment and use
34 of any forces to which the plan applies, and for use or
35 distribution of any supplies, equipment, and materials and

1 facilities assembled, stockpiled, or arranged to be made
2 available.

3 Sec. 8. Section 135.11, subsection 29, Code 2003, is
4 amended by striking the subsection.

5 Sec. 9. Section 139A.2, Code 2003, is amended by adding
6 the following new subsection:

7 NEW SUBSECTION. 17A. "Public health disaster" means
8 public health disaster as defined in section 135.150.

9 Sec. 10. NEW SECTION. 139A.3A INVESTIGATION AND CONTROL.

10 When the department receives a report under this chapter or
11 acts on other reliable information that a person is infected
12 with a disease, illness, or health condition that may be a
13 potential cause of a public health disaster, the department
14 shall identify all individuals reasonably believed to have
15 been exposed to the disease, illness, or health condition and
16 shall investigate all such cases for sources of infection and
17 ensure that such cases are subject to proper control measures.
18 Any hospital, health care provider, or other person may
19 provide information, interviews, reports, statements,
20 memoranda, records, or other data related to the condition and
21 treatment of any individual if not otherwise prohibited by the
22 federal Health Insurance Portability and Accountability Act of
23 1996, Pub. L. No. 104-191, to the department to be used for
24 the limited purpose of determining whether a public health
25 disaster exists.

26 Sec. 11. EFFECTIVE DATE. This Act, being deemed of
27 immediate importance, takes effect upon enactment.

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Successed By
SF 396

HSB 147
HUMAN RESOURCES

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Loege*

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC HEALTH BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to disaster preparedness and providing an
2 effective date.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION XV

DISASTER PREPAREDNESS

Section 1. NEW SECTION. 135.150 DEFINITIONS.

As used in this division, unless the context otherwise requires:

1. "Bioterrorism" means the intentional use of any microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product, to cause death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism.

2. "Department" means the Iowa department of public health.

3. "Director" means the director of public health.

4. "Disaster" means disaster as defined in section 29C.2.

5. "Disaster medical assistance team" or "DMAT" means a team of professionals, including licensed health care providers, nonmedical professionals skilled and trained in disaster or emergency response, and public health practitioners, which is sponsored by a hospital or other entity and approved by the department to provide disaster medical assistance in the event of a disaster or threatened disaster.

6. "Division" means the division of epidemiology, emergency medical services, and disaster operations of the department.

7. "Public health disaster" means a state of disaster emergency proclaimed by the governor in consultation with the department pursuant to section 29C.6 for a disaster which specifically involves an imminent threat of an illness or health condition that meets any of the following conditions of paragraphs "a" and "b":

a. Is reasonably believed to be caused by any of the

1 following:

2 (1) Bioterrorism or other act of terrorism.

3 (2) The appearance of a novel or previously controlled or
4 eradicated infectious agent or biological toxin.

5 (3) A chemical attack or accidental release.

6 (4) An intentional or accidental release of radioactive
7 material.

8 (5) A nuclear or radiological attack or accident.

9 b. Poses a high probability of any of the following:

10 (1) A large number of deaths in the affected population.

11 (2) A large number of serious or long-term disabilities in
12 the affected population.

13 (3) Widespread exposure to an infectious or toxic agent
14 that poses a significant risk of substantial future harm to a
15 large number of the affected population.

16 Sec. 2. NEW SECTION. 135.151 DIVISION OF EPIDEMIOLOGY,
17 EMERGENCY MEDICAL SERVICES, AND DISASTER OPERATIONS --
18 ESTABLISHED -- DUTIES OF DEPARTMENT.

19 1. A division of epidemiology, emergency medical
20 services, and disaster operations is established within the
21 department. The division shall coordinate the administration
22 of this division of this chapter with other administrative
23 divisions of the department and with federal, state, and local
24 agencies and officials.

25 2. The department shall do all of the following:

26 a. Coordinate with the emergency management division of
27 the department of public defense the administration of
28 emergency planning matters which involve the public health,
29 including development, administration, and execution of the
30 public health components of the comprehensive plan and
31 emergency management program pursuant to section 29C.8.

32 b. Coordinate with federal, state, and local agencies and
33 officials, and private agencies, organizations, companies, and
34 persons, the administration of emergency planning matters that
35 involve the public health.

