

Senate File 2030 - Introduced

SENATE FILE 2030

BY SALMON

A BILL FOR

1 An Act relating to powers and duties applicable to state of
2 disaster emergencies and public health disasters.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 29C.6, subsection 1, Code 2024, is
2 amended to read as follows:

3 1. a. After finding a disaster exists or is threatened,
4 proclaim a state of disaster emergency. This proclamation
5 shall be in writing, indicate the area affected and the facts
6 upon which it is based, be signed by the governor, and be
7 filed with the secretary of state. If the state of disaster
8 emergency specifically constitutes a public health disaster
9 as defined in [section 135.140](#), the written proclamation shall
10 include a statement to that effect. A state of disaster
11 emergency shall continue for ~~thirty~~ sixty days, unless sooner
12 ~~terminated or rescinded~~, extended in writing, or amended by
13 the ~~governor~~ general assembly. The general assembly may,
14 by concurrent resolution, rescind, extend, or amend this
15 proclamation. Any initial extension of this proclamation by
16 the general assembly shall not exceed sixty days, and any
17 subsequent extension shall not exceed sixty-day increments.
18 If the general assembly is not in session, the legislative
19 council may, by majority vote, rescind, extend, or amend this
20 proclamation only once and any extension shall not exceed
21 sixty days. ~~Rescission~~ Following any rescission, extension,
22 or amendment of this proclamation by the legislative council,
23 any additional action may only be taken by the general
24 assembly. Any rescission, extension, or amendment shall be
25 effective upon the filing of the concurrent resolution or
26 resolution of the legislative council with the secretary of
27 state. A proclamation of disaster emergency shall activate the
28 disaster response and recovery aspect of the state, local, and
29 interjurisdictional disaster emergency plans applicable to the
30 political subdivision or area in question and be authority for
31 the deployment and use of any forces to which the plan applies,
32 and for use or distribution of any supplies, equipment, and
33 materials and facilities assembled, stockpiled, or arranged to
34 be made available.

35 b. A measure dictated in a state of disaster emergency

1 proclamation shall not do any of the following:

2 (1) Infringe on a fundamental constitutionally protected
3 right unless the measure is justified by a compelling state
4 interest, is narrowly tailored to achieve its specific purpose,
5 and is achieved by the least restrictive means possible.

6 (2) Restrict rights, interests, or activities in a manner
7 that is not neutral or generally applicable.

8 (3) Prohibit in-person interactions between religious
9 leaders or individuals who are related by consanguinity or
10 affinity with patients or residents of hospitals or health care
11 facilities.

12 (4) Authorize the use of mobile, cellular, or any other
13 digital technologies to track or surveil persons without
14 providing prior notice to and receiving consent from such
15 persons. The consent request regarding the specific terms of
16 surveillance shall be presented as a separate request and not
17 combined with any other terms requiring consent.

18 (5) Authorize the use of any drones, unmanned
19 aerial vehicles, advanced robotics, or any artificial
20 intelligence-based systems to enforce the proclamation.

21 (6) Restrict the practice of a person holding a valid
22 license to practice a health-related profession regulated
23 by a board designated pursuant to section 147.13 or by the
24 department of inspections, appeals, and licensing, or restrict
25 the scope of service delivery of a hospital, clinic, or
26 health care professional if the person or entity is otherwise
27 practicing within the scope of a valid license.

28 (7) Allow a board designated pursuant to section 147.13 to
29 restrict the prescribing authority of a licensed health-related
30 professional in a way that acts as a deterrent for the
31 professional to prescribe a medication or treatment in
32 accordance with the professional's best professional judgment.

33 (8) Require identification and monitoring of persons
34 who may be at risk of contracting a contagious or infectious
35 disease by virtue of contact with a contagious person

1 in a manner consistent with known or suspected modes
2 of transmission; require a person to comply with such
3 identification and monitoring efforts including efforts that
4 infringe on a person's freedom of association; or establish,
5 authorize, or enforce penalties for a person's refusal to
6 participate in the identification and monitoring efforts.

