

The Senate Judiciary Committee offered the following substitute to SB 385:

LOST

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 4 of the Official Code of Georgia Annotated, relating to animals, so as to
 2 authorize the Commissioner of Agriculture to require the reporting of certain animal diseases
 3 and syndromes; to provide for the contents of reports; to provide for the confidentiality of
 4 reports; to provide for limited exceptions and for the use of certain data; to provide that
 5 certain persons making such reports shall not be liable for civil damages; to provide for
 6 penalties and change the provisions relating to certain penalties; to amend Chapter 12 of Title
 7 31 of the Official Code of Georgia Annotated, relating to control of hazardous conditions,
 8 preventable diseases, and metabolic disorders, so as to provide definitions of bioterrorism
 9 and public health emergency; to require health care providers, coroners, and medical
 10 examiners to report cases of bioterrorism and other conditions that pose a substantial risk of
 11 a public health emergency to the Department of Human Resources and the appropriate
 12 county board of health; to establish reporting requirements for pharmacists of increased or
 13 unusual prescriptions that may be related to bioterrorism; to require the Department of
 14 Human Resources to notify the Department of Public Safety of any potential causes of
 15 bioterrorism; to provide for the Department of Human Resources to identify persons exposed
 16 to bioterrorism; to authorize the closing and decontamination of facilities that may endanger
 17 the public health; to authorize the Department of Human Resources to promulgate rules and
 18 regulations for the management of a public health emergency and to prepare a public health
 19 emergency plan and draft executive order for the declaration of a public health emergency;
 20 to authorize the Department of Human Resources to provide for compulsory vaccination and
 21 treatment of persons in a public health emergency and for the compulsory isolation of such
 22 persons to protect the public health; to provide for a penalty for failure to comply with
 23 reporting requirements; to amend Chapter 1 of Title 35 of the Official Code of Georgia
 24 Annotated, relating to general provisions related to law enforcement officers and agencies,
 25 so as to require law enforcement agencies to report unusual or suspicious health related
 26 events to the Department of Human Resources and the appropriate county board of health;
 27 to amend Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to

1 emergency management, so as to authorize the Governor to declare a state of emergency in
 2 the event of a public health emergency; to compel health care facilities to provide services
 3 or the use of their facilities during a public health emergency; to authorize the Governor to
 4 direct the Department of Human Resources to coordinate the state's response to a public
 5 health emergency; to amend Chapter 13 of Title 50 of the Official Code of Georgia
 6 Annotated, the "Georgia Administrative Procedure Act," so as to provide that rules adopted
 7 under an executive order declaring a public health emergency shall be effective for the
 8 duration of the emergency but not for more than 120 days thereafter; to provide for related
 9 matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Title 4 of the Official Code of Georgia Annotated, relating to animals, is amended by adding
 13 a new Code Section 4-1-7 to read as follows:

14 "4-1-7.

15 Every veterinarian, livestock owner, veterinary diagnostic laboratory director, or other
 16 person having the care of animals shall report to the department and to the Department of
 17 Human Resources any animal having or suspected of having any disease that may be
 18 caused by bioterrorism, epidemic or pandemic disease, or novel and highly fatal infectious
 19 agents or toxins and that may pose a substantial risk of a public health emergency."

20 **SECTION 2.**

21 Said title is further amended by adding a new Code Section 4-4-6 to read as follows:

22 "4-4-6.

23 (a) The Commissioner of Agriculture is authorized to declare certain animal diseases and
 24 syndromes to be diseases requiring notice and to require the reporting thereof to the
 25 department in a manner and at such times as may be prescribed by the Commissioner. The
 26 department shall require that such data be supplied as is deemed necessary and appropriate
 27 for the prevention and control of certain diseases and accidents as are determined by the
 28 Commissioner. All such reports and data shall be deemed confidential and shall not be
 29 open to inspection by the public; provided, however, that the Commissioner may release
 30 such reports and data in statistical form, for valid research purposes, and for other purposes
 31 as deemed appropriate by the Commissioner.

32 (b) Any person, including but not limited to any veterinarian or veterinary diagnostic
 33 laboratory and practice personnel and any person associated with any livestock farm, ranch,

1 sales establishment, transportation, or slaughter, submitting reports or data in good faith
2 to the department in compliance with this Code section shall not be liable for any civil
3 damages therefor.

4 (c) Any person violating any provision of this Code section shall be guilty of a
5 misdemeanor."

6 SECTION 3.

7 Said title is further amended by adding to Chapter 10 of said title, known as the "Bird Dealers
8 Licensing Act," a new Code Section 4-10-7.3 to read as follows:

9 "4-10-7.3.

