

Senate File 2093 - Introduced

SENATE FILE 2093

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:

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1 Section 1. Section 29C.6, subsection 1, Code 2026, 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
10 a statement to that effect. A state of disaster emergency
11 shall continue for ~~thirty~~ sixty days, unless sooner terminated
12 or amended by the governor. It may be extended in writing
13 by the governor for 60 days or less. ~~The~~ After that, the
14 general assembly may, by concurrent resolution, rescind, extend,
15 or amend this proclamation. Any initial extension of this
16 proclamation by the general assembly shall not exceed sixty
17 days, and any subsequent extension shall not exceed sixty-day
18 increments. If the general assembly is not in session, the
19 legislative council may, by majority vote, rescind, extend,
20 or amend this proclamation only once and the extension shall
21 not exceed sixty days. Rescission Following any rescission,
22 extension, or amendment of this proclamation by the legislative
23 council, 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 be
34 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 leaders
9 or individuals who are related by consanguinity or affinity with
10 patients or residents of hospitals or health care facilities.

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

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

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

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

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

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

6 Sec. 2. Section 135.144, subsections 3, 5, 6, 7, and 8, Code
7 2026, are amended to read as follows:

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

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

1 ~~uncertainty regarding whether the individual has been exposed to~~
 2 ~~or is infected with a communicable or potentially communicable~~
 3 ~~disease or otherwise poses a danger to public health. The~~
 4 ~~length of isolation shall not exceed the longest usual period of~~
 5 ~~communicability for the specific communicable disease.~~

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

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

1 not be subject to undue pressure or compulsion to submit to
2 the recommendation. To prevent the spread of communicable or
3 potentially communicable disease, the department may isolate or
4 quarantine, pursuant to chapter 139A and the rules implementing
5 chapter 139A and this subchapter, any infected individual who is
6 unable or unwilling to undergo treatment or prophylaxis pursuant
7 to this ~~section~~ subsection.

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

11 Sec. 3. Section 135.144, Code 2026, is amended by adding the
12 following new subsection:

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

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

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

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

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

1 applicant's parent or legal guardian.

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

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

7 EXPLANATION

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

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

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

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

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

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

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

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

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

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

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

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

1 of the person or, if the person is a minor, the beliefs of the
2 minor's parent or guardian.

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

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