An act to add Division 111 (commencing with Section 130350) to the Health and Safety Code, relating to public health, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1763, as amended, Richman. Emergency Health Powers Act


Existing law makes various provisions for the prevention of disease and the promotion of health, and imposes various requirements on the State Department of Health Services in this regard.

This bill would create the Emergency Health Powers Act.

The bill would require the Governor to appoint and establish a Public Health Emergency Planning Powers Commission in state government with a specified membership that would be required to submit to the Governor a designated public health emergency plan and report annually to the Governor and the Legislature on the status of the plan within the same time period.

This bill would provide that its provisions shall only be implemented to the extent that private or federal funding is available.

The bill would designate the State Department of Health Services, a local health officer who has principal responsibility to protect the public's health in a city, county, or city and county, and any person designated by the department or the local health officer, as public health authorities for purposes of the act, and would require a public health authority to ascertain the existence of cases of any illness or health condition that may be the cause of a public health emergency, as defined by the bill, and to report, at least weekly, certain information to the director.

This bill would require health care providers, coroners, medical examiners, pharmacists, and veterinarians and other persons who care for animals to report certain information to the state and local public health authorities. The bill would require a public health authority and any public safety authority, as defined by the act, to share certain necessary information.

By imposing new duties on local public health authorities, coroners, medical examiners, and local law enforcement agencies, the bill would impose a state mandated local program.

Existing law authorizes the Governor to declare a state of emergency upon conditions of disaster or of extreme peril to the safety of persons and property due to pollution; fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, or earthquake or volcanic prediction warning, with certain exceptions, which conditions by
their magnitude are beyond or likely to be beyond the control of the
services, personnel, equipment, and facilities of any single county,
city, or city and county.

Existing law grants to the Governor certain emergency powers
during a state of emergency, including the authority to commandeer or
utilize private property or personnel, for which the state is
required to pay the reasonable value. Under existing law, a state of
emergency may be terminated by proclamation of the Governor or
current resolution of the Legislature.

This bill would authorize the Governor to declare a state of
public health emergency if the Governor finds an occurrence or
imminent threat of an illness or health condition that may be the
cause of a public health emergency.

The bill would grant to the Governor certain powers during a state
of public health emergency. The bill would prescribe the conditions
for the termination of a state of public health emergency. The bill
would provide that the declaration of a state of public health
emergency shall activate the disaster response and recovery aspects
of state, local, and interjurisdictional disaster emergency plans in
affected areas.

The bill would make the director responsible for coordinating all
matters pertaining to the public health emergency response of the
state during a state of public health emergency. The bill would
require the department to disseminate specific information to the
public regarding a declared state of public health emergency.

The bill would authorize any public health authority, health
care facilities, decontamination or disposal facilities,
and treatment facilities, to collect, test, or analyze samples,
and decontaminate or destroy materials, regulate the disposal of infectious waste and human remains, and
purchase and regulate the distribution of certain pharmaceutical agents or medical supplies

The bill would provide as a condition of licensure or the
authority to operate or continue to do business in the state, health
facilities, businesses and facilities dealing with infectious
waste and human remains and in state health care providers,
providers of medical services or the use of facilities to respond
to a public health emergency.

The bill would authorize, during a state of public health
emergency, any public health authority, or local health officer,
to perform medical examinations and testing, and any public health
authority to vaccinate and treat individuals for, communicable
diseases. The bill would also authorize, during a state of public
health emergency, a public health authority to isolate or quarantine
an individual or group of individuals and would prescribe
requirements applicable to isolation and quarantine proceedings,
including the appointment of counsel at the state's expense to
represent certain individuals subject to isolation or quarantine
proceedings. The bill would make it a misdemeanor for a person to
fail to comply with the bill's provisions and the rules, regulations,
and orders of an authority concerning isolation and quarantine. Because the bill would create new crimes, it would impose
a state mandated local program.

The bill would authorize the department, during a state of public
health emergency, to collect specimens and perform tests on any
deceased person or living person with an infectious disease. The bill would authorize the
department, during a state of public health emergency, to appoint
health personnel and to authorize medical examiners and coroners

This bill would authorize the Governor to transfer, from any
available fund, sums as necessary to meet a state of public health
emergency, thereby making an appropriation. The bill would impose
restrictions on the expenses incurred by the state during a state of public health emergency. The bill would provide various immunities from civil liability during a state of public health emergency.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making the reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed $1,000,000 statewide and other procedures for claims whose statewide cost exceeds $1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: 2/3 majority.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. This act may be cited as the "Emergency Health

SECTION 1. The Legislature finds and declares all of the following:

(a) The health of all Californians depends on a sound public health system and the ability to respond to public health emergencies.

(b) The State Department of Health Services is currently undertaking an extensive review and planning process for public health preparedness and response to bioterrorism, as required by federal grants from the Centers for Disease Control and Prevention (CDC) and the Health Resources Services Administration (HRSA).

(c) A Model State Emergency Health Powers Act has been drafted, which the Legislature may wish to consider in whole or in part as a supplement to, or in place of, existing California law.

(d) It is important to have broad public input in, and acceptance of, those emergency health powers that are granted to public authorities, so that in a public health emergency the public will understand, support, and comply with, the exercise of those powers.

(e) The creation of the Public Health Emergency Powers Commission will facilitate public health planning and the sharing of information between the department, the Legislature, and the public.

SEC. 2. Division 112 (commencing with Section 130500) is added to the Health and Safety Code, to read:

DIVISION 112. PUBLIC HEALTH EMERGENCY POWERS COMMISSION

130500. (a) The Public Health Emergency Powers Commission is hereby established in state government. Members of the commission shall be appointed for two-year terms.

