

FILED MAR 06 2006

SENATE FILE 2322
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 3220)

Passed Senate, Date 3-14-06 Passed House, Date _____
Vote: Ayes 49 Nays 0 Vote: Ayes _____ Nays _____
Approved April 21, 2006

A BILL FOR

1 An Act relating to notification procedures concerning diseases,
2 health conditions, unusual clusters, or suspicious events
3 which may be the cause of a public health disaster.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2322

1 Section 1. Section 135.145, subsections 1, 2, and 3, Code
2 2005, are amended to read as follows:

3 1. When the department of public safety or other federal,
4 state, or local law enforcement agency learns of a case of a
5 reportable disease or health condition, unusual cluster, or a
6 suspicious event that may be the cause of a public health
7 disaster, the department or agency shall immediately notify
8 the department, the administrator of the homeland security and
9 emergency management division of the department of public
10 defense, the department of agriculture and land stewardship,
11 and the department of natural resources as appropriate.

12 2. When the department learns of a case of a reportable
13 disease or health condition, an unusual cluster, or a
14 suspicious event that ~~the department reasonably believes could~~
15 ~~potentially be caused by bioterrorism or other act of~~
16 terrorism may be the cause of a public health disaster, the
17 department shall immediately notify the department of public
18 safety, the homeland security and emergency management
19 division of the department of public defense, and other
20 appropriate federal, state, and local agencies and officials.

21 3. Sharing of information on reportable diseases, health
22 conditions, unusual clusters, or suspicious events between the
23 department and public safety authorities and other
24 governmental agencies shall be restricted to sharing of only
25 the information necessary for the prevention, control, and
26 investigation of a public health disaster.

27 EXPLANATION

28 This bill concerns notification procedures regarding
29 communicable and infectious diseases.

30 The bill modifies current provisions in Code section
31 135.145 regarding the sharing of information relating to
32 reportable diseases and other specified conditions or events
33 that may be the cause of a public health disaster, by deleting
34 the word "reportable", thereby broadening the provisions to
35 include other, nonreportable diseases. As provided in Code

1 section 139A.2, a "reportable disease" means any disease
2 designated by rule by the department as requiring its
3 occurrence to be reported to an appropriate authority. The
4 bill also deletes, with respect to a provision that the
5 department provide notification of a reportable disease or
6 health condition, an unusual cluster, or a suspicious event to
7 specified agencies and officials, that the department
8 reasonably believes the object of the report could potentially
9 be caused by bioterrorism or other act of terrorism, providing
10 instead that the object of the report may be the cause of a
11 public health disaster.

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SENATE FILE 2322

S-5067

1 Amend Senate File 2322 as follows:

2 1. Page 1, by inserting after line 26 the
3 following:

4 "Sec. _____. Section 139A.2, Code 2005, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 0A. "Area quarantine" means
7 prohibiting ingress and egress to and from a building,
8 structure, facility, or environment, or a portion
9 thereof, to prevent or contain the spread of a
10 suspected or confirmed quarantinable disease or to
11 prevent or contain exposure to a suspected or known
12 chemical, biological, radioactive, or other hazardous
13 or toxic agent.

14 Sec. _____. Section 139A.3, subsection 2, paragraphs
15 a and b, Code 2005, are amended to read as follows:

16 a. Any person who, acting reasonably and in good
17 faith, files a report, releases information, or
18 otherwise cooperates with an investigation under this
19 section chapter is immune from any liability, civil or
20 criminal, which might otherwise be incurred or imposed
21 for making a report such action.

22 b. A report ~~to~~ or other information provided to or
23 maintained by the department, ~~to~~ a local board, or ~~to~~
24 a local department, which identifies a person infected
25 with or exposed to a reportable or other disease or
26 health condition, is confidential and shall not be
27 accessible to the public.

28 Sec. _____. Section 139A.3, Code 2005, is amended by
29 adding the following new subsection:

30 NEW SUBSECTION. 3. A health care provider or
31 public, private, or hospital clinical laboratory shall
32 provide the department, local board, or local
33 department with all information reasonably necessary
34 to conduct an investigation pursuant to this chapter
35 upon request of the department, local board, or local
36 department. The department may also subpoena records,
37 reports, and any other evidence necessary to conduct
38 an investigation pursuant to this chapter from other
39 persons, facilities, and entities pursuant to rules
40 adopted by the department.