7 Sec. 2. Section 135.144, subsections 3, 5, 6, 7, and 8, Code
8 2024, are amended to read as follows:

9 3. Take reasonable measures as necessary to prevent
10 the transmission of infectious disease and to ensure that
11 all cases of communicable disease are properly identified,
12 controlled, and treated. However, such reasonable measures
13 shall not include requiring identification and monitoring of
14 persons who may be at risk of contracting a contagious or
15 infectious disease by virtue of contact with a contagious
16 person in a manner consistent with known or suspected modes
17 of transmission; requiring a person to comply with such
18 identification and monitoring efforts including efforts that
19 infringe on a person's freedom of association; or establishing,
20 authorizing, or enforcing penalties for a person's refusal
21 to participate in the identification and monitoring efforts
22 including efforts that infringe on a person's freedom of
23 association.

24 5. ~~Order~~ Recommend physical examinations and tests and
25 ~~collect~~ the collection of specimens as necessary for the
26 diagnosis or treatment of individuals, to be performed by any
27 qualified person authorized to do so by the department. An A
28 physical examination or test shall not be performed or ordered
29 recommended if the physical examination or test is reasonably
30 likely to lead to serious harm to the affected individual. The
31 affected individual has the ultimate authority in determining
32 whether to submit to the recommended physical examination
33 or testing, and shall not be subject to undue pressure or
34 compulsion to submit to the recommendation. The department may
35 isolate or quarantine, pursuant to chapter 139A and the rules

1 implementing [chapter 139A](#) and [this subchapter](#), any infected
2 individual whose refusal of ~~medical~~ a physical examination or
3 testing ~~results in uncertainty regarding whether the individual~~
4 ~~has been exposed to or is infected with a communicable or~~
5 ~~potentially communicable disease or otherwise~~ poses a danger to
6 public health. The length of isolation shall not exceed the
7 longest usual incubation period for the specific communicable
8 disease.

9 6. ~~Vaccinate or order~~ Recommend that individuals be
10 vaccinated with a vaccine approved by the United States food
11 and drug administration as safe and effective against an
12 infectious disease and to prevent the spread of communicable
13 or potentially communicable disease. Vaccinations shall be
14 administered by any qualified person authorized to do so by the
15 department. Prior to administration of a vaccine, an adult
16 or the parent or legal representative of a minor receiving
17 the vaccine shall be provided with the federal vaccine
18 information statement for the vaccine and verbally informed
19 of the known and potential benefits and risks of the vaccine.
20 The vaccination shall not be ~~provided or ordered~~ recommended
21 if it is reasonably likely to lead to serious harm to the
22 affected individual. The affected individual has the ultimate
23 authority in determining whether to submit to the recommended
24 vaccination, and shall not be subject to undue pressure or
25 compulsion to submit to the recommendation. To prevent the
26 spread of communicable or potentially communicable disease, the
27 department may isolate ~~or quarantine~~, pursuant to [chapter 139A](#)
28 and the rules implementing [chapter 139A](#) and [this subchapter](#),
29 any infected person ~~who is unable or unwilling to undergo~~
30 ~~vaccination pursuant to [this subsection](#).~~

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

1 the treatment or prophylaxis is reasonably likely to lead
2 to serious harm to the affected individual. The affected
3 individual has the ultimate authority in determining whether to
4 submit to the recommended treatment or prophylaxis, and shall
5 not be subject to undue pressure or compulsion to submit to
6 the recommendation. To prevent the spread of communicable or
7 potentially communicable disease, the department may isolate ~~or~~
8 quarantine, pursuant to chapter 139A and the rules implementing
9 chapter 139A and this subchapter, any infected individual who
10 is unable or unwilling to undergo treatment or prophylaxis
11 pursuant to this section subsection.

12 8. Isolate ~~or quarantine~~ infected individuals or groups of
13 individuals pursuant to chapter 139A and the rules implementing
14 chapter 139A and this subchapter.

15 Sec. 3. Section 135.144, Code 2024, is amended by adding the
16 following new subsection:

17 NEW SUBSECTION. 14. Provide a link on the department's
18 internet site for qualified individuals to submit
19 evidence-based information regarding a public health emergency
20 or public health disaster and for members of the public to
21 share their experiences. The department shall adopt rules
22 pursuant to chapter 17A to administer this subsection,
23 including the criteria a qualified individual must meet to
24 participate.