(1) The Governor shall appoint the following members to the commission:

(A) Two representatives of the State Department of Health Services, one of whom shall be the director of the department, or the director's designee.

(B) One representative of the Emergency Medical Services Authority.

(C) The directors, or their designees, of any other departments or
agencies that the Governor deems relevant to public health emergency preparedness.

(D) Three public members.

(2) The remainder of the commission shall consist of the following members:

(A) Six representatives of the Legislature, three each appointed by the Speaker of the Assembly and the Senate Committee on Rules, with at least one member of the minority party from each house.

(B) Three representatives from the California Conference of Local Health Officers.

(C) One representative from the California Medical Association.

(D) One representative from the California Police Chiefs' Association.

(E) One representative from the California Nurses Association.

(F) One representative from the California Healthcare Association.

(G) One representative from the California chapter of the American College of Emergency Physicians.

(H) One representative from the County Health Executives Association of California.

(I) One representative from the American Civil Liberties Union.

(J) One representative from the California Professional Firefighters Association.

(K) One representative from the California Judicial Council.

(L) One representative from the California Public Defenders Association.

(b) The Governor shall designate the chair of the commission.

130505. (a) In carrying out its duties, the commission shall seek the advice of all of the following:

(1) Organizations representing the interests and concerns of those involved in responding to public health emergencies.

(2) Organizations representing the interests and concerns of those involved in the administration of justice.

(3) Organizations representing the public interest.

(b) The commission shall hold at least three hearings outside of Sacramento. At least one of these hearings shall be held in each of northern, central, and southern California.

(c) The State Department of Health Services shall provide consultation and assistance to the commission in its work and in the preparation of all reports required under this division.

130510. (a) The commission, within six months of its appointment, shall prepare and deliver a report on public health emergency law revision to the Governor and to the Legislature with its recommendations, if any, for revising existing laws, regulations, and ordinances pertaining to public health emergencies. The commission may contract with academic institutions or other qualified entities in the preparation of the report.

(b) The commission shall include in its report on public health emergency law revision a comparison of the current version of the Model State Emergency Health Powers Act with existing California statutory and decisional law and current practice, and the commission's recommendations for possible adoption of provisions of the model act.

(c) The commission's report on public health emergency law revision shall include, but shall not be limited to, the following subjects:

(1) Definitions of relevant public health and other terms.

(2) Public health emergency planning.

(3) Reporting of disease.

(4) Tracking and surveillance.

(5) Information sharing.

(6) Powers of the Governor and the Legislature.

(7) Declaring a state of public health emergency.
8) Termination of a state of public health emergency.
9) Powers to control and destroy property, including infectious waste, human remains, health care supplies, destruction of property, and compensation for loss of property.
10) Powers over persons, including medical examination and testing, vaccination and treatment, isolation and quarantine, collection of laboratory specimens, access to and disclosure of protected health information, and licensing of health personnel.
11) Protection of civil liberties.
12) Public information during a state of public health emergency.

13) Financing and expenses.
14) Liability.
15) Compensation.
16) Preemption and conflicts with other laws.

130515. (a) The commission shall, within six months of its appointment, prepare and deliver to the Governor a public health emergency plan, for responding to a public health emergency. The commission may contract with academic institutions or other qualified entities in the preparation of the plan.
(b) The commission shall coordinate its work on the plan with the State Department of Health Services. The plan shall include provisions concerning all of the following subjects:
(1) Notifying and communicating with the population during a state of public health emergency.
(2) Communicating with public health authorities, state agencies, public safety authorities, health care providers, and health care facilities.
(3) Central coordination of resources, personnel, and services, including coordination of responses by state, local, tribal, and federal agencies.
(4) Planning for the safety of public health and public safety personnel, including for prevaccination and the provision of protective equipment.
(5) The location, procurement, storage, transportation, maintenance, and distribution of essential materials, including medical supplies, drugs, vaccines, food, shelter, clothing, and beds.
(6) Compliance with reporting requirements.
(7) The continued and effective operation of the judicial system.
(8) The method of evacuating populations and housing and feeding evacuated populations.
(9) The identification and training of health care providers to diagnose and treat persons with communicable diseases.
(10) The vaccination of persons.
(11) The treatment of persons who have been exposed to or who are infected with diseases or health conditions that may be the cause of a public health emergency.
(12) The safe disposal of infectious waste and human remains.
(13) The safe and effective control of persons isolated, quarantined, vaccinated, tested, or treated during a state of public health emergency.
(14) Tracking the source of outcomes of infected persons.
(15) Ensuring that each city and county identifies all of the following:
(A) Sites where persons can be isolated or quarantined.
(B) Sites where medical supplies, food, and other essentials can be distributed.
(C) Sites where public health and emergency workers can be housed and fed.
(D) Routes and means of transportation of people and materials.
(16) Protecting civil liberties.
(17) Honoring relevant cultural norms, values, religious principles, and traditions.
(18) Maintaining an adequate public health infrastructure to prepare and respond to a public health emergency.
(19) Other necessary measures.
(c) The commission shall distribute the plan to, and seek comments from, those who will be responsible for its implementation, other interested persons, and the public, and shall review the plan annually.

130520. This division shall only be implemented to the extent that private or federal funding is available for its implementation.

Powers Act.”

