

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 provide for an
27 automatic special session of the General Assembly under certain emergency situations; to
28 compel health care facilities to provide services or the use of their facilities during a public

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

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

12 "4-1-7.

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

18 **SECTION 2.**

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

20 "4-4-6.

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

30 (b) Any person, including but not limited to any veterinarian or veterinary diagnostic
 31 laboratory and practice personnel and any person associated with any livestock farm, ranch,
 32 sales establishment, transportation, or slaughter, submitting reports or data in good faith

1 to the department in compliance with this Code section shall not be liable for any civil
2 damages therefor.

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

5 SECTION 3.

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

8 "4-10-7.3.

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

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

22 SECTION 4.

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

25 "4-10-12.

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

29 SECTION 5.

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

32 "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 is believed to be caused by bioterrorism or the appearance of a novel
 27 or previously controlled or eradicated infectious agent or biological toxin and poses a
 28 high probability of any of the following harms:

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

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

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

SECTION 7.

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

"31-12-2.

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

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

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

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

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

SECTION 8.

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

1 "31-12-2.1.

2 (a) The department shall ascertain the existence of any illness or health condition that may
3 be caused by bioterrorism, epidemic or pandemic disease, or novel and highly fatal
4 infectious agents or toxins and that may pose a substantial risk of a public health
5 emergency; investigate all such cases to determine sources of infection and to provide for
6 proper control measures; and define the distribution of the illness or health condition. The
7 department shall:

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

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

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

14 (b) The department shall promulgate rules and regulations appropriate for management of
15 any public health emergency declared pursuant to the provisions of Code Section 38-3-51,
16 with particular regard to coordination of the public health emergency response of the state
17 pursuant to subsection (i) of said Code section. Such rules and regulations shall be
18 applicable to the activities of all entities created pursuant to Chapter 3 of this title in such
19 circumstances, notwithstanding any other provisions of law. In developing such rules and
20 regulations, the department shall consult and coordinate as appropriate with the Georgia
21 Emergency Management Agency, the Federal Emergency Management Agency, the
22 Georgia Department of Public Safety, the Georgia Department of Agriculture, and the
23 federal Centers for Disease Control and Prevention. The department is authorized, in the
24 course of management of a declared public health emergency, to adopt and implement
25 emergency rules and regulations pursuant to the provisions of subsection (b) of Code
26 Section 50-13-4.

27 (c) The department shall prepare and maintain a public health emergency plan and draft
28 executive order for the declaration of a public health emergency pursuant to Code Section
29 38-3-51. In preparation of such public health emergency plan and draft executive order,
30 the department shall consult and coordinate as appropriate with the Georgia Emergency
31 Management Agency, the Federal Emergency Management Agency, the Georgia
32 Department of Public Safety, the Georgia Department of Agriculture, and the federal
33 Centers for Disease Control and Prevention."

34 **SECTION 9.**

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

3 "31-12-3.

4 (a) The department and all county boards of health are empowered to require, by
5 appropriate rules and regulations, persons located within their respective jurisdictions to
6 submit to vaccination against contagious or infectious disease where the particular disease
7 may occur, whether or not the disease may be an active threat. The department may, in
8 addition, require such other measures to prevent the conveyance of infectious matter from
9 infected persons to other persons as may be necessary and appropriate. The department
10 shall promulgate appropriate rules and regulations for the implementation of the provisions
11 of this Code section in the case of a declaration of a public health emergency.

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

15 SECTION 10.

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

19 "31-12-4.

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

28 SECTION 11.

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

30 "31-12-15.

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

33 SECTION 12.

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

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

9 SECTION 13.

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

13 "(4.1) 'Public health emergency' means the occurrence or imminent threat of an illness
14 or health condition that is believed to be caused by bioterrorism or the appearance of a
15 novel or previously controlled or eradicated infectious agent or biological toxin and poses
16 a high probability of any of the following harms:

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

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

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

21 SECTION 14.

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

25 "(a) In the event of actual or impending emergency or disaster of natural or manmade
26 origin, or impending or actual enemy attack, or a public health emergency, within or
27 affecting this state or against the United States, the Governor may declare that a state of
28 emergency or disaster exists. If the Governor declares a public health emergency, the
29 General Assembly shall be automatically called into special session at 8:00 A.M. on the
30 morning of the second day following the date of such declaration for the purpose of
31 concurring with or terminating the public health emergency. The state of emergency or
32 disaster shall continue until the Governor finds that the threat or danger has passed or the
33 emergency or disaster has been dealt with, to the extent that emergency or disaster
34 conditions no longer exist, and terminates the state of emergency or disaster. No state of

1 emergency or disaster may continue for longer than 30 days unless renewed by the
 2 Governor. The General Assembly by concurrent resolution may terminate a state of
 3 emergency or disaster at any time. Thereupon, the Governor shall by appropriate action end
 4 the state of emergency or disaster."

5 SECTION 15.

6 Said chapter is further amended by inserting between paragraphs (4) and (5) of subsection
 7 (d) of Code Section 38-3-51, relating to emergency powers of the Governor, termination of
 8 emergency, limitations in energy emergency, and immunity, a new paragraph (4.1) to read
 9 as follows:

10 "(4.1) Compel a health care facility to provide services or the use of its facility if such
 11 services or use are reasonable and necessary for emergency response. The use of such
 12 health care facility may include transferring the management and supervision of the
 13 health care facility to the Department of Human Resources for a limited or unlimited
 14 period of time not extending beyond the termination of the public health emergency:".

15 SECTION 16.

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

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

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

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

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

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

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

31 (6) Providing for special identification for public health personnel involved in a public
 32 health emergency.

33 (j) Any individual, partnership, association, or corporation who acts in accordance with
 34 an order, rule, or regulation entered by the Governor pursuant to the authority granted by

1 this Code section will not be held liable to any other individual, partnership, association,
2 or corporation by reason thereof in any action seeking legal or equitable relief."

3 SECTION 17.

4 Chapter 13 of Title 50 of the Official Code of Georgia Annotated, the "Georgia
5 Administrative Procedure Act," is amended by striking subsection (b) of Code Section
6 50-13-4, relating to procedural requirements for adoption, amendment, or repeal of rules,
7 emergency rules, limitation on action to contest rules, and legislative override, and inserting
8 in its place the following:

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

20 SECTION 18.

21 All laws and parts of laws in conflict with this Act are repealed.
22