

HOUSE RESEARCH

Bill Summary

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Overview

This bill modifies the Emergency Health Powers Act and provides for a new sunset date.

Section

- 1 Facility.** Amends § 12.03, subd. 4. Modifies the definition of "facility" to include a licensed health care facility when other alternatives are not feasible.
- 2 Information given.** Amends § 12.39, subd. 2. Requires health care providers to always notify individuals of rights to refuse certain services and of the consequences of refusal before performing certain health care services.
- 3 Definitions.** Adds § 12.60.

Subd. 1. Applicability. Describes the scope of the definitions.

Subd. 2. Commissioner. Defines "commissioner" as the Commissioner of Health.

Subd. 3. Director. Defines "director" as the director of the Division of Homeland Security and Emergency Management.

Subd. 4. Emergency plans. Adds a definition for "emergency plans."

Subd. 5. Local government. Adds a definition for "local government."

Section

Subd. 6. Public health emergency responder or responder . Adds a definition for "public health emergency responder" or "responder."

Subd. 7. State. Adds a definition for "state."

- 4 Responder liability limitation; hospital capacity exceeded.** Adds § 12.63. Permits the governor to issue an executive order allowing care to be given in temporary facilities, when the need exceeds regional hospital system capacity. A paid or unpaid responder, acting in accordance with emergency plans, is not liable for civil damages while providing care in temporary facilities, under specified conditions. A definition for "regional hospital system" is given.
- 5 Emergency vaccine administration and legend drug dispensing.** Adds § 12.64. Permits the commissioner to authorize any person, including certain credentialed health professionals, to administer vaccinations or dispense legend drugs during declared emergencies. The commissioner must state in writing the categories of persons authorized, and the duration of the authorization and may require additional training and supervision. The commissioner may extend the authorization as needed.
- 6 Data dissemination.** Amends § 13.37, subd. 3. Permits government entities in certain circumstances to disseminate security information to a person or government unit when the data will assist in certain situations.
- 7 Definitions.** Amends § 144.419, subd. 1. Makes a technical change.
- 8 Ex parte order for isolation or quarantine.** Amends § 144.4195, subd. 1. Permits peace officers to use all necessary and lawful means, including reasonable force but not deadly force, to enforce a quarantine or isolation order. On request, specified parties must advise the peace officer on measures against disease transmission. Peace officers must act on electronic communication from specified authorities.
- 9 Temporary hold upon commissioner's directive.** Amends § 144.4195, subd. 2. Permits peace officers to use all necessary and lawful means to enforce a temporary quarantine or isolation order. On request, specified parties must advise the peace officer on measures against disease transmission. Peace officers must act on electronic communication from the court. The commissioner may direct a health care facility to continue to hold a person subject to the commissioner's isolation or quarantine directive. The facility must take reasonable measures to prevent others from exposure to communicable diseases.
- 10 Court hearing.** Amends § 144.4195, subd. 3. Corrects a statutory reference.
- 11 Judicial procedures and decisions.** Amends § 144.4195, subd. 5. Permits courts to conduct hearings by electronic means to mitigate the risk of transmitting a communicable disease.
- 12 Employee protection.** Adds § 144.4196.

Subd. 1. Definitions. (a) Defines "qualifying employee" as an employee who has been the subject of isolation or quarantine for a communicable disease. Persons must have complied with restrictions of specified conditions.

(b) Defines "employer" as a person with one or more employees including any governmental entity.

Subd. 2. Protections. Prohibits an employer from punishing or discriminating against a qualifying employee. A qualifying employee can bring a civil action against an employer who violates these provisions, and can receive reasonable attorney fees.

Section

These provisions are not intended to alter sick compensation terms of the employment relationship.

Subd. 3. Limitation. Provides that work absences due to isolation or quarantine longer than 21 days do not qualify under this section.

- 13 **Workers' compensation advisory council report.** Requires the Council on Workers' Compensation to study extending workers' compensation to volunteers in an emergency.
- 14 **Health study.** Requires the Commissioner of Health to prepare a specified plan for the implementation and development of a statewide public health data management system in consultation with local public health representatives, and present the plan by January 15, 2005.
- 15 **Repealer.** Repeals the 2002 sunset provision. Replaces it with technically correct language.
- 16 **Expiration.** Provides for the emergency health powers law to expire August 1, 2008.
- 17 **Effective date.** Effective the day following final enactment.