SEC. 2. (a) The Legislature finds and declares all of the following:
(1) The government must do more to protect the health, safety, and general well-being of our citizens.
(2) New and emerging dangers, including emergent and reemerging infectious diseases and incidents of civilian mass casualties, pose serious and immediate threats.
(3) A renewed focus on the prevention, detection, management, and containment of public health emergencies is needed.
(4) Emergency health threats, including those caused by bioterrorism, may require the exercise of extraordinary government powers and functions.
(5) The state must have the ability to respond rapidly and effectively to potential or actual public health emergencies.
(6) The exercise of any emergency health powers must promote the common good.
(7) Emergency health powers must be grounded in a thorough scientific understanding of public health threats and disease transmission.
(8) Guided by principles of justice and antidiscrimination, it is the duty of the state to act with fairness and tolerance towards individuals and groups.
(9) The rights of people to liberty, bodily integrity, and privacy must be respected to the fullest extent possible, consistent with maintaining and protecting the public's health and security.
(10) This act is necessary to protect the health and safety of the citizens of the state.
(b) The Legislature declares that the purposes of enacting this act are as follows:
(1) To require the development of a comprehensive plan to provide for a coordinated, appropriate response in the event of a public health emergency.
(2) To authorize the reporting and collection of data and records, the management of property, the protection of persons, and access to communications.
(3) To facilitate the early detection of a health emergency and allow for immediate investigation of the emergency by granting access to individuals' health information under specified circumstances.
(4) To grant state and local officials the authority to use and appropriate property as necessary for the care, treatment, vaccination, and housing of patients and to destroy contaminated facilities or materials.
(5) To grant state and local officials the authority to provide care, treatment, and vaccination to persons who are ill or who have been exposed to communicable diseases, and to separate affected individuals from the population at large to interrupt disease transmission.
(6) To ensure that the needs of infected or exposed persons are properly addressed to the fullest extent possible, given the primary goal of controlling serious health threats.
(7) To provide state and local officials with the ability to
prevent, detect, manage, and contain emergency health threats without
unduly interfering with civil rights and liberties.

SEC. 3. Division 111 (commencing with Section 130350) is added to
the Health and Safety Code, to read:

DIVISION 111. EMERGENCY HEALTH POWERS ACT

PART 1. GENERAL PROVISIONS

CHAPTER 1. DEFINITIONS

130350. "Bioterrorism" means the intentional use of any
microorganism, virus, infectious substance, or biological product
that may be engineered as a result of biotechnology, or any naturally
occurring or bioengineered component of that microorganism, virus,
infectious substance, or biological product, to cause death, disease,
or other biological malfunction in a human, an animal, a plant, or
another living organism in order to influence the conduct of
government or to intimidate or coerce a civilian population.

130352. (a) "Chain of custody" means the methodology of tracking
specimens for the purpose of maintaining control and accountability
from initial collection to final disposition of the specimen and
providing for accountability at each stage of collecting, handling,
testing, storing, and transporting the specimen and reporting test
results.

(b) "Communicable disease" means an illness due to a specific
infectious agent or its toxic products that arises through
transmission of that agent or its products from an infected person,
animal, or inanimate reservoir to a susceptible host, either directly
or indirectly through an intermediate plant or animal host.

130353. "Department" means the State Department of Health
Services and "director" means the Director of Health Services.

130354. (a) (1) "Health care facility" means any nonfederal
institution, building, or agency, or portion thereof, whether public
or private, or for profit or nonprofit, that is used, operated, or
designed to provide health services, medical treatment, or nursing,
rehabilitative, or preventive care to any person or persons. "Health
care facility" does not include an institution, building, or agency
used, operated, or maintained by tribal authorities.

(b) For purposes of this subdivision, "health care facility
includes, but is not limited to, all of the following:

(A) A health facility licensed pursuant to Chapter 2 (commencing
with Section 1250) of Division 2, including, but not limited to, a
hospital, skilled nursing facility, or intermediate care facility.

(B) A clinic licensed pursuant to Chapter 1 (commencing with
Section 1200) of Division 2, including, but not limited to, an
ambulatory surgical facility, kidney treatment center, or
rehabilitation clinic.

(C) A home health agency licensed pursuant to Chapter 9
(commencing with Section 1725) of, or hospice licensed pursuant to
Chapter 9.5 (commencing with Section 1745) of, Division 2.

(D) A residential care facility licensed pursuant to Chapter 3.01
(commencing with Section 1568.01) of, or Chapter 3.2 (commencing with
Section 1569) of, Division 2.

(E) An adult day care center licensed pursuant to Chapter 3.3
(commencing with Section 1570) of Division 2.

(F) A public health center or mental health center.

(2) "Health care facility" also includes property related to the
health care facility, and any ancillary facility, equipment, or apparatus
that is used, operated, or maintained by the health care facility,
including, but not limited to, a research facility, pharmacy, laundry facility, health personnel
training and lodging facility, patient, guest, and health personnel
food service facility, and office and office building for persons

engaged in health care professions or services.

(b) "Health care provider" means any person or entity that provides health care services including, but not limited to, a hospital, medical clinic or office, special care facility, or medical laboratory, any person who engages in acts that are the subject of licensure or regulation under Division 2 (commencing with Section 500) of the Business and Professions Code, or under any initiative act referred to in that division, including a physician and surgeon, pharmacist, dentist, registered nurse, physician assistant, nurse, paramedic, an emergency medical technician, an emergency medical worker, an infection control practitioner, a medical examiner, or a coroner.

130356. (a) "Infectious disease" means a disease caused by a living organism or other pathogen, including a fungus, bacterium, parasite, virus, or virus-like organism. An infectious disease may, or may not, be transmissible from person to person, animal to person, or insect to person.