1 c. Conduct and maintain a statewide risk assessment of any
2 present or potential danger to the public health from
3 biological agents.

4 d. If a public health disaster exists, or if there is
5 reasonable cause to believe that a public health disaster is
6 imminent, conduct a risk assessment of any present or
7 potential danger to the public health from chemical,
8 radiological, or other potentially dangerous agents.

9 e. For the purpose of paragraphs "c" and "d", an employee
10 or agent of the department may enter into and examine any
11 premises containing potentially dangerous agents with the
12 consent of the owner or person in charge of the premises or,
13 if the owner or person in charge of the premises refuses
14 admittance, with an administrative search warrant obtained
15 under section 808.14. Based on findings of the risk
16 assessment and examination of the premises, the director may
17 order reasonable safeguards or take any other action
18 reasonably necessary to protect the public health pursuant to
19 rules adopted to administer this subsection.

20 f. Coordinate the location, procurement, storage,
21 transportation, maintenance, and distribution of medical
22 supplies, drugs, antidotes, and vaccines to prepare for or in
23 response to a public health disaster, including receiving,
24 distributing, and administering items from the national
25 pharmaceutical stockpile program of the centers for disease
26 control and prevention of the United States department of
27 health and human services.

28 g. Conduct or coordinate public information activities
29 regarding emergency and disaster planning matters that involve
30 the public health.

31 h. Apply for and accept grants, gifts, or other funds to
32 be used for programs authorized by this division of this
33 chapter.

34 i. Establish and coordinate other programs or activities
35 as necessary for the prevention, detection, management, and

1 containment of public health disasters.

2 j. Adopt rules pursuant to chapter 17A for the
3 administration of this division of this chapter including
4 rules adopted in cooperation with the Iowa pharmacy
5 association and the Iowa hospital association for the
6 development of a surveillance system to monitor supplies of
7 drugs, antidotes, and vaccines to assist in detecting a
8 potential public health disaster.

9 Prior to adoption, the rules shall be approved by the state
10 board of health and the administrator of the emergency
11 management division of the department of public defense.

12 Sec. 3. NEW SECTION. 135.152 HEALTH CARE SUPPLIES.

13 1. The department may purchase and distribute antitoxins,
14 serums, vaccines, immunizing agents, antibiotics, and other
15 pharmaceutical agents or medical supplies as deemed advisable
16 in the interest of preparing for or controlling a public
17 health disaster.

18 2. If a public health disaster exists or there is
19 reasonable cause to believe that a public health disaster is
20 imminent and if the public health disaster or belief that a
21 public health disaster is imminent results in a statewide or
22 regional shortage or threatened shortage of any product
23 described under subsection 1, whether such product has been
24 purchased by the department, the department may control,
25 restrict, and regulate by rationing and using quotas,
26 prohibitions on shipments, allocation, or other means, the
27 use, sale, dispensing, distribution, or transportation of the
28 relevant product necessary to protect the public health,
29 safety, and welfare of the people of this state. The
30 department shall collaborate with persons who have control of
31 the products when reasonably possible.

32 3. In making rationing or other supply and distribution
33 decisions, the department shall give preference to health care
34 providers, disaster response personnel, and mortuary staff.

35 4. During a public health disaster, the department may

1 procure, store, or distribute any antitoxins, serums,
2 vaccines, immunizing agents, antibiotics, and other
3 pharmaceutical agents or medical supplies located within the
4 state as may be reasonable and necessary to respond to the
5 public health disaster, and may take immediate possession of
6 these pharmaceutical agents and supplies. If a public health
7 disaster affects more than one state, this section shall not
8 be construed to allow the department to obtain antitoxins,
9 serums, vaccines, immunizing agents, antibiotics, and other
10 pharmaceutical agents or medical supplies for the primary
11 purpose of hoarding such items or preventing the fair and
12 equitable distribution of these pharmaceutical and medical
13 supplies among affected states. The department shall
14 collaborate with affected states and persons when reasonably
15 possible.

16 5. The state shall pay just compensation to the owner of
17 any product lawfully taken or appropriated by the department
18 for the department's temporary or permanent use in accordance
19 with this section. The amount of compensation shall be
20 limited to the costs incurred to produce the item.