41 Sec. _____. Section 139A.4, Code 2005, is amended by
42 adding the following new subsection:

43 NEW SUBSECTION. 4. The department and local
44 boards may impose and enforce area quarantine
45 restrictions according to rules adopted by the
46 department. Area quarantine shall be imposed by the
47 least restrictive means necessary to prevent or
48 contain the spread of the suspected or confirmed
49 quarantinable disease or suspected or known hazardous
50 or toxic agent."

S-5067

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Page 2

- 1 2. Title page, line 1, by inserting after the
- 2 word "to" the following: "the investigation and
- 3 control of communicable and infectious diseases and".
- 4 3. By renumbering as necessary.

By JAMES SEYMOUR

S-5067 FILED MARCH 14, 2006

ADOPTED

1 Section 1. Section 135.145, subsections 1, 2, and 3, Code
2 2005, are amended to read as follows:

3 1. When the department of public safety or other federal,
4 state, or local law enforcement agency learns of a case of a
5 reportable disease or health condition, unusual cluster, or a
6 suspicious event that may be the cause of a public health
7 disaster, the department or agency shall immediately notify
8 the department, the administrator of the homeland security and
9 emergency management division of the department of public
10 defense, the department of agriculture and land stewardship,
11 and the department of natural resources as appropriate.

12 2. When the department learns of a case of a reportable
13 disease or health condition, an unusual cluster, or a
14 suspicious event that ~~the department reasonably believes could~~
15 ~~potentially be caused by bioterrorism or other act of~~
16 ~~terrorism~~ may be the cause of a public health disaster, the
17 department shall immediately notify the department of public
18 safety, the homeland security and emergency management
19 division of the department of public defense, and other
20 appropriate federal, state, and local agencies and officials.

21 3. Sharing of information on reportable diseases, health
22 conditions, unusual clusters, or suspicious events between the
23 department and public safety authorities and other
24 governmental agencies shall be restricted to sharing of only
25 the information necessary for the prevention, control, and
26 investigation of a public health disaster.

27 Sec. 2. Section 139A.2, Code 2005, is amended by adding
28 the following new subsection:

29 NEW SUBSECTION. 0A. "Area quarantine" means prohibiting
30 ingress and egress to and from a building, structure,
31 facility, or environment, or a portion thereof, to prevent or
32 contain the spread of a suspected or confirmed quarantinable
33 disease or to prevent or contain exposure to a suspected or
34 known chemical, biological, radioactive, or other hazardous or
35 toxic agent.

1 Sec. 3. Section 139A.3, subsection 2, paragraphs a and b,
2 Code 2005, are amended to read as follows:

3 a. Any person who, acting reasonably and in good faith,
4 files a report, releases information, or otherwise cooperates
5 with an investigation under this section chapter is immune
6 from any liability, civil or criminal, which might otherwise
7 be incurred or imposed for making-a-report such action.

8 b. A report to or other information provided to or
9 maintained by the department, to a local board, or to a local
10 department, which identifies a person infected with or exposed
11 to a reportable or other disease or health condition, is
12 confidential and shall not be accessible to the public.

13 Sec. 4. Section 139A.3, Code 2005, is amended by adding
14 the following new subsection:

15 NEW SUBSECTION. 3. A health care provider or public,
16 private, or hospital clinical laboratory shall provide the
17 department, local board, or local department with all
18 information reasonably necessary to conduct an investigation
19 pursuant to this chapter upon request of the department, local
20 board, or local department. The department may also subpoena
21 records, reports, and any other evidence necessary to conduct
22 an investigation pursuant to this chapter from other persons,
23 facilities, and entities pursuant to rules adopted by the
24 department.

25 Sec. 5. Section 139A.4, Code 2005, is amended by adding
26 the following new subsection:

27 NEW SUBSECTION. 4. The department and local boards may
28 impose and enforce area quarantine restrictions according to
29 rules adopted by the department. Area quarantine shall be
30 imposed by the least restrictive means necessary to prevent or
31 contain the spread of the suspected or confirmed quarantinable
32 disease or suspected or known hazardous or toxic agent.