(b) "Infectious waste" means biological waste, cultures and stocks, pathological waste, and sharps, defined as follows:

(1) "Biological waste" means blood and blood products, excretions, exudates, secretions, suctioning, and other body fluids, and waste materials saturated with blood or body fluids.

(2) "Cultures and stocks" means etiologic agents and associated biologicals, including, but not limited to, specimen cultures, dishes and devices used to transfer, inoculate, and mix cultures, decomposition of biologicals and cultures, and discarded live and attenuated vaccines.

(3) "Pathological waste" means living material, all tissues, anatomical parts that emanate from surgery, obstetrical procedure, necropsy or autopsy, and laboratory procedures, and animal carcasses exposed to pathogens in research, and the bedding and other waste from those animals. "Pathological waste" does not include teeth, or formaldehyde or other preservative agents.

(4) "Sharps" means needles, intravenous tubing with needle attached, surgical blades, lancets, breakable glass syringes, and syringes that have been removed from their original sterile container.

(c) "Isolation" means the physical separation, for the period of communicability, of infected persons or animals from other persons in a place and under conditions that prevent or limit the direct or indirect transmission of the infectious agent to those who are susceptible to infection or who may spread the agent to others.

130358. "Mental health support personnel" means, but is not limited to, psychiatrists, psychologists, marriage, child, and family counselors, social workers, and volunteer crisis counseling groups.

130360. "Organized militia" means the California National Guard, the army national guard, the air national guard, or any military force organized under the laws of the state.

130362. (a) "Protected health information" means any information, whether oral, written, electronic, visual, or any other form, that relates to an individual's past, present, or future physical or mental health status, condition, treatment, service, products purchased, or provision of care, and either reveals the identity of the individual whose health care is the subject of the information with regard to which there is a reasonable basis to believe that it should be protected, either alone or with other information that is or should be reasonably known to be available to predictable recipients of the information, or otherwise reveals the identity of that individual.

(b) "Public health authority" means the State Department of Health Services, any local health officer as described in Section 120100 who is principally responsible for protecting and preserving the...
public's health in a city, county, or city and county, and any person
that is designated directly by the department or local health
officer to act on behalf of the department or governmental agency for
purposes of this act.

(c) (1) "Public health emergency" means an occurrence or imminent
threat of an illness or health condition that meets any of the
following:

(i) Is believed to be caused by any of the following:

(a) Bioterrorism.
(b) The appearance of a novel or previously controlled or
eradicated infectious agent or biological toxin.
(c) A natural disaster.
(d) A chemical attack or accidental release.
(e) A nuclear attack or accident.

(ii) Poses a high probability of any of the following:

(a) A large number of deaths in the affected population.
(b) A large number of serious or long-term disabilities in the
affected population.
(c) The widespread exposure to an infectious or toxic agent that
poses a significant risk of substantial future harm to a large
number of people in the affected population.

(2) "Public health emergency" does not include an occurrence or
imminent threat of human immunodeficiency virus (HIV) that satisfies
the requirements of this subdivision.

(d) "Public safety authority" means the Department of the
California Highway Patrol and any local governmental agency that acts
principally to protect or preserve the public safety, any person
authorized to act on behalf of the Department of the California
Highway Patrol or the local governmental agency.

130364. "Quarantine" means the physical separation and
confined of an individual or group of individuals who are or may
have been exposed to a communicable or possible communicable disease
from nonquarantined individuals and who do not show signs or symptoms
of the communicable disease, to prevent or limit the transmission of
the disease to nonquarantined individuals.

130366. "Specimens" includes, but is not limited to, blood,
sputum, urine, stool, and other bodily fluid, waste, tissues, and
cultures necessary to perform required tests.

130368. (a) "Test" includes, but is not limited to, any
diagnostic or investigative analysis necessary to prevent the spread
of disease or protect the public’s health, safety, and welfare.

(b) "Trial court" means the trial court for the district in which
isolation or quarantine is to occur, a trial court designated by the
Public Health Emergency Plan under Chapter 2 (commencing with Section
Chapter 2. PUBLIC HEALTH EMERGENCY PLANNING

130370. The Governor shall appoint a Public Health Emergency
Planning Commission, which shall consist of the directors, or their
designees, of any department or agency that the Governor deems
relevant to public health emergency preparedness, representatives of
the Legislature appointed by the Speaker of the Assembly and the
Senate Committee on Rules, and any other persons chosen by the
Governor. The Governor shall designate the chair of the commission.

130372. (a) The Public Health Emergency Planning Commission
shall, within six months of its appointment, prepare and deliver to
the Governor the Public Health Emergency Plan for responding to a
public health emergency that includes provisions or guidelines
concerning all of the following:

(1) Notifying and communicating with the population during a state
of public health emergency in compliance with this act.

(2) Communicating with public health authorities, state agencies, public safety authorities, health care providers, and health care facilities.

(3) Central coordination of resources, personnel, and services, including coordination of response by state, local, tribal, and federal agencies.

(4) Planning for the safety of public health and public safety personnel, including preparation of and access to protective equipment.

(5) The location, procurement, storage, transportation, maintenance, and distribution of essential materials, including but not limited to, medical supplies, drugs, vaccines, food, shelter, clothing, and beds.

(6) Compliance with the reporting requirements of Chapter 3 (commencing with Section 130380).

(7) The continued and effective operation of the judicial system including, if deemed necessary, the identification and training of attorneys licensed to practice law in the state to serve as emergency judges regarding matters of isolation and quarantine as described in this act.

(8) The method of evacuating populations and housing and feeding the evacuated populations.

