

Senate File 406 - Introduced

SENATE FILE 406
BY SALMON

A BILL FOR

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

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1 Section 1. Section 135.144, subsections 3, 5, 6, 7, and 8,
2 Code 2025, are amended to read as follows:

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

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

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

22 7. ~~Treat or order~~ Recommend that individuals ~~exposed to~~
 23 ~~or~~ infected with disease receive treatment or prophylaxis.
 24 Treatment or prophylaxis shall be administered by any qualified
 25 person authorized to do so by the department. Treatment or
 26 prophylaxis shall not be ~~provided or ordered~~ recommended if
 27 the treatment or prophylaxis is reasonably likely to lead to
 28 serious harm to the ~~affected~~ infected individual. The infected
 29 individual has the ultimate authority in determining whether to
 30 submit to the recommended treatment or prophylaxis, and shall
 31 not be subject to undue pressure or compulsion to submit to
 32 the recommendation. To prevent the spread of communicable or
 33 potentially communicable disease, the department may isolate ~~or~~
 34 ~~quarantine~~, pursuant to chapter 139A and the rules implementing
 35 chapter 139A and this subchapter, any infected individual who is

1 unable or unwilling to undergo treatment or prophylaxis pursuant
2 to this ~~section~~ subsection.

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

6 Sec. 2. Section 135.144, Code 2025, is amended by adding the
7 following new subsection:

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

15 Sec. 3. Section 139A.4, subsection 1, Code 2025, is amended
16 to read as follows:

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

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

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

32 Sec. 5. Section 139A.8, subsection 4, paragraph b, Code 2025,
33 is amended to read as follows:

34 b. The exemptions under this subsection ~~do not~~ apply in
35 times of emergency or epidemic as determined and declared by the

1 director.

2 EXPLANATION

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

5 This bill relates to duties and powers relative to public
6 health disasters.

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

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

28 The department may recommend a vaccine approved by the United
29 States food and drug administration as safe and effective, but
30 not vaccinate or order that individuals be vaccinated against
31 an infectious disease or to prevent the spread of communicable
32 or potentially communicable disease. Prior to administration of
33 a vaccine, an adult or the parent or legal representative of a
34 minor receiving the vaccine shall be provided with the federal
35 vaccine information statement and verbally informed of the known

1 and potential benefits and risks of the vaccine. Vaccination
2 shall not be recommended if it is reasonably likely to lead to
3 serious harm. An affected individual has the ultimate authority
4 to determine whether to submit to the recommended vaccination,
5 and shall not be subject to undue pressure or compulsion to
6 submit. The department may isolate infected individuals.

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

16 The department may isolate infected individuals or groups of
17 individuals in accordance with Code chapter 139A (communicable
18 and infectious diseases and poisonings) and the subchapter of
19 Code chapter 135 relating to disaster preparedness.

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

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

33 Under current law, immunization is not required for enrollment
34 in an elementary or secondary school or licensed child care
35 center if a person, or, if the person is a minor, the minor's

1 parent or guardian, submits an affidavit stating that the
2 immunization conflicts with the tenets and practices of a
3 recognized religious denomination of which the person or the
4 minor's parent or guardian is an adherent or member. Under the
5 bill, the submitted affidavit shall be accepted if it states the
6 immunization conflicts with the sincerely held religious beliefs
7 of the person or, if the person is a minor, the beliefs of the
8 minor's parent or guardian.

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

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