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HOUSE AMENDMENT TO
SENATE FILE 2322

S-5174

1 Amend Senate File 2322, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 29 through 35 and
4 inserting the following:
5 "NEW SUBSECTION. 0A. "Area quarantine" means
6 prohibiting ingress and egress to and from a building
7 or buildings, structure or structures, or other
8 definable physical location, or portion thereof, to
9 prevent or contain the spread of a suspected or
10 confirmed quarantinable disease or to prevent or
11 contain exposure to a suspected or known chemical,
12 biological, radioactive, or other hazardous or toxic
13 agent."

RECEIVED FROM THE HOUSE

S-5174 FILED APRIL 10, 2006

Seymour co-chair
Ragan co-chair
Johnson
Bolkeom

SSB# 3220

Human Resources

Succeeded By
SF HF 2322

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CO-CHAIRPERSON SEYMOUR)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the investigation and control of communicable
2 and infectious diseases.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 135.145, subsections 1, 2, and 3, Code
2 2005, are amended to read as follows:

3 1. When the department of public safety or other federal,
4 state, or local law enforcement agency learns of a case of a
5 reportable disease or health condition, unusual cluster, or a
6 suspicious event that may be the cause of a public health
7 disaster, the department or agency shall immediately notify
8 the department, the administrator of the homeland security and
9 emergency management division of the department of public
10 defense, the department of agriculture and land stewardship,
11 and the department of natural resources as appropriate.

12 2. When the department learns of a case of a reportable
13 disease or health condition, an unusual cluster, or a
14 suspicious event that ~~the department reasonably believes could~~
15 ~~potentially be caused by bioterrorism or other act of~~
16 terrorism may be the cause of a public health disaster, the
17 department shall immediately notify the department of public
18 safety, the homeland security and emergency management
19 division of the department of public defense, and other
20 appropriate federal, state, and local agencies and officials.

21 3. Sharing of information on reportable diseases, health
22 conditions, unusual clusters, or suspicious events between the
23 department and public safety authorities and other
24 governmental agencies shall be restricted to sharing of only
25 the information necessary for the prevention, control, and
26 investigation of a public health disaster.

27 Sec. 2. Section 139A.2, Code 2005, is amended by adding
28 the following new subsection:

29 NEW SUBSECTION. 0A. "Area quarantine" means prohibiting
30 ingress and egress to and from a building, structure,
31 facility, or environment to prevent or contain the spread of a
32 suspected or confirmed quarantinable disease or to prevent or
33 contain exposure to a suspected or known chemical, biological,
34 radioactive, or other hazardous or toxic agent.

35 Sec. 3. Section 139A.3, Code 2005, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 3. A health care provider or public,
 3 private, or hospital clinical laboratory shall provide the
 4 department, local board, or local department with all
 5 information necessary to conduct an investigation pursuant to
 6 this chapter upon the oral or written request of the
 7 department, local board, or local department. The department,
 8 local board, or local department may also subpoena records,
 9 reports, and any other evidence necessary to conduct an
 10 investigation pursuant to this chapter from other persons,
 11 facilities, and entities pursuant to rules adopted by the
 12 department. Release of information pursuant to this section
 13 shall be consistent with the federal Health Insurance
 14 Portability and Accountability Act of 1996, Pub. L. No. 104-
 15 191.

16 Sec. 4. Section 139A.4, Code 2005, is amended by adding
17 the following new subsection:

18 NEW SUBSECTION. 4. The department and the local boards
 19 may impose and enforce area quarantine restrictions according
 20 to rules adopted by the department.

21 EXPLANATION

22 This bill concerns efforts to investigate and control
 23 communicable and infectious diseases by the Iowa department of
 24 public health, local boards of health, and local health
 25 departments.

26 The bill modifies current provisions in Code section
 27 135.145 regarding the sharing of information relating to
 28 reportable diseases and other specified conditions or events
 29 that may be the cause of a public health disaster, by deleting
 30 the word "reportable", thereby broadening the provisions to
 31 include other, nonreportable diseases. As provided in Code
 32 section 139A.2, a "reportable disease" means any disease
 33 designated by rule by the department as requiring its
 34 occurrence to be reported to an appropriate authority. The
 35 bill also deletes, with respect to a provision that the

1 department provide notification of a reportable disease or
2 health condition, an unusual cluster, or a suspicious event to
3 specified agencies and officials, that the department
4 reasonably believes the object of the report could potentially
5 be caused by bioterrorism or other act of terrorism, providing
6 instead that the object of the report may be the cause of a
7 public health disaster.