(9) The identification and training of health care providers to diagnose and treat persons with communicable disease. This may include the advance development of mutual aid and reciprocity contracts with other states and the federal government.

(10) The vaccination of persons in compliance with this act.

(11) The treatment of persons who have been exposed to or who are infected with diseases or health conditions that may be the cause of a public health emergency.

(12) The safe disposal of infectious waste and human remains in compliance with this act.

(13) The safe and effective control of persons isolated, quarantined, vaccinated, tested, or treated during a state of public health emergency.

(14) Tracking the source of outcome of infected persons.

(15) Ensuring that each city and county identifies all of the following:

(A) Sites where persons can be isolated or quarantined that comply with the conditions and principles for isolation or quarantine of this act.

(B) Sites where medical supplies, food, and other essentials can be distributed to the population.

(C) Sites where public health and emergency workers can be housed and fed.

(D) Routes and means of transportation of people and materials.

(E) Cultural norms, values, religious principles, and traditions that may be relevant.

(16) Other measures necessary to carry out the purposes of this act.

(b) In carrying out the requirements of subdivision (a), the commission shall seek the advice of organizations representing the interests and concerns of those involved in responding to public health emergency, including, but not limited to, the California Medical Association, the California Police Chiefs' Association, the California Ambulance Association, the California Healthcare Association, the California Chapter of the American College of Emergency Physicians, the California Conference of Local Health Officers (CCLHO), and the California Professional Firefighters Association.
130374. The commission shall distribute the Public Health Emergency Plan to, and seek review and comments from, those who will be responsible for the implementation of the plan, interested persons, and the public.

130375. The commission shall review the Public Health Emergency Plan annually. The commission shall report annually to the Legislature on the status of the plan and the resources needed to implement the plan.

CHAPTER 3. REPORTING

130380. (a) (1) A health care provider, who knows of, or is in attendance on, a case or suspected case of any of the diseases or conditions that may be a potential cause of a public health emergency shall report, as required under Section 130384, to the local health officer for the jurisdiction where the patient resides.

(2) If a health care provider is not in attendance, any individual who has knowledge of a person who is suspected to be suffering from one of the diseases or conditions that may be a potential cause of a public health emergency may make a report to the local health officer of the jurisdiction where the patient resides.

(3) Diseases or conditions that are reportable pursuant to paragraphs (1) and (2) include, but are not limited to, the diseases caused by the etiologic agents referred to in Section 2500 (j) of Title 17 of the California Code of Regulations and any diseases or health conditions identified by a public health authority.

(b) For purposes of this section, "health care provider" includes any out-of-state clinical laboratory that meets the requirements of Chapter 3 (commencing with Section 1200) of Division 2 of the Business and Professions Code that has agreed to the reporting requirements of this state. Notwithstanding the requirement under this section that an out-of-state medical laboratory report the results of its tests that reveal a reportable illness or health condition, an in-state medical laboratory that sends specimens to an out-of-state medical laboratory is also required to report those results pursuant to this section.

130382. A pharmacist shall report, when requested by the public health authority as required under Section 130384, any unusual or increased prescription rates, unusual type of prescription, or unusual trend in pharmacy visits that may indicate the existence of a potential cause of a public health emergency. Prescription-related events that require a report include, but are not limited to, all of the following:

(a) An unusual increase in the number of prescriptions or over-the-counter pharmaceuticals to treat conditions that the public health authority identifies through regulations.

(b) An unusual increase in the number of prescriptions for antibiotics.

(c) Any prescription that is dispensed to treat a disease that is relatively uncommon or may be associated with bioterrorism.

130384. A report required by Section 130380 or 130382 shall be made in accordance with Section 2500 of Title 17 of the California Code of Regulations and in compliance with specific timelines and methods of reporting, as determined by the department. The report shall include as much of the following information as is available:

(a) The specific illness or health condition that is the subject of the report.

(b) The patient’s name, date of birth, sex, race, occupation, and current home and work addresses, including city and county.

(c) The name and address of the health care provider, coroner, or medical examiner and, if different, the reporting individual.

(d) Any other information needed to locate the patient for followup.

For any case related to an animal or insect bite, information regarding the suspected location of the biting animal or insect, and the name and address of any known owner.

Every veterinarian, livestock owner, veterinary diagnostic laboratory director, or other person who cares for animals shall report any animal that has or is suspected of having a disease that may be a potential cause of a public health emergency.

The report shall be made to local public health authorities in accordance with Section 2500 of Title 17 of the California Code of Regulations and in compliance with specific timelines and methods of reporting, as determined by the department and shall include as much of the following information as is available:

(a) The specific illness or health condition that is the subject of the report.
(b) The suspected location of the animal or information that could assist in determining its location.
(c) The name and address of any known owner.
(d) The name and address of the reporting individual.

Any state or local public health authority, or its designee, may enforce this chapter.

CHAPTER 4.  AND SURVEILLANCE

Public health authorities shall ascertain the existence of cases of an illness or health condition that may be a potential cause of a public health emergency, investigate all cases for sources of infection, and determine that they are subject to proper evaluation, treatment, and control measures, and define the distribution of the illness or health condition.

Each public health authority shall report, at least weekly, to the director the number of cases of those diseases, conditions, unusual diseases, or outbreaks of disease reported pursuant to Section 130380. The report shall include an individual case or outbreak report for each individual case or outbreak of those diseases that the department has identified as requiring epidemiological analysis pursuant to Section 2500 of Title 17 of the California Code of Regulations.

A public health authority, when conducting an investigation for purposes of this chapter, shall close, evacuate or decontaminate any facility or decontaminate or destroy any material when the authority reasonably suspects that the facility, material, or public health may be endangered.