21 **Sec. 4. NEW SECTION. 135.153 DISASTER MEDICAL ASSISTANCE**
22 **TEAMS.**

23 1. The department shall approve disaster medical
24 assistance teams to supplement and support disrupted or
25 overburdened local medical and public health personnel,
26 hospitals, and resources at or near the site of a disaster or
27 threatened disaster by providing direct medical care to
28 victims or by providing other support services.

29 2. A member of a disaster medical assistance team acting
30 pursuant to this division of this chapter shall be considered
31 an employee of the state under chapter 669, shall be afforded
32 protection as an employee of the state under section 669.21,
33 and shall be considered an employee of the state for purposes
34 of workers' compensation and death benefits, provided that the
35 member has done all of the following:

1 a. Registered with and received approval to serve on a
2 disaster medical assistance team from the department.

3 b. Provided direct medical care to a victim of a disaster
4 or provided other support services during a disaster.

5 3. The department shall provide the department of
6 personnel with a list of individuals who have registered with
7 and received approval from the department to serve on a
8 disaster medical assistance team. The department shall update
9 the list on a quarterly basis, or as necessary for the
10 department of personnel to determine eligibility for coverage.

11 4. Upon notification of a compensable loss, the department
12 of personnel shall seek funding from the executive council for
13 those costs associated with covered workers' compensation
14 benefits.

15 Sec. 5. NEW SECTION. 135.154 ADDITIONAL DUTIES OF THE
16 DEPARTMENT RELATED TO A PUBLIC HEALTH DISASTER.

17 If a public health disaster exists, the department, in
18 conjunction with the governor, may do any of the following:

19 1. Decontaminate or cause to be decontaminated, to the
20 extent reasonable and necessary to address the public health
21 disaster, any facility or material if there is cause to
22 believe the contaminated facility or material may endanger the
23 public health.

24 2. Adopt and enforce measures to provide for the
25 identification and safe disposal of human remains, including
26 performance of postmortem examinations, transportation,
27 embalming, burial, cremation, interment, disinterment, and
28 other disposal of human remains. To the extent possible,
29 religious, cultural, family, and individual beliefs of the
30 deceased person or the deceased person's family shall be
31 considered when disposing of any human remains.

32 3. Take reasonable measures as necessary to prevent the
33 transmission of infectious disease and to ensure that all
34 cases of communicable disease are properly identified,
35 controlled, and treated.

1 4. Take reasonable measures as necessary to ensure that
2 all cases of chemical, biological, and radiological
3 contamination are properly identified, controlled, and
4 treated.

5 5. Order physical examinations and tests and collect
6 specimens as necessary for the diagnosis or treatment of
7 individuals, to be performed by any qualified person
8 authorized to do so by the department. An examination or test
9 shall not be performed or ordered if the examination or test
10 is reasonably likely to lead to serious harm to the affected
11 individual. The department may isolate or quarantine,
12 pursuant to chapter 139A and the rules implementing chapter
13 139A and this division of this chapter, any individual whose
14 refusal of medical examination or testing results in
15 uncertainty regarding whether the individual has been exposed
16 to or is infected with a communicable or potentially
17 communicable disease or otherwise poses a danger to public
18 health.

19 6. Vaccinate or order that individuals be vaccinated
20 against an infectious disease and to prevent the spread of
21 communicable or potentially communicable disease.
22 Vaccinations shall be administered by any qualified person
23 authorized to do so by the department. The vaccination shall
24 not be provided or ordered if it is reasonably likely to lead
25 to serious harm to the affected individual. To prevent the
26 spread of communicable or potentially communicable disease,
27 the department may isolate or quarantine, pursuant to chapter
28 139A and the rules implementing chapter 139A and this division
29 of this chapter, any person who is unable or unwilling to
30 undergo vaccination pursuant to this subsection.

31 7. Treat or order that individuals exposed to or infected
32 with disease receive treatment or prophylaxis. Treatment or
33 prophylaxis shall be administered by any qualified person
34 authorized to do so by the department. Treatment or
35 prophylaxis shall not be provided or ordered if the treatment

1 or prophylaxis is reasonably likely to lead to serious harm to
2 the affected individual. To prevent the spread of
3 communicable or potentially communicable disease, the
4 department may isolate or quarantine, pursuant to chapter 139A
5 and the rules implementing chapter 139A and this division, any
6 individual who is unable or unwilling to undergo treatment or
7 prophylaxis pursuant to this section.

