

House Study Bill 726 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY CHAIRPERSON
HOLT)

A BILL FOR

1 An Act relating to the powers and duties applicable to
2 state of disaster emergencies and public health disasters,
3 including a prohibition on regulating religious institutions
4 and practices.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. NEW SECTION. **7.19 Regulation of religious**
2 **institutions and practices — limitation.**

3 Notwithstanding any provision of law to the contrary, the
4 governor shall not dictate a measure in a proclamation of a
5 state of disaster emergency issued pursuant to section 29C.6 that
6 unduly interferes with the operations of a religious institution
7 or otherwise impedes an individual's practice of religion. For
8 purposes of this section, a "religious institution" means a
9 building in which individuals engage in religious practices.

10 Sec. 2. Section 29C.6, subsection 1, Code 2026, is amended to
11 read as follows:

12 1. a. After finding a disaster exists or is threatened,
13 proclaim a state of disaster emergency. This proclamation shall
14 be in writing, indicate the area affected and the facts upon
15 which it is based, be signed by the governor, and be filed with
16 the secretary of state. If the state of disaster emergency
17 specifically constitutes a public health disaster as defined
18 in section 135.140, the written proclamation shall include a
19 statement to that effect. A state of disaster emergency shall
20 continue for ~~thirty~~ fifteen days, unless sooner ~~terminated or~~
21 rescinded, extended, or amended in writing by the governor
22 general assembly. The general assembly may, by concurrent
23 resolution, rescind, extend, or amend this proclamation. An
24 initial extension of this proclamation by the general assembly
25 shall not exceed fifteen days, and any subsequent extension shall
26 not exceed fifteen-day increments. If the general assembly is
27 not in session, the legislative council may, by majority vote,
28 rescind, extend, or amend this proclamation only once and the
29 extension shall not exceed fifteen days. ~~Rescission~~ Following
30 any rescission, extension, or amendment of this proclamation by
31 the legislative council, only the general assembly may take any
32 additional action. Any rescission, extension, or amendment shall
33 be effective upon filing of the concurrent resolution of the
34 general assembly or resolution of the legislative council with
35 the secretary of state. A proclamation of disaster emergency

1 shall activate the disaster response and recovery aspect of the
2 state, local, and interjurisdictional disaster emergency plans
3 applicable to the political subdivision or area in question
4 and be authority for the deployment and use of any forces
5 to which ~~the~~ each disaster emergency plan applies, and for
6 use or distribution of any supplies, equipment, and materials
7 and facilities assembled, stockpiled, or arranged to be made
8 available.

9 b. A measure dictated in a state of disaster emergency
10 proclamation shall not do any of the following:

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

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

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

20 (4) Require that a private business operating within the
21 state cease the business's lawful operations.

22 (5) Authorize a change to established laws, policies, or
23 regulations governing a local, county, or state election for
24 public office absent prior approval of the general assembly.

25 (6) Restrict the practice of a person holding a valid license
26 to practice a health-related profession regulated by a board
27 designated pursuant to section 147.13 or by the department
28 of inspections, appeals, and licensing, 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.

32 (7) Allow a board designated pursuant to section 147.13 to
33 restrict the prescribing authority of a licensed health-related
34 professional in a way that deters the professional from
35 prescribing medication or treatment in accordance with the

1 professional's best professional judgment.

2 c. Notwithstanding paragraph "b", the governor may recommend
3 that a private business operating within the state cease the
4 business's lawful operations in a measure dictated in a state of
5 disaster proclamation.

6 Sec. 3. Section 135.144, subsections 5, 6, 7, and 8, Code
7 2026, are amended to read as follows:

8 5. ~~Order~~ Recommend physical examinations and tests and
9 ~~collect~~ the collection of specimens as necessary for the
10 diagnosis or treatment of individuals, to be performed by any
11 qualified person authorized to do so by the department. ~~An A~~
12 physical examination or test shall not be performed or ordered
13 recommended if the physical examination or test is reasonably
14 likely to lead to serious harm to the affected individual.
15 The affected individual has the ultimate authority to determine
16 whether to submit to the recommended physical examination or
17 testing, and shall not be subject to undue pressure or compulsion
18 to submit to the recommendation. The department may isolate ~~or~~
19 ~~quarantine~~, pursuant to chapter 139A and the rules implementing
20 chapter 139A and this subchapter, any infected individual whose
21 refusal of ~~medical~~ a physical examination or testing results in
22 ~~uncertainty regarding whether the individual has been exposed to~~
23 ~~or is infected with a communicable or potentially communicable~~
24 ~~disease or otherwise poses a danger to public health.~~ The length
25 of isolation shall not exceed the longest usual incubation period
26 for the specific communicable disease.