Any state or local public health authority, or its designee, may enforce this chapter.

An order of a public health authority given to effectuate the
purposes of this chapter shall be enforceable immediately by a public
safety authority.

CHAPTER 5. INFORMATION SHARING

130400. Whenever a public safety authority or other state
local governmental agency learns of a case of a reportable illness or
health condition, an unusual cluster, or a suspicious event that may
be the cause of a public health emergency, it shall immediately
notify the state and local public health authorities.

130402. Whenever a public health authority learns of a case of a
reportable illness or health condition, an unusual cluster, or a
suspicious event that it reasonably believes has the potential to be
caused by bioterrorism, it shall immediately notify the appropriate
public safety authority, tribal authorities, and federal health and
public safety authorities.

130404. The sharing of information reported pursuant to Chapter 3
(commencing with Section 130380) on reportable illnesses, health
conditions, unusual clusters, or suspicious events between public
health and public safety authorities shall be restricted to
information necessary for the treatment, control, investigation, and
prevention of a public health emergency.

PART 2. DECLARING A STATE OF PUBLIC HEALTH EMERGENCY

CHAPTER 1. DECLARATION

130410. A state of public health emergency may be declared by the
Governor upon the occurrence of a public health emergency, as
defined in subdivision (a) of Section 130360. Prior to making a
declaration, the Governor shall consult with the director and other
state and local public health authorities and may consult with any
public health expert and other experts as needed. The Governor may
declare a state of public health emergency without consulting with
the public health authorities or other experts when the situation
calls for prompt and timely action.

130412. A state of public health emergency shall be declared by
an executive order that specifies all of the following:
(a) The nature of the public health emergency.
(b) The political subdivisions or geographic areas that are
subject to the declaration.
(c) The conditions that have brought about the public health
emergency.
(d) The duration of the state of the public health emergency, if
less than 30 days.
(e) The primary public health authority responding to the
emergency.

130414. (a) The declaration of a state of public health emergency
by the Governor pursuant to this part shall activate the disaster
response and recovery aspects of the state, local, and
interjurisdictional disaster emergency plans in the affected
political subdivisions or areas.
(b) The declaration authorizes the deployment and use of any
forces to which the disaster emergency plans apply and the use or
distribution of any supplies, equipment, materials, and facilities
assembled, stockpiled, or available pursuant to this act.

CHAPTER 2. POWERS

130420. During a state of public health emergency, the Governor
may do all of the following:
(a) Suspend the provisions of any regulatory statute prescribing
procedures for conducting state business, or the orders, or rules and
regulations, of any state agency, if strict compliance with those
(b) Utilize all available resources of the state and its political subdivisions as reasonably necessary to respond to the public health emergency.

(c) Transfer the direction, personnel, or functions of state department and agencies in order to perform or facilitate emergency programs regarding the public health emergency.

(d) Mobilize all or any part of the organized militia into service of the state. An order directing the organized militia to report for active duty shall state the purpose for which it is mobilized and the objectives to be accomplished.

(e) Provide aid to and seek aid from other states in accordance with any interstate emergency compact made with the state.

(f) Seek aid from the federal government in accordance with federal programs or requirements.

130422. The director shall coordinate all matters pertaining to the public health emergency response of the state, consistent with Section 100180. The department shall have primary jurisdiction, responsibility, and authority for all of the following:

(a) Planning and executing public health emergency assessment, mitigation, preparedness response, and recovery for the state.

(b) Coordinating public health emergency response between state and local authorities.

(c) Collaborating with relevant federal governmental authorities, elected officials of other states, and private organizations.

(d) Coordinating recovery operations and mitigation initiatives between state and local government authorities subsequent to a public health emergency.

(e) Organizing public information activities regarding state public health emergency response operations.

130424. Upon the declaration of a state of public health emergency pursuant to this act, special identification for all public health personnel working during the emergency shall be issued as soon as possible. The identification shall indicate the authority of the bearer to exercise public health functions and emergency powers during the state of public health emergency. Public health personnel shall wear the identification in plain view.

130426. During a state of public health emergency, a public health authority may request assistance in enforcing orders pursuant to this act from a public safety authority. The public safety authority may request assistance from the organized militia in enforcing the orders of a public health authority.

130428. A public health authority may promulgate and implement any rules and regulations that are reasonable and necessary to implement and effectuate this act. A public health authority may enforce this act through the imposition of fines and penalties, the issuance of orders, and other remedies as are provided by law. Nothing in this section shall limit specific enforcement powers enumerated in this act.

CHAPTER 3. TERMINATION

130430. The Governor shall terminate the state of public health emergency by executive order upon finding that the occurrence of an illness or health condition that caused the emergency no longer poses a high probability of a large number of deaths in the affected population, a large number of incidents of serious permanent or long term disability in the affected population, or a significant risk of substantial future harm to a large number of people in the
affected population.

130432. Notwithstanding any other provision of this act, a state of public health emergency shall be terminated automatically 30 days after its declaration unless renewed by the Governor under the same standards and procedures set forth in this part for a declaration of a state of public health emergency. This renewal shall be terminated automatically after 30 days unless renewed by the Governor under the same standards and procedures set forth in this part for a declaration of a state of public health emergency.

130433. The Legislature, by a majority vote of each house, may terminate a state of public health emergency after 60 days from the date of the original declaration upon finding that the occurrence of illness or health condition that caused the emergency does not or no longer pose a high probability of a large number of deaths in the affected population, a large number of incidents of serious permanent or long-term disability in the affected population, significant risk of substantial future harm to a large number of people in the affected population. This termination shall be override any renewal by the Governor.