8 8. Isolate or quarantine individuals or groups of
9 individuals pursuant to chapter 139A and the rules
10 implementing chapter 139A and this division of this chapter.

11 9. Inform the public when a public health disaster has
12 been declared or terminated, about protective measures to take
13 during the disaster, and about actions being taken to control
14 the disaster.

15 10. Accept grants and loans from the federal government
16 pursuant to section 29C.6 or available provisions of federal
17 law.

18 Sec. 6. NEW SECTION. 135.155 INFORMATION SHARING.

19 1. When the department of public safety or other federal,
20 state, or local law enforcement agency learns of a case of a
21 reportable disease or health condition, unusual cluster, or a
22 suspicious event that may be the cause of a public health
23 disaster, the department or agency shall immediately notify
24 the department, the administrator of the emergency management
25 division of the department of public defense, the department
26 of agriculture and land stewardship, and the department of
27 natural resources as appropriate.

28 2. When the department learns of a case of a reportable
29 disease or health condition, an unusual cluster, or a
30 suspicious event that the department reasonably believes could
31 potentially be caused by bioterrorism or other act of
32 terrorism, the department shall immediately notify the
33 department of public safety, the emergency management division
34 of the department of public defense, and other appropriate
35 federal, state, and local agencies and officials.

1 3. Sharing of information on reportable diseases, health
2 conditions, unusual clusters, or suspicious events between the
3 department and public safety authorities and other
4 governmental agencies shall be restricted to sharing of only
5 the information necessary for the prevention, control, and
6 investigation of a public health disaster.

7 4. Release of information pursuant to this section shall
8 be consistent with the federal Health Insurance Portability
9 and Accountability Act of 1996, Pub. L. No. 104-191.

10 Sec. 7. Section 29C.6, subsection 1, Code 2003, is amended
11 to read as follows:

12 1. After finding a disaster exists or is threatened,
13 proclaim a state of disaster emergency. This proclamation
14 shall be in writing, indicate the area affected and the facts
15 upon which it is based, be signed by the governor, and be
16 filed with the secretary of state. If the state of disaster
17 emergency specifically constitutes a public health disaster as
18 defined in section 135.150, the written proclamation shall
19 include a statement to that effect. A state of disaster
20 emergency shall continue for thirty days, unless sooner
21 terminated or extended in writing by the governor. The
22 general assembly may, by concurrent resolution, rescind this
23 proclamation. If the general assembly is not in session, the
24 legislative council may, by majority vote, rescind this
25 proclamation. Rescission shall be effective upon filing of the
26 concurrent resolution or resolution of the legislative council
27 with the secretary of state. A proclamation of disaster
28 emergency shall activate the disaster response and recovery
29 aspect of the state, local and interjurisdictional disaster
30 emergency plans applicable to the political subdivision or
31 area in question and be authority for the deployment and use
32 of any forces to which the plan applies, and for use or
33 distribution of any supplies, equipment, and materials and
34 facilities assembled, stockpiled, or arranged to be made
35 available.

1 Sec. 8. Section 135.11, subsection 29, Code 2003, is
2 amended by striking the subsection.

3 Sec. 9. Section 139A.2, Code 2003, is amended by adding
4 the following new subsection:

5 NEW SUBSECTION. 17A. "Public health disaster" means
6 public health disaster as defined in section 135.150.

7 Sec. 10. NEW SECTION. 139A.3A INVESTIGATION AND CONTROL.

8 When the department receives a report under this chapter or
9 acts on other reliable information that a person is infected
10 with a disease, illness, or health condition that may be a
11 potential cause of a public health disaster, the department
12 shall identify all individuals reasonably believed to have
13 been exposed to the disease, illness, or health condition and
14 shall investigate all such cases for sources of infection and
15 ensure that such cases are subject to proper control measures.
16 Any hospital, health care provider, or other person may
17 provide information, interviews, reports, statements,
18 memoranda, records, or other data related to the condition and
19 treatment of any individual if not otherwise prohibited by the
20 federal Health Insurance Portability and Accountability Act of
21 1996, Pub. L. No. 104-191, to the department to be used for
22 the limited purpose of determining whether a public health
23 disaster exists.