8 The bill provides for a new category or classification of
9 quarantine, defining an "area quarantine" to mean prohibiting
10 ingress and egress to and from a building, structure,
11 facility, or environment to prevent or contain the spread of a
12 suspected or confirmed quarantinable disease, or to prevent or
13 contain exposure to a suspected or known chemical, biological,
14 radioactive, or other hazardous or toxic agent. The bill
15 authorizes the department and local boards of health to impose
16 and enforce area quarantine restrictions according to rules
17 adopted by the department.

18 Additionally, the bill provides that health care providers
19 and public, private, and hospital clinical laboratories shall
20 provide the department, a local board, or local health
21 department with all information necessary to conduct an
22 investigation relating to Code chapter 139A, dealing with
23 communicable and infectious diseases and poisonings, upon the
24 oral or written request of the department, local board, or
25 local health department. The bill confers upon the
26 department, local board, or local health department the
27 authority to issue subpoenas for records, reports, or other
28 evidence necessary to conduct the investigation from persons,
29 facilities, and entities pursuant to rules adopted by the
30 department. The bill provides that the release of information
31 shall be consistent with the federal Health Insurance
32 Portability and Accountability Act of 1996.

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SENATE FILE 2322

AN ACT

RELATING TO THE INVESTIGATION AND CONTROL OF COMMUNICABLE AND INFECTIOUS DISEASES AND NOTIFICATION PROCEDURES CONCERNING DISEASES, HEALTH CONDITIONS, UNUSUAL CLUSTERS, OR SUSPICIOUS EVENTS WHICH MAY BE THE CAUSE OF A PUBLIC HEALTH DISASTER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 135.145, subsections 1, 2, and 3, Code 2005, are amended to read as follows:

1. When the department of public safety or other federal, state, or local law enforcement agency learns of a case of a reportable disease or health condition, unusual cluster, or a suspicious event that may be the cause of a public health disaster, the department or agency shall immediately notify the department, the administrator of the homeland security and emergency management division of the department of public defense, the department of agriculture and land stewardship, and the department of natural resources as appropriate.

2. When the department learns of a case of a reportable disease or health condition, an unusual cluster, or a suspicious event that ~~the department reasonably believes could potentially be caused by bioterrorism or other act of terrorism~~ may be the cause of a public health disaster, the department shall immediately notify the department of public safety, the homeland security and emergency management division of the department of public defense, and other appropriate federal, state, and local agencies and officials.

3. Sharing of information on reportable diseases, health conditions, unusual clusters, or suspicious events between the department and public safety authorities and other

governmental agencies shall be restricted to sharing of only the information necessary for the prevention, control, and investigation of a public health disaster.

Sec. 2. Section 139A.2, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 0A. "Area quarantine" means prohibiting ingress and egress to and from a building or buildings, structure or structures, or other definable physical location, or portion thereof, to prevent or contain the spread of a suspected or confirmed quarantinable disease or to prevent or contain exposure to a suspected or known chemical, biological, radioactive, or other hazardous or toxic agent.

Sec. 3. Section 139A.3, subsection 2, paragraphs a and b, Code 2005, are amended to read as follows:

a. Any person who, acting reasonably and in good faith, files a report, releases information, or otherwise cooperates with an investigation under this section chapter is immune from any liability, civil or criminal, which might otherwise be incurred or imposed for making-a-report such action.

b. A report ~~to~~ or other information provided to or maintained by the department, ~~to~~ a local board, or ~~to~~ a local department, which identifies a person infected with or exposed to a reportable or other disease or health condition, is confidential and shall not be accessible to the public.

Sec. 4. Section 139A.3, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 3. A health care provider or public, private, or hospital clinical laboratory shall provide the department, local board, or local department with all information reasonably necessary to conduct an investigation pursuant to this chapter upon request of the department, local board, or local department. The department may also subpoena records, reports, and any other evidence necessary to conduct an investigation pursuant to this chapter from other persons, facilities, and entities pursuant to rules adopted by the department.

Sec. 5. Section 139A.4, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The department and local boards may impose and enforce area quarantine restrictions according to rules adopted by the department. Area quarantine shall be imposed by the least restrictive means necessary to prevent or contain the spread of the suspected or confirmed quarantinable disease or suspected or known hazardous or toxic agent.

JEFFREY M. LAMBERTI
President of the Senate

CHRISTOPHER C. RANTS
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2322, Eighty-first General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2006

THOMAS J. VILSACK
Governor