SPONSOR: Rep. Burns & Sen. Seigfried
Reps. Chukwuocha, Morrison, Lambert; Sens. Hansen, Walsh

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE BILL NO. 158
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 20 OF THE DELAWARE CODE RELATING TO EMERGENCY PLANNING.

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

Section 1. Amend Subchapter V, Chapter 31, Title 20 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Subchapter V. Public Health Emergencies

§ 3132. Definitions.

For purposes of this subchapter:

~~(3) "Commission" means the Public Health Emergency Planning Commission.~~

~~(4)~~ (3) "Contagious disease" ~~is~~ means an infectious disease that can be transmitted from person to person, animal to person, or insect to person.

(4) "Council" means the Public Health Emergency Planning Council.

§ 3136. Isolation and quarantine during public health emergency.

The following isolation and quarantine procedures shall be in effect during a state of emergency:

(6) *Relief for isolated and quarantined persons.* — a. On or after 10 days following a hearing as is provided for in paragraph (5)e. of this section, a person isolated or quarantined pursuant to the provisions of this section may request in writing a Court hearing to contest ~~his or her~~ the person's continued isolation or quarantine. The hearing shall be held within 72 hours of receipt of such request, excluding Saturdays, Sundays and legal holidays. A request for a hearing shall not alter the order of isolation or quarantine. At the hearing, the public ~~safety~~ health authority must show by clear and convincing evidence that continuation of the isolation or quarantine is warranted because the person poses a significant risk of transmitting a disease to others with serious consequences.

b. A person isolated or quarantined pursuant to the provisions of this section may request a hearing in the Superior Court for remedies regarding ~~his or her~~ the person's treatment and the terms and conditions of such quarantine or isolation. Upon receiving a request for either type of hearing described in this paragraph, the Court

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shall fix a date for a hearing. The hearing shall take place within 10 days of the receipt of the request by the Court. The request for a hearing shall not alter the order of isolation or quarantine.

§ 3137. Vaccination and treatment during public health emergency.

During a state of emergency, the public ~~safety~~ health authority may exercise, for such period as the state of emergency exists, the following emergency powers:

(1) To direct vaccination of persons as protection against infectious disease and to prevent the spread of contagious or possibly contagious disease.

a. Vaccination may be performed by any qualified person authorized to do so by the public ~~safety~~ health authority.

b. A vaccine to be administered must not be such as is reasonably likely to lead to serious harm to the affected individual.

c. To prevent the spread of contagious or possibly contagious disease, the public ~~safety~~ health authority may isolate or quarantine, subject to § 3136 of this title, persons who are unable or unwilling for reasons of health, religion or conscience to undergo vaccination pursuant to this section.

(2) To direct treatment of persons exposed to or infected with disease.

a. Treatment may be administered by any qualified person authorized to do so by the public ~~safety~~ health authority.

b. Treatment must not be such as is reasonably likely to lead to serious harm to the affected individual.

c. To prevent the spread of contagious or possibly contagious disease, the public ~~safety~~ health authority may isolate or quarantine, subject to § 3136 of this title, persons who are unable or unwilling for reasons of health, religion or conscience to undergo treatment pursuant to this section.

§ 3141. Public Health Emergency Planning ~~Commission.~~ Council.

(a) The Public Health Emergency Planning Council is established.

~~(a)~~ (b) The ~~Commission~~ Council consists of the following voting members, or a designee appointed by a member serving by virtue of position:

~~(b)~~ (c) The Secretary of the Department of Health and Social Services or the Secretary's designee shall serve as the Chair of the ~~Commission.~~ Council. The Governor shall also appoint representatives of affected constituencies, including the medical community, local health departments and governments, local police, fire and emergency medical service agencies, community health centers, and volunteer organizations as ex officio members of the ~~Commission.~~ Council.

~~(c)~~ (d) The number of members who must be present at a ~~Commission~~ Council meeting to have a quorum and conduct official business is the majority of voting members. Counting for quorum does not include voting member positions that are vacant.

~~(d)~~ (e) An individual appointed to fill a vacancy on the ~~Commission~~ Council holds office for the remainder of the term of the former member.

(f) The Council must meet at least 1 time per year.

(g) (1) The Council must meet within 15 days of the initiation of a state of emergency due to a public health emergency for the purposes of discussing and evaluating, in an advisory capacity to the Governor, the response to the public health emergency.

(2) The Council must meet at least every 30 days thereafter until the termination of the state of emergency due to a public health emergency.

§ 3142. Public health emergency plan.

(a) ~~The Commission shall, by October 3, 2002, deliver to the Governor a plan for~~ The Council must review the Public Health Emergency Operations Coordination Plan (Plan) for responding to a public health emergency that includes provisions for the following:

(b) The ~~Commission~~ Council shall review ~~its plan for responding to a public health emergency~~ the Plan every 2 years.

(c) The ~~Commission's plan~~ Plan shall serve as a statewide plan and a regional plan with respect to federal bioterrorism requirements.

(d) Persons responsible for implementing the ~~Commission's plan~~ Plan must receive appropriate and timely training, and the ~~Commission's plan~~ Plan must be tested on a regular basis.

(e) The ~~Commission~~ Council shall establish a hospital biopreparedness planning subcommittee, ~~whose composition shall~~ that must include representation from DEMA, the Department of Health and Social Services, the medical community and local emergency medical services.

(f) ~~(1) The Commission shall meet within 30 days of the initiation of a state of emergency due to a public health emergency for the purposes of discussing and evaluating, in an advisory capacity to the Governor, the response to the public health emergency.~~

~~(2) The Commission shall meet at least every 30 days until the termination of the state of emergency due to a public health emergency~~. [Transferred to § 3141.]