24 Sec. 11. EFFECTIVE DATE. This Act, being deemed of
25 immediate importance, takes effect upon enactment.

26 EXPLANATION

27 This bill establishes a new division entitled disaster
28 preparedness within Code chapter 135, the department of public
29 health chapter, and establishes public health measures and
30 procedures to be followed in the instance that a public health
31 disaster is declared.

32 The bill establishes the division of epidemiology,
33 emergency medical services, and disaster operations within the
34 Iowa department of public health. The bill establishes duties
35 for the department, establishes provisions related to health

1 care supplies when a public health disaster exists or is
2 imminent, authorizes the department to establish disaster
3 medical assistance teams to supplement medical and public
4 health resources during times of disaster, authorizes the
5 department to receive, distribute, and administer items of the
6 national pharmaceutical stockpile program, directs the
7 department to carry out additional duties during a public
8 health disaster, and provides for information sharing related
9 to a public health disaster. The bill also authorizes the
10 Iowa department of public health to investigate and control
11 diseases, illnesses, and health conditions that may be a
12 potential cause of a public health disaster.

13 The bill takes effect upon enactment.

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STATE OF IOWA

THOMAS J. VILSACK
GOVERNOR

DEPARTMENT OF PUBLIC HEALTH
STEPHEN C. GLEASON, DIRECTOR

SALLY J. PEDERSON
LT. GOVERNOR

TO: Members of Iowa's General Assembly

FROM: Jane Colavecchi, Interim Director, Iowa Department of Public Health

RE: Disaster Preparedness Pre-file 2003: Proposed Changes to Chapters 135 and 139A

DATE: November 26, 2002

The terrorist attacks of September 11, 2001, and the anthrax attacks which followed have changed our nation and have highlighted vulnerabilities in our response capabilities. The Iowa Department of Public Health (IDPH) has been conducting an ongoing review of our state's ability to respond to an act of bioterrorism or other public health disaster. One component of this review has been to examine existing legal authority and to determine where gaps exist in Iowa's legal preparedness and response framework.

Current Iowa law is deficient in a number of significant areas. Although Iowa Code chapter 29C provides the state with broad authority in the event of a declared disaster, it does not provide sufficient specific procedures and authority for state action in the public health arena in the event of an act of bioterrorism or other public health disaster. This proposed bill is therefore needed to provide and clarify the legal authorities available to the governor and IDPH under chapters 29C and 139A.

This bill establishes an office for disease epidemiology and disaster preparedness within IDPH and authorizes IDPH to approve disaster medical assistance teams to support disrupted or overburdened local providers and resources. The bill also establishes certain authorities which may be exercised by the governor and IDPH only in the event of a public health disaster. The department emphasizes that only in the event the governor proclaims a public health disaster, as outlined in 29C.6(1) and defined in this bill, would these powers become effective.

Forty-one states have introduced similar preparedness legislation; 23 of those have already enacted the legislation. Minnesota, Wisconsin, South Dakota, Illinois, and Missouri have already enacted disaster preparedness legislation similar to that proposed by IDPH. This bill will help ensure that Iowa is fully prepared to detect and respond to a public health disaster and that Iowa is able to satisfy federal requirements for bioterrorism funding.

LUCAS STATE OFFICE BUILDING / 321 E. 12TH ST. / DES MOINES, IOWA 50319-0075
DEAF RELAY (HEARING OR SPEECH IMPAIRED) 1-800-735-2942 / INTERNET: [HTTP://WWW.IDPH.STATE.IA.US/](http://www.idph.state.ia.us/)

DIRECTOR'S OFFICE
515-281-5605
FAX/515-281-4958

DIV. OF ADMINISTRATION
515-281-5604
FAX/515-281-4958

DIV. OF COMMUNITY HEALTH
515-281-6535
FAX/515-242-6384

DIV. OF HEALTH PROTECTION & ENVIRONMENTAL HEALTH
515-281-7726
FAX/515-281-4529

DIV. OF HEALTH PROMOTION, PREVENTION & ADDICTIVE BEHAVIORS
515-281-3641
FAX/515-281-4535

DIV. OF TOBACCO USE PREVENTION & CONTROL
515-281-6225
FAX/515-281-6475

HOUSE FILE 396

AN ACT

RELATING TO DISASTER PREPAREDNESS AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION XV
DISASTER PREPAREDNESS

Section 1. NEW SECTION. 135.150 DEFINITIONS.

