

Senators Thompson of the 33rd and Stokes of the 43rd offered the following substitute to SB 385:

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 provide for a penalty for failure to comply with reporting requirements; to amend Chapter  
21 1 of Title 35 of the Official Code of Georgia Annotated, relating to general provisions related  
22 to law enforcement officers and agencies, so as to require law enforcement agencies to report  
23 unusual or suspicious health related events to the Department of Human Resources and the  
24 appropriate county board of health; to amend Chapter 3 of Title 38 of the Official Code of  
25 Georgia Annotated, relating to emergency management, so as to authorize the Governor to  
26 declare a state of emergency in the event of a public health emergency; to compel health care  
27 facilities to provide services or the use of their facilities during a public health emergency;  
28 to authorize the Governor to direct the Department of Human Resources to coordinate the

1 state's response to a public health emergency; to amend Chapter 13 of Title 50 of the Official  
2 Code of Georgia Annotated, the "Georgia Administrative Procedure Act," so as to provide  
3 that rules adopted under an executive order declaring a public health emergency shall be  
4 effective for the duration of the emergency but not for more than 120 days thereafter; to  
5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

10 "4-1-7.

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

16 **SECTION 2.**

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

18 "4-4-6.

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

28 (b) Any person, including but not limited to any veterinarian or veterinary diagnostic  
29 laboratory and practice personnel and any person associated with any livestock farm, ranch,  
30 sales establishment, transportation, or slaughter, submitting reports or data in good faith  
31 to the department in compliance with this Code section shall not be liable for any civil  
32 damages therefor.

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

### 3 SECTION 3.

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

6 "4-10-7.3.

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

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

### 20 SECTION 4.

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

23 "4-10-12.

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

### 27 SECTION 5.

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

30 "4-11-9.7.

31 (a) The Commissioner of Agriculture is authorized to declare certain animal diseases and  
32 syndromes to be diseases requiring notice and to require the reporting thereof to the  
33 department in a manner and at such times as may be prescribed by the Commissioner. The

1 department shall require that such data be supplied as is deemed necessary and appropriate  
 2 for the prevention and control of certain diseases and accidents as are determined by the  
 3 Commissioner. All such reports and data shall be deemed confidential and shall not be  
 4 open to inspection by the public; provided, however, that the Commissioner may release  
 5 such reports and data in statistical form, for valid research purposes, and for other purposes  
 6 as deemed appropriate by the Commissioner.

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

### 11 SECTION 6.

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

15 "31-12-1.1.

16 As used in this chapter, the term:

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

22 (2) 'Public health emergency' means the occurrence or imminent threat of an illness or  
 23 health condition that is believed to be caused by bioterrorism or the appearance of a novel  
 24 or previously controlled or eradicated infectious agent or biological toxin and poses a  
 25 high probability of any of the following harms:

26 (A) A large number of deaths in the affected population;

27 (B) A large number of serious or long-term disabilities in the affected population; or

28 (C) Widespread exposure to an infectious or toxic agent that poses a significant risk  
 29 of substantial future harm to a large number of people in the affected population."

### 30 SECTION 7.

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

34 "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. Part 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. Such rules and regulations shall be  
13 applicable to the activities of all entities created pursuant to Chapter 3 of this title in such  
14 circumstances, notwithstanding any other provisions of law. In developing such rules and  
15 regulations, the department shall consult and coordinate as appropriate with the Georgia  
16 Emergency Management Agency, the Federal Emergency Management Agency, the  
17 Georgia Department of Public Safety, the Georgia Department of Agriculture, and the  
18 federal Centers for Disease Control and Prevention. The department is authorized, in the  
19 course of management of a declared public health emergency, to adopt and implement  
20 emergency rules and regulations pursuant to the provisions of subsection (b) of Code  
21 Section 50-13-4.

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

## 29 SECTION 9.

30 Said chapter is further amended by striking in its entirety Code Section 31-12-3, relating to  
31 power to require immunization, and inserting in its place the following:

32 "31-12-3.

33 (a) The department and all county boards of health are empowered to require, by  
34 appropriate rules and regulations, persons located within their respective jurisdictions to  
35 submit to vaccination against contagious or infectious disease where the particular disease

1 may occur, whether or not the disease may be an active threat. The department may, in  
 2 addition, require such other measures to prevent the conveyance of infectious matter from  
 3 infected persons to other persons as may be necessary and appropriate. The department  
 4 shall promulgate appropriate rules and regulations for the implementation of the provisions  
 5 of this Code section in the case of a declaration of a public health emergency.

6 (b) In the absence of an epidemic or immediate threat thereof, this Code section shall not  
 7 apply to any person who objects in writing thereto on grounds that such immunization  
 8 conflicts with his religious beliefs."

#### 9 **SECTION 10.**

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

13 "31-12-4.

14 The department and all county boards of health may, from time to time, require the  
 15 isolation or segregation of persons with communicable diseases or conditions likely to  
 16 endanger the health of others. The department may, in addition, require quarantine or  
 17 surveillance of carriers of disease and persons exposed to, or suspected of being infected  
 18 with, infectious disease until they are found to be free of the infectious agent or disease in  
 19 question. The department shall promulgate appropriate rules and regulations for the  
 20 implementation of the provisions of this Code section in the case of a declaration of a  
 21 public health emergency."

#### 22 **SECTION 11.**

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

24 "31-12-15.

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

#### 27 **SECTION 12.**

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



1 emergency, limitations in energy emergency, and immunity, a new paragraph (4.1) to read  
2 as follows:

3 "(4.1) Compel a health care facility to provide services or the use of its facility if such  
4 services or use are reasonable and necessary for emergency response. The use of such  
5 health care facility may include transferring the management and supervision of the  
6 health care facility to the Department of Human Resources for a limited or unlimited  
7 period of time not extending beyond the termination of the public health emergency;".

#### 8 **SECTION 16.**

9 Said chapter is further amended by striking subsection (i) 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 "(i) The Governor may direct the Department of Human Resources to coordinate all  
13 matters pertaining to the response of the state to a public health emergency including  
14 without limitation:

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

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

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

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

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

24 (6) Providing for special identification for public health personnel involved in a public  
25 health emergency.

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

#### 30 **SECTION 17.**

31 Chapter 13 of Title 50 of the Official Code of Georgia Annotated, the "Georgia  
32 Administrative Procedure Act," is amended by striking subsection (b) of Code Section  
33 50-13-4, relating to procedural requirements for adoption, amendment, or repeal of rules,

1 emergency rules, limitation on action to contest rules, and legislative override, and inserting  
2 in its place the following:

3 "(b) If any agency finds that an imminent peril to the public health, safety, or welfare,  
4 including but not limited to, summary processes such as quarantines, contrabands, seizures,  
5 and the like authorized by law without notice, requires adoption of a rule upon fewer than  
6 30 days' notice and states in writing its reasons for that finding, it may proceed without  
7 prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable  
8 to adopt an emergency rule. The rule may be effective for a period of not longer than 120  
9 days but the adoption of an identical rule under paragraphs (1) and (2) of subsection (a) of  
10 this Code section is not precluded; provided, however, that such a rule adopted pursuant  
11 to discharge of responsibility under an executive order declaring a public health emergency  
12 shall be effective for the duration of the emergency and for a period of not more than 120  
13 days thereafter."

14 **SECTION 18.**

15 All laws and parts of laws in conflict with this Act are repealed.  
16