25 Sec. 4. Section 139A.4, subsection 1, Code 2024, is amended
26 to read as follows:

27 1. The type and length of isolation or quarantine imposed
28 for a specific communicable disease shall be in accordance with
29 rules adopted by the department. The length of isolation or
30 quarantine shall not exceed the longest usual incubation period
31 for the specific communicable disease.

32 Sec. 5. Section 139A.8, subsection 4, paragraph a,
33 subparagraph (2), Code 2024, is amended to read as follows:

34 (2) The applicant, or if the applicant is a minor, the
35 applicant's parent or legal guardian, submits an affidavit

1 signed by the applicant, or if the applicant is a minor,
2 the applicant's parent or legal guardian, stating that the
3 immunization conflicts with the ~~tenets and practices of a~~
4 ~~recognized~~ sincerely held religious denomination beliefs
5 of ~~which the applicant is an adherent or member,~~ or if the
6 applicant is a minor, of the applicant's parent or legal
7 guardian.

8 Sec. 6. Section 139A.8, subsection 4, paragraph b, Code
9 2024, is amended to read as follows:

10 b. The exemptions under **this subsection** ~~do not~~ apply in
11 times of emergency or epidemic as determined by the council on
12 health and human services and as declared by the director of
13 health and human services.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 This bill relates to duties and powers relative to emergency
18 situations including a state of disaster emergency and public
19 health disasters.

20 The bill amends provisions relating to the proclamation of a
21 state of disaster emergency by the governor under Code chapter
22 29C (emergency management and security). Current law provides
23 that a state of disaster emergency shall continue for 30 days
24 unless sooner terminated or extended by the governor and that
25 the general assembly, by concurrent resolution when in session
26 or through the legislative council by majority vote if not in
27 session, may rescind the proclamation. Under the bill, a state
28 of disaster emergency shall continue for 60 days unless sooner
29 rescinded, extended, or amended by the general assembly, not
30 the governor, and any initial extension of the proclamation
31 by the general assembly shall not exceed 60 days, and any
32 subsequent extension shall not exceed 60-day increments. Any
33 rescission, extension, or amendment by the general assembly
34 shall be effective upon the filing of the concurrent resolution
35 or resolution of the legislative council with the secretary of

1 state. The bill also provides that if the general assembly is
2 not in session, the legislative council may, by majority vote,
3 rescind, extend, or amend this proclamation only once and any
4 extension shall not exceed 60 days. Following any rescission,
5 extension, or amendment of the proclamation by the legislative
6 council, any additional action may only be taken by the general
7 assembly.

8 The bill also provides that a measure dictated in a state
9 of disaster emergency proclamation shall not do any of the
10 following: infringe on a fundamental constitutionally
11 protected right unless the measure is justified by a compelling
12 state interest, is narrowly tailored to achieve its specific
13 purpose, and is achieved by the least restrictive means
14 possible; restrict rights, interests, or activities in a
15 manner that is not neutral or generally applicable; prohibit
16 in-person interactions between religious leaders or individuals
17 who are related by consanguinity or affinity with patients or
18 residents of hospitals or health care facilities; authorize
19 the use of mobile, cellular, or any other digital technologies
20 to track or surveil persons without providing prior notice
21 to and receiving consent from such persons, with the consent
22 request regarding the specific terms of surveillance being
23 presented as a separate request and not combined with any other
24 terms requiring consent; authorize the use of any drones,
25 unmanned aerial vehicles, advanced robotics, or any artificial
26 intelligence-based systems to enforce the proclamation;
27 restrict the practice of a person holding a valid license to
28 practice a health-related profession, or restrict the scope
29 of service delivery of a hospital, clinic, or health care
30 professional if the person or entity is otherwise practicing
31 within the scope of a valid license; allow a health-related
32 professional board to restrict the prescribing authority of
33 a licensed health-related professional in a way that acts as
34 a deterrent for the professional to prescribe a medication
35 or treatment in accordance with the professional's best

1 professional judgment; or require identification and monitoring
2 of persons who may be at risk of contracting a contagious
3 or infectious disease by virtue of contact with a contagious
4 person in a manner consistent with known or suspected
5 modes of transmission, require a person to comply with such
6 identification and monitoring efforts including efforts that
7 infringe on a person's freedom of association, or establish,
8 authorize, or enforce penalties for a person's refusal to
9 participate in the identification and monitoring efforts.