As used in this division, unless the context otherwise requires:

1. "Bioterrorism" means the intentional use of any microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product, to cause death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism.

2. "Department" means the Iowa department of public health.

3. "Director" means the director or the director's designee of public health.

4. "Disaster" means disaster as defined in section 29C.2.

5. "Disaster medical assistance team" or "DMAT" means a team of professionals, including licensed health care providers, nonmedical professionals skilled and trained in disaster or emergency response, and public health practitioners, which is sponsored by a hospital or other entity and approved by the department to provide disaster medical assistance in the event of a disaster or threatened disaster.

6. "Division" means the division of epidemiology, emergency medical services, and disaster operations of the department.

7. "Public health disaster" means a state of disaster emergency proclaimed by the governor in consultation with the department pursuant to section 29C.6 for a disaster which specifically involves an imminent threat of an illness or health condition that meets any of the following conditions of paragraphs "a" and "b":

a. Is reasonably believed to be caused by any of the following:

- (1) Bioterrorism or other act of terrorism.
- (2) The appearance of a novel or previously controlled or eradicated infectious agent or biological toxin.
- (3) A chemical attack or accidental release.
- (4) An intentional or accidental release of radioactive material.

(5) A nuclear or radiological attack or accident.

b. Poses a high probability of any of the following:

- (1) A large number of deaths in the affected population.
- (2) A large number of serious or long-term disabilities in the affected population.

(3) Widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of the affected population.

Sec. 2. NEW SECTION. 135.151 DIVISION OF EPIDEMIOLOGY, EMERGENCY MEDICAL SERVICES, AND DISASTER OPERATIONS -- ESTABLISHED -- DUTIES OF DEPARTMENT.

1. A division of epidemiology, emergency medical services, and disaster operations is established within the department. The division shall coordinate the administration of this division of this chapter with other administrative divisions of the department and with federal, state, and local agencies and officials.

2. The department shall do all of the following:

a. Coordinate with the emergency management division of the department of public defense the administration of emergency planning matters which involve the public health, including development, administration, and execution of the public health components of the comprehensive plan and emergency management program pursuant to section 29C.8.

b. Coordinate with federal, state, and local agencies and officials, and private agencies, organizations, companies, and persons, the administration of emergency planning matters that involve the public health.

c. Conduct and maintain a statewide risk assessment of any present or potential danger to the public health from biological agents.

d. If a public health disaster exists, or if there is reasonable cause to believe that a public health disaster is imminent, conduct a risk assessment of any present or potential danger to the public health from chemical, radiological, or other potentially dangerous agents.

e. For the purpose of paragraphs "c" and "d", an employee or agent of the department may enter into and examine any premises containing potentially dangerous agents with the consent of the owner or person in charge of the premises or, if the owner or person in charge of the premises refuses admittance, with an administrative search warrant obtained under section 808.14. Based on findings of the risk assessment and examination of the premises, the director may order reasonable safeguards or take any other action reasonably necessary to protect the public health pursuant to rules adopted to administer this subsection.

f. Coordinate the location, procurement, storage, transportation, maintenance, and distribution of medical supplies, drugs, antidotes, and vaccines to prepare for or in response to a public health disaster, including receiving, distributing, and administering items from the strategic national stockpile program of the centers for disease control

and prevention of the United States department of health and human services.

g. Conduct or coordinate public information activities regarding emergency and disaster planning matters that involve the public health.

h. Apply for and accept grants, gifts, or other funds to be used for programs authorized by this division of this chapter.

i. Establish and coordinate other programs or activities as necessary for the prevention, detection, management, and containment of public health disasters.

j. Adopt rules pursuant to chapter 17A for the administration of this division of this chapter including rules adopted in cooperation with the Iowa pharmacy association and the Iowa hospital association for the development of a surveillance system to monitor supplies of drugs, antidotes, and vaccines to assist in detecting a potential public health disaster.

Prior to adoption, the rules shall be approved by the state board of health and the administrator of the emergency management division of the department of public defense.

Sec. 3. NEW SECTION. 135.152 HEALTH CARE SUPPLIES.