10 (a) The Commissioner of Agriculture is authorized to declare certain animal diseases and
11 syndromes to be diseases requiring notice and to require the reporting thereof to the
12 department in a manner and at such times as may be prescribed by the Commissioner. The
13 department shall require that such data be supplied as is deemed necessary and appropriate
14 for the prevention and control of certain diseases and accidents as are determined by the
15 Commissioner. All such reports and data shall be deemed confidential and shall not be
16 open to inspection by the public; provided, however, that the Commissioner may release
17 such reports and data in statistical form, for valid research purposes, and for other purposes
18 as deemed appropriate by the Commissioner.

19 (b) Any person, including but not limited to any veterinarian or veterinary diagnostic
20 laboratory and practice personnel and any person associated with any bird dealer regulated
21 by this chapter, submitting reports or data in good faith to the department in compliance
22 with this Code section shall not be liable for any civil damages therefor."

23 SECTION 4.

24 Said title is further amended by striking Code Section 4-10-12, relating to penalties, and
25 inserting in its place the following:

26 "4-10-12.

27 Any person who acts as a bird dealer without a license in violation of this chapter, who
28 violates Code Section 4-10-7.3, or who violates any other provision of this chapter shall
29 be guilty of a misdemeanor."

30 SECTION 5.

31 Said title is further amended by adding to Article 1 of Chapter 11 of said title, known as the
32 "Georgia Animal Protection Act," a new Code Section 4-11-9.7 to read as follows:

33 "4-11-9.7.

1 (a) The Commissioner of Agriculture is authorized to declare certain animal diseases and
 2 syndromes to be diseases requiring notice and to require the reporting thereof to the
 3 department in a manner and at such times as may be prescribed by the Commissioner. The
 4 department shall require that such data be supplied as is deemed necessary and appropriate
 5 for the prevention and control of certain diseases and accidents as are determined by the
 6 Commissioner. All such reports and data shall be deemed confidential and shall not be
 7 open to inspection by the public; provided, however, that the Commissioner may release
 8 such reports and data in statistical form, for valid research purposes, and for other purposes
 9 as deemed appropriate by the Commissioner.

10 (b) Any person, including but not limited to any veterinarian or veterinary diagnostic
 11 laboratory and practice personnel and any person associated with any pet dealer, kennel,
 12 animal shelter, or stable, submitting reports or data in good faith to the department in
 13 compliance with this Code section shall not be liable for any civil damages therefor."

14 **SECTION 6.**

15 Chapter 12 of Title 31 of the Official Code of Georgia Annotated, relating to control of
 16 hazardous conditions, preventable diseases, and metabolic disorders, is amended by adding
 17 a new Code Section 31-12-1.1 to read as follows:

18 "31-12-1.1.

19 As used in this chapter, the term:

20 (1) 'Bioterrorism' means the intentional use of any microorganism, virus, infectious
 21 substance, or any component thereof, whether naturally occurring or bioengineered, to
 22 cause death, illness, disease, or other biological malfunction in a human, animal, plant,
 23 or other living organism in order to influence the conduct of government or to intimidate
 24 or coerce a civilian population.

25 (2) 'Public health emergency' means the occurrence or imminent threat of an illness or
 26 health condition that poses a substantial risk of a significant number of human fatalities,
 27 serious illnesses, or permanent or long-term disabilities, whether or not arising from
 28 natural causes."

29 **SECTION 7.**

30 Said chapter is further amended by striking Code Section 31-12-2, relating to reporting
 31 disease, confidentiality of information supplied, and immunity from liability as to
 32 information supplied, and inserting in its place the following:

33 "31-12-2.

1 (a) The department is empowered to declare certain diseases, and injuries, and conditions
 2 to be diseases requiring notice and to require the reporting thereof to the county board of
 3 health and the department in a manner and at such times as may be prescribed. The
 4 department shall require that such data be supplied as are deemed necessary and
 5 appropriate for the prevention of certain diseases, and accidents, and conditions as are
 6 determined by the department. All such reports and data shall be deemed confidential and
 7 shall not be open to inspection by the public; provided, however, the department may
 8 release such reports and data in statistical form or for valid research purposes.

9 (b) A health care provider, coroner, or medical examiner shall report to the department and
 10 the county board of health all known and suspected cases of persons harboring any illness
 11 or health condition that may be caused by bioterrorism, epidemic or pandemic disease, or
 12 novel and highly fatal infectious agents or toxins and that may pose a substantial risk of a
 13 public health emergency. Reportable illnesses and conditions include, without limitation,
 14 diseases caused by biological agents listed at 42 C.F.R. Section 72, app. A (2000) and any
 15 illnesses or conditions identified by the department as potential causes of a public health
 16 emergency.