27 6. ~~Vaccinate or order~~ Recommend that individuals be
28 vaccinated with a vaccine approved by the United States food and
29 drug administration as safe and effective against an infectious
30 disease and to prevent the spread of communicable or potentially
31 communicable disease. Vaccinations shall be administered by any
32 qualified person authorized to do so by the department. Prior
33 to administration of a vaccine, an adult or the parent or legal
34 representative of a minor receiving the vaccine shall be provided
35 with the federal vaccine information statement for the vaccine

1 and verbally informed of the known and potential benefits and
2 risks of the vaccine. The vaccination shall not be ~~provided~~
3 ~~or ordered~~ recommended if it is reasonably likely to lead to
4 serious harm to the affected individual. The affected individual
5 has the ultimate authority to determine whether to submit to
6 the recommended vaccination, and shall not be subject to undue
7 pressure or compulsion to submit to the recommendation. To
8 prevent the spread of communicable or potentially communicable
9 disease, the department may isolate ~~or quarantine~~, pursuant to
10 chapter 139A and the rules implementing chapter 139A and this
11 subchapter, any infected person ~~who is unable or unwilling to~~
12 ~~undergo vaccination pursuant to this subsection.~~

13 7. ~~Treat or order~~ Recommend that individuals exposed to
14 or infected with disease receive treatment or prophylaxis.
15 Treatment or prophylaxis shall be administered by any qualified
16 person authorized to do so by the department. Treatment or
17 prophylaxis shall not be ~~provided or ordered~~ recommended if
18 the treatment or prophylaxis is reasonably likely to lead to
19 serious harm to the ~~affected~~ infected individual. The infected
20 individual has the ultimate authority to determine whether to
21 submit to the recommended treatment or prophylaxis, and shall
22 not be subject to undue pressure or compulsion to submit to
23 the recommendation. To prevent the spread of communicable or
24 potentially communicable disease, the department may isolate ~~or~~
25 ~~quarantine~~, pursuant to chapter 139A and the rules implementing
26 chapter 139A and this subchapter, any infected individual who is
27 unable or unwilling to undergo treatment or prophylaxis pursuant
28 to this ~~section~~ subsection.

29 8. Isolate ~~or quarantine~~ infected individuals or groups of
30 individuals pursuant to chapter 139A and the rules implementing
31 chapter 139A and this subchapter.

32 Sec. 4. Section 139A.4, subsection 1, Code 2026, is amended
33 to read as follows:

34 1. The type and length of isolation or quarantine imposed for
35 a specific communicable disease shall be in accordance with rules

1 adopted by the department. The length of isolation or quarantine
2 shall not exceed the longest usual incubation period for the
3 specific communicable disease.

4 Sec. 5. Section 139A.8, subsection 4, paragraph a,
5 subparagraph (2), Code 2026, is amended to read as follows:

6 (2) The applicant, or if the applicant is a minor, the
7 applicant's parent or legal guardian, submits an affidavit signed
8 by the applicant, or if the applicant is a minor, the applicant's
9 parent or legal guardian, stating that the immunization conflicts
10 with the ~~tenets and practices of a recognized~~ sincerely held
11 religious denomination beliefs of which the applicant ~~is an~~
12 ~~adherent or member,~~ or if the applicant is a minor, of the
13 applicant's parent or legal guardian.

14 Sec. 6. Section 139A.8, subsection 4, paragraph b, Code 2026,
15 is amended to read as follows:

16 b. The exemptions under this subsection ~~do not~~ apply in
17 times of emergency or epidemic as determined and declared by the
18 director.

19 EXPLANATION

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

22 This bill relates to the powers and duties applicable during
23 a state of disaster emergency or a public health disaster
24 and prohibits the governor's ability to regulate religious
25 institutions and practices during these emergencies.

26 The bill prohibits the governor from dictating a measure in
27 a proclamation of a state of disaster emergency (proclamation)
28 that unduly interferes with operations of a religious institution
29 or otherwise impedes an individual's practice of religion.
30 "Religious institution" is defined in the bill.

31 Current law provides that a state of disaster emergency
32 shall continue for 30 days unless terminated or extended by the
33 governor. The general assembly, by concurrent resolution when in
34 session, or through the legislative council by majority vote if
35 not in session, may rescind the proclamation. Under the bill,

1 a state of disaster emergency shall continue for 15 days unless
2 rescinded, extended, or amended by the general assembly, any
3 initial extension of the proclamation shall not exceed 15 days,
4 and any subsequent extension shall not exceed 15-day increments.
5 The bill also provides that if the general assembly is not in
6 session, the legislative council may, by majority vote, rescind,
7 extend, or amend the proclamation only once and the extension
8 shall not exceed 15 days.

9 The bill places certain restrictions on measures dictated
10 in a proclamation relating to constitutional rights, religious
11 rights, patient rights, operations of private businesses, voting
12 in public elections, health-related profession licensing and
13 prescribing authority.

14 Under current law, HHS can take or order certain disease
15 prevention actions be taken during a public health disaster.
16 The bill instead provides that the department may only
17 recommend vaccines approved by the United States food and drug
18 administration and not reasonably likely to lead to serious harm
19 to the individual. Under the bill, HHS may only recommend
20 physical examinations, testing, and the collection of specimens
21 necessary for the diagnosis and treatment of infected individuals
22 and not reasonably likely to harm the individual. An affected
23 individual has the ultimate authority to determine whether to
24 submit to the department's recommendations, and shall not be
25 subject to undue pressure or compulsion to submit.

26 Under current law, during a public health disaster, HHS can
27 quarantine or isolate certain infected individuals. The bill
28 instead allows HHS to isolate certain infected individuals for a
29 period not to exceed the longest usual incubation period for the
30 specific communicable disease.

31 The bill provides that prior to administration of a vaccine,
32 an adult or the parent or legal representative of a minor
33 receiving the vaccine shall be provided with the federal vaccine
34 information statement and verbally informed of the known and
35 potential benefits and risks of the vaccine. The department may

1 isolate infected individuals.

2 Under current law, during a public health disaster, HHS
3 can order exposed or infected individuals to receive certain
4 treatments or prophylaxis. Under the bill, HHS may only
5 recommend that exposed or infected individuals receive treatment
6 or prophylaxis if not reasonably likely to lead to serious
7 harm to the individual. The infected individual has the
8 ultimate authority to determine whether to submit to the
9 recommendation, and shall not be subject to undue pressure or
10 compulsion to submit. Under current law, HHS can quarantine
11 or isolate infected individuals unwilling to undergo treatment
12 or prophylaxis. Under the bill, HHS may isolate infected
13 individuals unable or unwilling to undergo treatment or
14 prophylaxis.

15 The bill provides that the type and length of isolation or
16 quarantine imposed for a specific communicable disease shall be
17 in accordance with rules adopted by the department, and that
18 the length of the isolation or quarantine shall not exceed the
19 longest usual incubation period for the specific communicable
20 disease.

21 Under current law, immunization is not required for enrollment
22 in an elementary or secondary school or licensed child care
23 center if a person, or, if the person is a minor, the minor's
24 parent or guardian, submits an affidavit stating that the
25 immunization conflicts with the tenets and practices of a
26 recognized religious denomination of which the person or the
27 minor's parent or guardian is an adherent or member. Under the
28 bill, the submitted affidavit shall be accepted if it states the
29 immunization conflicts with the sincerely held religious beliefs
30 of the person or, if the person is a minor, the beliefs of the
31 minor's parent or guardian.

32 The bill provides that if a child is exempt from vaccination,
33 the exemption applies during times of emergency or epidemic.