1. The department may purchase and distribute antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies as deemed advisable in the interest of preparing for or controlling a public health disaster.

2. If a public health disaster exists or there is reasonable cause to believe that a public health disaster is imminent and if the public health disaster or belief that a public health disaster is imminent results in a statewide or regional shortage or threatened shortage of any product described under subsection 1, whether such product has been purchased by the department, the department may control, restrict, and regulate by rationing and using quotas,

prohibitions on shipments, allocation, or other means, the use, sale, dispensing, distribution, or transportation of the relevant product necessary to protect the public health, safety, and welfare of the people of this state. The department shall collaborate with persons who have control of the products when reasonably possible.

3. In making rationing or other supply and distribution decisions, the department shall give preference to health care providers, disaster response personnel, and mortuary staff.

4. During a public health disaster, the department may procure, store, or distribute any antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies located within the state as may be reasonable and necessary to respond to the public health disaster, and may take immediate possession of these pharmaceutical agents and supplies. If a public health disaster affects more than one state, this section shall not be construed to allow the department to obtain antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies for the primary purpose of hoarding such items or preventing the fair and equitable distribution of these pharmaceutical and medical supplies among affected states. The department shall collaborate with affected states and persons when reasonably possible.

5. The state shall pay just compensation to the owner of any product lawfully taken or appropriated by the department for the department's temporary or permanent use in accordance with this section. The amount of compensation shall be limited to the costs incurred by the owner to procure the item.

Sec. 4. NEW SECTION. 135.153 DISASTER MEDICAL ASSISTANCE TEAMS.

1. The department shall approve disaster medical assistance teams to supplement and support disrupted or

overburdened local medical and public health personnel, hospitals, and resources at or near the site of a disaster or threatened disaster by providing direct medical care to victims or by providing other support services.

2. A member of a disaster medical assistance team acting pursuant to this division of this chapter shall be considered an employee of the state under chapter 669, shall be afforded protection as an employee of the state under section 669.21, and shall be considered an employee of the state for purposes of workers' compensation and death benefits, provided that the member has done all of the following:

a. Registered with and received approval to serve on a disaster medical assistance team from the department.

b. Provided direct medical care to a victim of a disaster or provided other support services during a disaster.

3. The department shall provide the department of personnel with a list of individuals who have registered with and received approval from the department to serve on a disaster medical assistance team. The department shall update the list on a quarterly basis, or as necessary for the department of personnel to determine eligibility for coverage.

4. Upon notification of a compensable loss, the department of personnel shall seek funding from the executive council for those costs associated with covered workers' compensation benefits.

Sec. 5. NEW SECTION. 135.154 ADDITIONAL DUTIES OF THE DEPARTMENT RELATED TO A PUBLIC HEALTH DISASTER.

If a public health disaster exists, the department, in conjunction with the governor, may do any of the following:

1. Decontaminate or cause to be decontaminated, to the extent reasonable and necessary to address the public health disaster, any facility or material if there is cause to believe the contaminated facility or material may endanger the public health.

2. Adopt and enforce measures to provide for the identification and safe disposal of human remains, including performance of postmortem examinations, transportation, embalming, burial, cremation, interment, disinterment, and other disposal of human remains. To the extent possible, religious, cultural, family, and individual beliefs of the deceased person or the deceased person's family shall be considered when disposing of any human remains.

3. Take reasonable measures as necessary to prevent the transmission of infectious disease and to ensure that all cases of communicable disease are properly identified, controlled, and treated.

4. Take reasonable measures as necessary to ensure that all cases of chemical, biological, and radiological contamination are properly identified, controlled, and treated.

5. Order physical examinations and tests and collect specimens as necessary for the diagnosis or treatment of individuals, to be performed by any qualified person authorized to do so by the department. An examination or test shall not be performed or ordered if the examination or test is reasonably likely to lead to serious harm to the affected individual. The department may isolate or quarantine, pursuant to chapter 139A and the rules implementing chapter 139A and this division of this chapter, any individual whose refusal of medical examination or testing results in uncertainty regarding whether the individual has been exposed to or is infected with a communicable or potentially communicable disease or otherwise poses a danger to public health.