17 (c) A pharmacist shall report to the department and the county board of health any unusual
 18 or increased prescription rates, unusual types of prescriptions, or unusual trends in
 19 pharmacy visits that may be caused by bioterrorism, epidemic or pandemic disease, or
 20 novel and highly fatal infectious agents or toxins and that may pose a substantial risk of a
 21 public health emergency.

22 (d) Any person, including but not limited to practitioners of the healing arts, submitting
 23 in good faith reports or data to the department or county boards of health in compliance
 24 with the provisions of this Code section shall not be liable for any civil damages therefor.

25 (e) Whenever the department learns of any case of an unusual illness, health condition, or
 26 death, or an unusual cluster of such events, or any other suspicious health related event that
 27 it reasonably believes has the potential to be caused by bioterrorism, it shall immediately
 28 notify the Department of Public Safety and other appropriate public safety authorities."

29 SECTION 8.

30 Said chapter is further amended by adding a new Code Section 31-12-2.1 to read as follows:

31 "31-12-2.1.

32 (a) The department shall ascertain the existence of any illness or health condition that may
 33 be caused by bioterrorism, epidemic or pandemic disease, or novel and highly fatal
 34 infectious agents or toxins and that may pose a substantial risk of a public health
 35 emergency; investigate all such cases to determine sources of infection and to provide for

1 proper control measures; and define the distribution of the illness or health condition. The
2 department shall:

3 (1) Identify, interview, and counsel, as appropriate, all individuals reasonably believed
4 to have been exposed to risk;

5 (2) Develop information relating to the source and spread of the risk; and

6 (3) Close, evacuate, or decontaminate, as appropriate, any facility and decontaminate or
7 destroy any contaminated materials when the department reasonably suspects that such
8 material or facility may endanger the public health.

9 (b) The department shall promulgate rules and regulations appropriate for management of
10 any public health emergency declared pursuant to the provisions of Code Section 38-3-51,
11 with particular regard to coordination of the public health emergency response of the state
12 pursuant to subsection (i) of said Code section. In developing such rules and regulations,
13 the department shall consult and coordinate as appropriate with the Georgia Emergency
14 Management Agency, the Federal Emergency Management Agency, the Georgia
15 Department of Public Safety, the Georgia Department of Agriculture, and the federal
16 Centers for Disease Control and Prevention. The department is authorized, in the course
17 of management of a declared public health emergency, to adopt and implement emergency
18 rules and regulations pursuant to the provisions of subsection (b) of Code Section 50-13-4.

19 (c) The department shall prepare and maintain a public health emergency plan and draft
20 executive order for the declaration of a public health emergency pursuant to Code Section
21 38-3-51. In preparation of such public health emergency plan and draft executive order,
22 the department shall consult and coordinate as appropriate with the Georgia Emergency
23 Management Agency, the Federal Emergency Management Agency, the Georgia
24 Department of Public Safety, the Georgia Department of Agriculture, and the federal
25 Centers for Disease Control and Prevention."

26 SECTION 9.

27 Said chapter is further amended by striking in its entirety subsection (a) of Code Section
28 31-12-3, relating to power to require immunization, and inserting in its place the following:

29 "(a) The department and all county boards of health are empowered to require, by
30 appropriate rules and regulations, persons located within their respective jurisdictions to
31 submit to vaccination against contagious or infectious disease where the particular disease
32 may occur, whether or not the disease may be an active threat. The department may, in
33 addition, require such other measures to prevent the conveyance of infectious matter from
34 infected persons to other persons as may be necessary and appropriate. In the case of a
35 declaration of a public health emergency pursuant to Code Section 38-3-51, the department

1 is empowered to require, by appropriate rules and regulations, the compulsory vaccination
 2 and treatment of persons for infectious diseases."

3 **SECTION 10.**

4 Said chapter is further amended by striking in its entirety Code Section 31-12-4, relating to
 5 isolation and segregation of diseased persons and quarantine, and inserting in its place the
 6 following:

7 "31-12-4.

8 The department and all county boards of health may, from time to time, require the
 9 isolation or segregation of persons with communicable diseases or conditions likely to
 10 endanger the health of others. The department may, in addition, require quarantine or
 11 surveillance of carriers of disease and persons exposed to, or suspected of being infected
 12 with, infectious disease until they are found to be free of the infectious agent or disease in
 13 question. The department is empowered to require, by appropriate rules and regulations to
 14 be implemented in the case of a declaration of a public health emergency pursuant to Code
 15 Section 38-3-51, the compulsory isolation and segregation of all such persons for the
 16 purpose of protecting the public health against infectious disease."

17 **SECTION 11.**

18 Said chapter is further amended by adding a new Code Section 31-12-15 to read as follows:

19 "31-12-15.

