

A BILL TO BE ENTITLED
AN ACT

1 To provide a short title; to amend Chapter 12 of Title 31 of the Official Code of Georgia
2 Annotated, relating to control of hazardous conditions, preventable diseases, and metabolic
3 disorders, so as to repeal requirements for mandatory vaccination; to amend Chapter 3 of
4 Title 38 of the Official Code of Georgia Annotated, relating to emergency management, so
5 as to repeal the authority of the Governor to issue mandatory vaccination orders; to prohibit
6 the quarantine of persons solely for failure to submit to and receive voluntary vaccinations;
7 to provide for related matters; to provide an effective date; to repeal conflicting laws; and for
8 other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

10 This Act shall be known and may be cited as the "Freedom from Compulsory Pandemic
11 Act."
12

SECTION 2.

13 Chapter 12 of Title 31 of the Official Code of Georgia Annotated, relating to control of
14 hazardous conditions, preventable diseases, and metabolic disorders, is amended by revising
15 Code Section 31-12-3, relating to power to require immunization and other preventive
16 measures, as follows:
17

18 "31-12-3.

19 (a) The department and all county boards of health are empowered to ~~require, by~~
20 ~~appropriate rules and regulations, provide for voluntary vaccinations of~~ persons located
21 within their respective jurisdictions ~~to submit to vaccination~~ against contagious or
22 infectious disease where the particular disease may occur, whether or not the disease may
23 be an active threat; provided that in no event shall any such vaccination be mandatory. The
24 department may, in addition, require such other measures to prevent the conveyance of
25 infectious matter from infected persons to other persons as may be necessary and

26 appropriate. The department shall promulgate appropriate rules and regulations for the
 27 implementation of the provisions of this Code section in the case of a declaration of a
 28 public health emergency ~~and shall include provisions permitting consideration of the~~
 29 ~~opinion of a person's personal physician as to whether the vaccination is medically~~
 30 ~~appropriate or advisable for such person.~~ Such rules and regulations shall be adopted
 31 pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' but shall
 32 be automatically referred by the Office of Legislative Counsel to the House of
 33 Representatives and Senate Committees on Judiciary.

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

37 SECTION 3.

38 Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency
 39 management, is amended by revising paragraph (6) of subsection (b) of Code
 40 Section 38-3-22, relating to Governor's emergency management powers and duties, as
 41 follows:

42 "(6) To employ such measures and give such directions to the Department of Community
 43 Health and local boards of health as may be reasonably necessary for the purpose of
 44 securing compliance with Articles 1 through 3 of this chapter or with the findings or
 45 recommendations of the Department of Community Health and local boards of health by
 46 reason of conditions arising from emergencies or disasters, manmade or natural, or the
 47 threat of enemy attack or otherwise, provided that such measures shall not include
 48 mandatory vaccinations nor the quarantine of persons solely because of the failure or
 49 refusal of such persons to submit to or receive voluntary vaccinations;".

50 SECTION 4.

51 Said chapter is further amended by revising paragraph (2) of subsection (i) of Code
 52 Section 38-3-51, relating to emergency powers of Governor, as follows:

53 "(2) The following due process procedures shall be applicable to any quarantine ~~or~~
 54 ~~vaccination~~ program instituted pursuant to a declaration of a public health emergency:

55 (A) Consonant with maintenance of appropriate quarantine rules, the department shall
 56 permit access to counsel in person or by such other means as practicable that do not
 57 threaten the integrity of the quarantine;

58 (B) An order imposing a quarantine ~~or a vaccination~~ program may be appealed but
 59 shall not be stayed during the pendency of the challenge. The burden of proof shall be
 60 on the state to demonstrate that there exists a substantial risk of exposing other persons

61 to imminent danger. ~~With respect to vaccination, the state's burden of proof shall be~~
 62 ~~met by clear and convincing evidence. With respect to quarantine, the The state's~~
 63 burden of proof shall be met by a preponderance of the evidence;

64 (C) An individual or a class may challenge the order before any available judge of the
 65 state courts, the superior courts, the Court of Appeals, or the Supreme Court. Such
 66 judge, upon attestation of the exigency of the circumstances, may proceed ex parte with
 67 respect to the state or may appoint counsel to represent the interests of the state or other
 68 unrepresented parties. The judge hearing the matter may consolidate a multiplicity of
 69 cases or, on the motion of a party or of the court, proceed to determine the interests of
 70 a class or classes. The rules of evidence applicable to civil cases shall be applied to the
 71 fullest extent practicable taking into account the circumstances of the emergency. All
 72 parties shall have the right to subpoena and cross-examine witnesses, but in
 73 enforcement of its subpoena powers the court shall take into account the circumstances
 74 of the emergency. All proceedings shall be transcribed to the extent practicable. Filing
 75 fees shall be waived and all costs borne by the state;

76 (D) The judge hearing the matter may enter an appropriate order upholding or
 77 suspending the quarantine ~~or vaccination~~ order. ~~With respect to vaccination, the order~~
 78 ~~may be applicable on notice to the department or its agents administering the~~
 79 ~~vaccination, or otherwise in the court's discretion. With respect to quarantines, the The~~
 80 order shall be automatically stayed for 48 hours;

81 (E) The department or any party may appeal any order within 24 hours to the Court of
 82 Appeals, the Supreme Court, or to any available judge thereof in the event that
 83 circumstances render a full court unavailable. If the trial judge has proceeded ex parte
 84 or with counsel appointed for the state, the trial court shall either direct the filing of an
 85 appeal in its order or itself certify the order for appeal. Filing fees for appeal shall be
 86 waived, all costs shall be borne by the state, and such appeals shall be heard
 87 expeditiously; and

88 (F) No provisions of this paragraph shall be construed to limit or restrict the right of
 89 habeas corpus under the laws of the United States."

90 SECTION 5.

91 This Act shall become effective upon its approval by the Governor or upon its becoming law
 92 without such approval.

93 SECTION 6.

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