130436. All orders or legislative action terminating a state of public health emergency shall indicate the nature of the emergency and the area or areas threatened, and the conditions that make possible the termination of the state of public health emergency.

PART 3. SPECIAL POWERS DURING A STATE OF PUBLIC HEALTH EMERGENCY

CHAPTER 1. CONTROL OF PROPERTY

Article 1. Facilities, Materials, Roads, and Public Areas

130440. A public health authority, during a state of public health emergency declared pursuant to this act, may do all of the following concerning facilities and materials:
   (a) Close, direct and compel the evacuation of, or decontaminate or cause to be decontaminated any facility if there is reasonable cause to believe that it may endanger the public health.
   (b) Decontaminate, cause to be decontaminated, or destroy any material if there is reasonable cause to believe that it may endanger the public health.

130442. A public health authority, during a state of public health emergency declared pursuant to this act, may do all of the following concerning facilities, materials, roads, and public areas:
   (a) Procure, by condemnation or otherwise, construct, lease, transport, store, maintain, renovate, or distribute materials and facilities as may be reasonable and necessary to respond to the public health emergency, with the right to take immediate possession of the materials and facilities. The materials and facilities may include, but are not limited to, communication devices, clothing, real estate, fuel, food, and clothing.
   (b) Require, as a condition of licensure or the authority to operate or continue to do business in the state as a health care facility, a health care facility to provide services or the use of its facility if the services or use are reasonable and necessary to respond to the public health emergency. The use of the health care facility may include, but is not limited to, the transfer of the management and supervision of the health care facility to a public health authority for a limited or unlimited period of time, which shall not exceed the date on which the state of public health emergency is terminated.
   (c) Impose, prohibit, restrict, or regulate by rationing using quotas, prohibitions on shipments, allocation, or other means, the use, sale, dispensing, distribution, or transportation of food, fuel, clothing and other commodities, as may be reasonable and
necessary to respond to the public health emergency.

(d) Prescribe routes, modes of transportation, and destinations in connection with the evacuation of persons or the provision of emergency services.

(e) Control or limit ingress and egress to and from any stricken or threatened public area, the movement of persons within the area, and the occupancy of premises within the area if that control or limit is reasonable and necessary to respond to the public health emergency.

Article 2. Infectious Waste

130446. A public health authority, during a state of public health emergency declared pursuant to this act, may do all of the following concerning the safe disposal of infectious waste:

(a) Adopt and enforce measures to provide for the safe disposal of infectious waste as may be reasonable and necessary to respond to the public health emergency. These measures may include, but are not limited to, the collection, storage, handling, destruction, treatment, transportation, and disposal of infectious waste.

(b) Require, as a condition of licensure or the authority to operate or continue to do business in the state as a business or facility, any business or facility authorized to collect, store, handle, destroy, treat, transport, and dispose of infectious waste under the laws of this state, and any landfill business or other similar property, to accept infectious waste or provide services or the use of the business or facility, as necessary if the acceptance is reasonable and necessary to respond to the public health emergency. The use of the business or facility may include, but is not limited to, the transfer of the management and possession of the business or facility to a public health authority for a limited or unlimited period of time, which shall not exceed the date on which the state of public health emergency is terminated.

(c) Require, by condemnation or otherwise, any business or facility authorized to collect, store, handle, destroy, treat, transport, and dispose of infectious waste under the laws of the state, and any landfill business or other similar property, as may be reasonable and necessary to respond to the public health emergency, with the right to take immediate possession of the business, facility, or property.

130448. For purposes of all activities conducted pursuant to this article, all bags, boxes, or other containers for infectious waste shall be clearly identified as containing infectious waste, including the type of infectious waste, if known.

Article 3. Human Remains

130452. A public health authority, during a state of public health emergency declared pursuant to this act, may do all of the following concerning the safe disposal of human remains:

(a) Adopt and enforce measures to provide for the safe disposal of human remains as may be reasonable and necessary to respond to the public health emergency. These measures may include, but are not limited to, the embalming, burial, cremation, interment, disinterment, transportation, and disposal of human remains.

(b) Take possession or control of any human remains.

(c) Order the disposal through burial or cremation, within 24 hours after death, of any human remains of a person who has died of a communicable disease that may be the cause of a public health emergency. To the extent possible, religious, cultural, family, and individual beliefs of the deceased person or his or her family shall be considered when disposing of any human remains.

(d) Require, as a condition of licensure or the authority to...
operate or continue to do business in the state as a business or facility, any business or facility authorized to embalm, bury, exhumate, inter, disinter, transport, or dispose of human remains under the laws of this state to accept human remains or provide the use of the business or facility and associated personnel if this requirement is reasonable and necessary to respond to the public health emergency. The use of the business or facility may, include but is not limited to the transfer of the management and operation of the business or facility to a public health authority for a limited or unlimited period of time which shall not exceed the date on which the state of public health emergency is terminated. (e) Procure, by condemnation or otherwise, any business or facility authorized to embalm, bury, exhumate, inter, disinter, transport, and dispose of human remains under the laws of the state, as may be reasonable and necessary to respond to the public health emergency, with the right to take immediate possession of the business or facility.

130454. Prior to the disposal of human remains for purposes of this article, the human remains shall be clearly labeled with all available information to identify the decedent and the circumstances of death. Any human remains of a deceased person that are contaminated with a communicable disease that may be the cause of a public health emergency shall have an external and clearly visible tag indicating that the human remains are infected and, if known, the communicable disease.