10 The bill amends the duties of the department of health and
11 human services (HHS or the department) relative to a public
12 health disaster under Code chapter 135 (department of health
13 and human services — public health). The bill provides
14 that the reasonable measures taken by HHS to prevent the
15 transmission of infectious disease and to ensure that all cases
16 of communicable disease are properly identified, controlled,
17 and treated shall not include requiring identification and
18 monitoring of persons who may be at risk of contracting a
19 contagious or infectious disease by virtue of contact with
20 a contagious person in a manner consistent with known or
21 suspected modes of transmission; requiring a person to comply
22 with such identification and monitoring efforts including
23 efforts that infringe on a person's freedom of association;
24 or establishing, authorizing, or enforcing penalties for a
25 person's refusal to participate in the identification and
26 monitoring efforts including efforts that infringe on a
27 person's freedom of association.

28 The department may recommend, but not order, physical
29 examinations, testing, and the collection of specimens
30 necessary for the diagnosis and treatment of individuals.
31 However, the affected individual has the ultimate authority
32 in determining whether to submit to the recommended physical
33 examination or testing, and shall not be subject to undue
34 pressure or compulsion to submit to the recommendation. The
35 department may isolate only infected individuals who refuse a

1 physical examination or testing and who pose a danger to the
2 public health. Additionally, the length of isolation shall not
3 exceed the longest usual incubation period for the specific
4 communicable disease.

5 The department may recommend that individuals be vaccinated
6 with a vaccine approved by the United States food and drug
7 administration as safe and effective, but not vaccinate or
8 order that individuals be vaccinated against an infectious
9 disease or to prevent the spread of communicable or potentially
10 communicable disease. Prior to administration of a vaccine,
11 an adult or the parent or legal representative of a minor
12 receiving the vaccine shall be provided with the federal
13 vaccine information statement for the vaccine and verbally
14 informed of the known and potential benefits and risks of
15 the vaccine. Vaccination shall not be recommended if it is
16 reasonably likely to lead to serious harm to the affected
17 individual. The affected individual has the ultimate
18 authority in determining whether to submit to the recommended
19 vaccination, and shall not be subject to undue pressure or
20 compulsion to submit to the recommendation. The department may
21 isolate infected individuals.

22 The department may recommend, but not treat or order,
23 that individuals infected with disease receive treatment or
24 prophylaxis. Treatment or prophylaxis shall not be recommended
25 if the treatment or prophylaxis is reasonably likely to lead
26 to serious harm to the affected individual. The affected
27 individual has the ultimate authority in determining whether to
28 submit to the recommended treatment or prophylaxis, and shall
29 not be subject to undue pressure or compulsion to submit to the
30 recommendation. The department may isolate only individuals
31 infected with disease who are unable or unwilling to undergo
32 treatment or prophylaxis.

33 The department may isolate only infected individuals or
34 groups of individuals in accordance with Code chapter 139A
35 (communicable and infectious diseases and poisonings) and

1 the subchapter of Code chapter 135 relating to disaster
2 preparedness.

3 The bill requires the department to provide a link on the
4 department's internet site for qualified individuals to submit
5 evidence-based information regarding a public health emergency
6 or public health disaster and for members of the public to
7 share their experiences. The department shall adopt rules
8 pursuant to Code chapter 17A to administer this provision,
9 including the criteria a qualified individual must meet to
10 participate.

11 The bill amends Code provisions under Code chapter 139A
12 relating to the type and length of isolation or quarantine
13 relating to communicable diseases to provide that the type
14 and length of isolation or quarantine imposed for a specific
15 communicable disease shall be in accordance with rules adopted
16 by the department, and that the length of the isolation or
17 quarantine shall not exceed the longest usual incubation period
18 for the specific communicable disease.

19 The bill amends provisions under Code chapter 139A relating
20 to the immunization of children to provide that if a child is
21 exempt from vaccination, the exemption applies during times of
22 emergency or epidemic and provides that the religious exemption
23 is based on the sincerely held religious beliefs of the
24 applicant, or if the applicant is a minor, of the applicant's
25 parent or legal guardian, rather than based on a conflict with
26 the tenets and practices of a recognized religious denomination
27 of which the applicant is an adherent or member.