6. Vaccinate or order that individuals be vaccinated against an infectious disease and to prevent the spread of communicable or potentially communicable disease. Vaccinations shall be administered by any qualified person authorized to do so by the department. The vaccination shall

not be provided or ordered if it is reasonably likely to lead to serious harm to the affected individual. To prevent the spread of communicable or potentially communicable disease, the department may isolate or quarantine, pursuant to chapter 139A and the rules implementing chapter 139A and this division of this chapter, any person who is unable or unwilling to undergo vaccination pursuant to this subsection.

7. Treat or order that individuals exposed to or infected with disease receive treatment or prophylaxis. Treatment or prophylaxis shall be administered by any qualified person authorized to do so by the department. Treatment or prophylaxis shall not be provided or ordered if the treatment or prophylaxis is reasonably likely to lead to serious harm to the affected individual. To prevent the spread of communicable or potentially communicable disease, the department may isolate or quarantine, pursuant to chapter 139A and the rules implementing chapter 139A and this division, any individual who is unable or unwilling to undergo treatment or prophylaxis pursuant to this section.

8. Isolate or quarantine individuals or groups of individuals pursuant to chapter 139A and the rules implementing chapter 139A and this division of this chapter.

9. Inform the public when a public health disaster has been declared or terminated, about protective measures to take during the disaster, and about actions being taken to control the disaster.

10. Accept grants and loans from the federal government pursuant to section 29C.6 or available provisions of federal law.

Sec. 6. NEW SECTION. 135.155 INFORMATION SHARING.

1. When the department of public safety or other federal, state, or local law enforcement agency learns of a case of a reportable disease or health condition, unusual cluster, or a suspicious event that may be the cause of a public health disaster, the department or agency shall immediately notify

the department, the administrator of the emergency management division of the department of public defense, the department of agriculture and land stewardship, and the department of natural resources as appropriate.

2. When the department learns of a case of a reportable disease or health condition, an unusual cluster, or a suspicious event that the department reasonably believes could potentially be caused by bioterrorism or other act of terrorism, the department shall immediately notify the department of public safety, the emergency management division of the department of public defense, and other appropriate federal, state, and local agencies and officials.

3. Sharing of information on reportable diseases, health conditions, unusual clusters, or suspicious events between the department and public safety authorities and other governmental agencies shall be restricted to sharing of only the information necessary for the prevention, control, and investigation of a public health disaster.

4. Release of information pursuant to this section shall be consistent with the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191.

Sec. 7. Section 29C.6, subsection 1, Code 2003, is amended to read as follows:

1. After finding a disaster exists or is threatened, proclaim a state of disaster emergency. This proclamation shall be in writing, indicate the area affected and the facts upon which it is based, be signed by the governor, and be filed with the secretary of state. If the state of disaster emergency specifically constitutes a public health disaster as defined in section 135.150, the written proclamation shall include a statement to that effect. A state of disaster emergency shall continue for thirty days, unless sooner terminated or extended in writing by the governor. The general assembly may, by concurrent resolution, rescind this proclamation. If the general assembly is not in session, the

legislative council may, by majority vote, rescind this proclamation. Rescission shall be effective upon filing of the concurrent resolution or resolution of the legislative council with the secretary of state. A proclamation of disaster emergency shall activate the disaster response and recovery aspect of the state, local and interjurisdictional disaster emergency plans applicable to the political subdivision or area in question and be authority for the deployment and use of any forces to which the plan applies, and for use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available.

Sec. 8. Section 135.11, subsection 29, Code 2003, is amended by striking the subsection.

Sec. 9. Section 139A.2, Code 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 17A. "Public health disaster" means public health disaster as defined in section 135.150.

Sec. 10. NEW SECTION. 139A.3A INVESTIGATION AND CONTROL.

When the department receives a report under this chapter or acts on other reliable information that a person is infected with a disease, illness, or health condition that may be a potential cause of a public health disaster, the department shall identify all individuals reasonably believed to have been exposed to the disease, illness, or health condition and shall investigate all such cases for sources of infection and ensure that such cases are subject to proper control measures. Any hospital, health care provider, or other person may provide information, interviews, reports, statements, memoranda, records, or other data related to the condition and treatment of any individual if not otherwise prohibited by the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, to the department to be used for the limited purpose of determining whether a public health disaster exists.

Sec. 11. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

CHRISTOPHER C. RANTS
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 396, Eightieth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2003

THOMAS J. VILSACK
Governor