20 Any person who violates the requirements of this chapter regarding the reporting of
 21 diseases, injuries, and conditions shall be subject to the provisions of Code Section 31-5-8."

22 **SECTION 12.**

23 Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general
 24 provisions related to law enforcement officers and agencies, is amended by adding a new
 25 subsection (d) to Code Section 35-1-8, relating to acquisition, collection, classification, and
 26 preservation of information assisting in identifying deceased persons and locating missing
 27 persons, to read as follows:

28 "(d) Report any case of an unusual illness, health condition, or death, or an unusual cluster
 29 of such events, or any other suspicious health related event to the Department of Human
 30 Resources and the appropriate county board of health."

31 **SECTION 13.**

1 Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency
2 management, is amended by adding a new paragraph (4.1) to Code Section 38-3-3, relating
3 to definitions, to read as follows:

4 "(4.1) 'Public health emergency' means the occurrence or imminent threat of an illness
5 or health condition that poses a substantial risk of a significant number of human
6 fatalities, serious illnesses, or permanent or long-term disabilities, whether or not arising
7 from natural causes."

8 **SECTION 14.**

9 Said chapter is further amended by striking subsection (a) of Code Section 38-3-51, relating
10 to emergency powers of the Governor, termination of emergency, limitations in energy
11 emergency, and immunity, and inserting in its place the following:

12 "(a) In the event of actual or impending emergency or disaster of natural or manmade
13 origin, or impending or actual enemy attack, or a public health emergency, within or
14 affecting this state or against the United States, the Governor may declare that a state of
15 emergency or disaster exists. The state of emergency or disaster shall continue until the
16 Governor finds that the threat or danger has passed or the emergency or disaster has been
17 dealt with, to the extent that emergency or disaster conditions no longer exist, and
18 terminates the state of emergency or disaster. No state of emergency or disaster may
19 continue for longer than 30 days unless renewed by the Governor. The General Assembly
20 by concurrent resolution may terminate a state of emergency or disaster at any time.
21 Thereupon, the Governor shall by appropriate action end the state of emergency or
22 disaster."

23 **SECTION 15.**

24 Said chapter is further amended by striking paragraphs (8) and (9) of subsection (d) of Code
25 Section 38-3-51, relating to emergency powers of the Governor, termination of emergency,
26 limitations in energy emergency, and immunity, and inserting in their places the following:

27 "(8) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages,
28 firearms, explosives, and combustibles; ~~and~~

29 (9) Make provision for the availability and use of temporary emergency housing; and

30 (10) Compel a health care facility to provide services or the use of its facility if such
31 services or use are reasonable and necessary for emergency response. The use of such
32 health care facility may include transferring the management and supervision of the
33 health care facility to the Department of Human Resources for a limited or unlimited
34 period of time not extending beyond the termination of the public health emergency."

SECTION 16.

Said chapter is further amended by striking subsection (i) of Code Section 38-3-51, relating to emergency powers of the Governor, termination of emergency, limitations in emergency, and immunity, and inserting in its place the following:

"(i) The Governor may direct the Department of Human Resources to coordinate all matters pertaining to the response of the state to a public health emergency including without limitation:

(1) Planning and executing public health emergency assessments, mitigation, preparedness response, and recovery for the state;

(2) Coordinating public health emergency responses between state and local authorities;

(3) Collaborating with appropriate federal government authorities, elected officials of other states, private organizations, or private sector companies;

(4) Coordinating recovery operations and mitigation initiatives subsequent to public health emergencies;

(5) Organizing public information activities regarding state public health emergency response operations;

(6) Providing for special identification for public health personnel involved in a public health emergency; and

(7) Implementing emergency and summary measures for control of infection, disposal of infectious materials and corpses, control of health care supplies, collection of laboratory specimens and performance of laboratory tests, temporary licensing and appointment of out-of-state medical personnel and health care providers, appointment of emergency assistant medical examiners and coroners, conducting mandatory medical examination of persons, isolation and quarantine of persons, and mandatory vaccination and treatment of persons.

(j) Any individual, partnership, association, or corporation who acts in accordance with an order, rule, or regulation entered by the Governor pursuant to the authority granted by this Code section will not be held liable to any other individual, partnership, association, or corporation by reason thereof in any action seeking legal or equitable relief."

SECTION 17.

Chapter 13 of Title 50 of the Official Code of Georgia Annotated, the "Georgia Administrative Procedure Act," is amended by striking subsection (b) of Code Section 50-13-4, relating to procedural requirements for adoption, amendment, or repeal of rules, emergency rules, limitation on action to contest rules, and legislative override, and inserting in its place the following:

