

Senate File 118 - Introduced

SENATE FILE 118

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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:

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1 Section 1. Section 29C.6, subsection 1, Code 2025, is amended
2 to read as follows:

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12 rescinded, extended in writing, or amended by the governor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

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

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

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

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

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

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

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

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

31 (8) Require identification and monitoring of persons who may
32 be at risk of contracting a contagious or infectious disease
33 by virtue of contact with a contagious person in a manner
34 consistent with known or suspected modes of transmission; require
35 a person to comply with such identification and monitoring

1 efforts including efforts that infringe on a person's freedom
2 of association; or establish, authorize, or enforce penalties
3 for a person's refusal to participate in the identification and
4 monitoring efforts.

5 Sec. 2. Section 135.144, subsections 3, 5, 6, 7, and 8, Code
6 2025, are amended to read as follows:

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

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

1 ~~or is infected with a communicable or potentially communicable~~
2 ~~disease or otherwise poses a danger to public health. The length~~
3 ~~of isolation shall not exceed the longest usual incubation period~~
4 ~~for the specific communicable disease.~~

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

26 7. ~~Treat or order~~ Recommend that individuals ~~exposed to~~
27 ~~or~~ infected with disease receive treatment or prophylaxis.
28 Treatment or prophylaxis shall be administered by any qualified
29 person authorized to do so by the department. Treatment or
30 prophylaxis shall not be ~~provided or ordered~~ recommended if
31 the treatment or prophylaxis is reasonably likely to lead to
32 serious harm to the affected infected individual. The infected
33 individual has the ultimate authority in determining whether to
34 submit to the recommended treatment or prophylaxis, and shall
35 not be subject to undue pressure or compulsion to submit to

1 the recommendation. To prevent the spread of communicable or
2 potentially communicable disease, the department may isolate or
3 quarantine, pursuant to chapter 139A and the rules implementing
4 chapter 139A and this subchapter, any infected individual who is
5 unable or unwilling to undergo treatment or prophylaxis pursuant
6 to this ~~section~~ subsection.

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

10 Sec. 3. Section 135.144, Code 2025, is amended by adding the
11 following new subsection:

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

19 Sec. 4. Section 139A.4, subsection 1, Code 2025, is amended
20 to read as follows:

21 1. The type and length of isolation or quarantine imposed for
22 a specific communicable disease shall be in accordance with rules
23 adopted by the department. The length of isolation or quarantine
24 shall not exceed the longest usual incubation period for the
25 specific communicable disease.

26 Sec. 5. Section 139A.8, subsection 4, paragraph a,
27 subparagraph (2), Code 2025, is amended to read as follows:

28 (2) The applicant, or if the applicant is a minor, the
29 applicant's parent or legal guardian, submits an affidavit signed
30 by the applicant, or if the applicant is a minor, the applicant's
31 parent or legal guardian, stating that the immunization conflicts
32 with the ~~tenets and practices of a recognized~~ sincerely held
33 religious denomination beliefs of which the applicant is ~~an~~
34 adherent or member, or if the applicant is a minor, of the
35 applicant's parent or legal guardian.

1 Sec. 6. Section 139A.8, subsection 4, paragraph b, Code 2025,
2 is amended to read as follows:

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

6 EXPLANATION

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

9 This bill relates to duties and powers relative to emergency
10 situations including a state of disaster emergency and a public
11 health disaster.

12 The bill amends provisions relating to the proclamation of a
13 state of disaster emergency by the governor under Code chapter
14 29C (emergency management and security). Current law provides
15 that a state of disaster emergency shall continue for 30 days
16 unless terminated or extended by the governor and that the
17 general assembly, by concurrent resolution when in session or
18 through the legislative council by majority vote if not in
19 session, may rescind the proclamation. Under the bill, a
20 state of disaster emergency shall continue for 60 days unless
21 rescinded, extended, or amended by the general assembly, not the
22 governor, and any initial extension of the proclamation by the
23 general assembly shall not exceed 60 days, and any subsequent
24 extension shall not exceed 60-day increments. The bill also
25 provides that if the general assembly is not in session, the
26 legislative council may, by majority vote, rescind, extend, or
27 amend this proclamation only once and the extension shall not
28 exceed 60 days.

29 As described in the bill, a measure dictated in a state of
30 disaster emergency proclamation shall have certain restrictions
31 relating to constitutional rights, religious rights, patient
32 rights, surveillance, health-related profession licensing and
33 prescribing authority, and disease contraction monitoring.

34 The bill amends the duties of the department of health and
35 human services (HHS or the department) relative to a public

1 health disaster under Code chapter 135 (department of health and
2 human services — public health). The bill provides that the
3 reasonable measures taken by HHS to prevent the transmission of
4 infectious disease and to ensure that all cases of communicable
5 disease are properly identified, controlled, and treated shall
6 not include requiring identification and monitoring of a person
7 at risk of contracting a contagious or infectious disease through
8 contact with a contagious person or requiring a person to comply
9 with such identification and monitoring efforts.

10 The department may recommend, but not order, physical
11 examinations, testing, and the collection of specimens necessary
12 for the diagnosis and treatment of individuals. An affected
13 individual has the ultimate authority to determine whether
14 to submit to the department's recommendations, and shall not
15 be subject to undue pressure or compulsion to submit. The
16 department may isolate infected individuals who refuse a physical
17 examination or testing and who pose a danger to the public
18 health. The length of isolation shall not exceed the longest
19 usual incubation period for the specific communicable disease.

20 The department may recommend a vaccine approved by the United
21 States food and drug administration as safe and effective, but
22 not vaccinate or order that individuals be vaccinated against
23 an infectious disease or to prevent the spread of communicable
24 or potentially communicable disease. Prior to administration of
25 a vaccine, an adult or the parent or legal representative of a
26 minor receiving the vaccine shall be provided with the federal
27 vaccine information statement and verbally informed of the known
28 and potential benefits and risks of the vaccine. Vaccination
29 shall not be recommended if it is reasonably likely to lead to
30 serious harm. An affected individual has the ultimate authority
31 to determine whether to submit to the recommended vaccination,
32 and shall not be subject to undue pressure or compulsion to
33 submit. The department may isolate infected individuals.

34 The department may recommend, but not treat or order,
35 individuals infected with disease receive treatment or

1 prophylaxis. Treatment or prophylaxis shall not be recommended
2 if the treatment or prophylaxis is reasonably likely to lead to
3 serious harm. The infected individual has the ultimate authority
4 to determine whether to submit to the recommendation, and shall
5 not be subject to undue pressure or compulsion to submit. The
6 department may isolate individuals infected with disease who are
7 unable or unwilling to undergo treatment or prophylaxis.

8 The department may isolate infected individuals or groups of
9 individuals in accordance with Code chapter 139A (communicable
10 and infectious diseases and poisonings) and the subchapter of
11 Code chapter 135 relating to disaster preparedness.

12 The bill requires the department to provide a link on the
13 department's internet site for qualified individuals to submit
14 evidence-based information regarding a public health emergency
15 or public health disaster and for members of the public to
16 share their experiences. The department shall adopt rules to
17 administer this provision, including the criteria a qualified
18 individual must meet to participate.

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

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

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

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