130455. Every person in charge of disposing of any human remains for purposes of this article shall maintain a written record of all human remains and all available information to identify the decedent and the circumstances of death. If human remains cannot be identified prior to disposal, a qualified person, to the extent possible, shall take fingerprints and one or more photographs of the human remains and collect a DNA specimen. All information gathered under this section shall be promptly forwarded to the state and local public health authorities.

Article 4. Health Care Supplies

130460. A public health authority may purchase and distribute antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies that the authority deems advisable in the interest of preparing for or controlling a public health emergency, without any additional legislative authorization.

130462. (a) If a state of public health emergency results in a statewide or regional shortage or threatened shortage of any product covered by Section 130460, whether or not the product has been purchased by a public health authority, a public health authority may control, restrict, or regulate by rationing and using quotas, prohibitions on shipments, allocation, or other means, the sale, dispensing, distribution, or transportation of the relevant product necessary to protect the health, safety, and welfare of the people of the state.

(b) In making rationing or other supply and distribution decisions, a public health authority may give preference to health care providers, disaster response personnel, public safety personnel, and mortuary staff.

130464. During a state of public health emergency, a public health authority may procure, store, or distribute any antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies located within the state as may be reasonable and necessary to respond to the public health emergency, with the right to take immediate possession of the pharmaceutical agents or medical supplies. If a public health emergency simultaneously affects more than one state, nothing in this

section shall be construed to allow the public health authority to obtain antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies for the primary purpose of hoarding these items or preventing their fair and equitable distribution among affected states.

Article 5. Compensation

130468. (a) The state shall pay just compensation to the owner of any facilities or materials that are lawfully taken or appropriated by a public health authority for its temporary or permanent use under this chapter according to the procedures and standards set forth in Chapter 4 (commencing with Section 130560) of Part 4.
(b) The state shall pay just compensation to any person who can demonstrate lost wages as a result of providing services, facilities, or materials as required under this chapter.

130470. Compensation shall not be provided for facilities or materials that are closed, evacuated, decontaminated, or destroyed pursuant to Section 130440 when there is reasonable cause to believe that the facilities or materials may endanger the public health as specified in Section 130440.

Article 6. Destruction of Property

130472. To the extent practicable consistent with the protection of public health, prior to the destruction of any property under this chapter, a public health authority shall institute appropriate civil proceedings against the property to be destroyed in accordance with the existing laws and court rules or any rules that may be adopted by the courts for use during a state of public health emergency. Any property acquired by the public health authority through these civil proceedings, after entry of the decree, shall be disposed of by destruction as the court may direct.

CHAPTER 2. PROTECTION OF PERSONS

Article 1. Medical Examination and Testing

130480. (a) During a declared state of public health emergency, state and local public health authorities shall use every available means to prevent the transmission of communicable disease and to ensure that all cases of communicable disease are subject to proper control and treatment.
(b) During a declared state of public health emergency, each local health officer shall use every available means to ascertain the existence of, and immediately investigate all reported or suspected cases of communicable disease that may be a potential cause of a public health emergency, and to ascertain the sources of the infections. The local health officer may issue any order he or she deems necessary to protect the public health or the health of any other person and may make application to a court for the enforcement of the order.

130482. (a) A public health authority, or any local health officer, or his or her designee, during a state of public health emergency declared pursuant to this act, may perform, or cause to be performed, medical examinations and testing as necessary for the diagnosis or treatment of individuals.
(c) The following shall apply to a medical examination, testing, or both, authorized by subdivision (a):
(1) It may be performed by any qualified person authorized by the public health authority within that person's lawful scope of practice or under the provisions of a mutual aid or reciprocity contract.
(2) It shall conform to accepted standards of medical practice.
(3) The public health authority may isolate or quarantine.
pursuant to Article 3 (commencing with Section 130490), any person whose refusal to undergo a medical examination or test pursuant to this section results in uncertainty regarding whether he or she has been exposed to or is infected with a communicable or possibly communicable disease or otherwise poses a danger to public health.

### Article 2. Vaccination and Treatment

130484. (a) A public health authority, during a state of public health emergency declared under this act, may vaccinate or cause to be vaccinated persons as protection against infectious disease and to prevent the spread of communicable or possibly communicable disease.

(b) The following shall apply to a vaccination authorized by subdivision (a):

1. It may be performed by any qualified person authorized by the public health authority within that person's lawful scope of practice or under the provisions of a mutual aid or reciprocity contract.
2. It shall conform to accepted standards of medical practice.
3. To prevent the spread of communicable or possibly communicable disease, the public health authority may isolate or quarantine, pursuant to Article 3 (commencing with Section 130490), any person who is unable or unwilling for reasons of health, religion, or conscience to undergo vaccination pursuant to this section.

130486. (a) A public health authority, during a state of public health emergency declared under this act, may treat, or cause to be treated, persons exposed to or infected with disease.

(b) The following shall apply to treatment authorized by subdivision (a):

1. It may be performed by any qualified person authorized by the public health authority within that person's lawful scope of practice or under the provisions of a mutual aid or reciprocity contract.
2. It shall conform to accepted standards of medical practice.
3. To prevent the spread of communicable or possibly communicable disease, the public health authority may isolate or quarantine, pursuant to subdivision (a) of Section 130490, any person who is unable or unwilling for reasons of health, religion, or conscience to undergo treatment pursuant to subdivision (a).

### Article 3. Isolation and Quarantine

130490. (a) A public health authority, during a state of public health emergency declared under this act, may do all of the following concerning isolation and quarantine:

1. Isolate, consistent with subdivision (c) of Section 130356, or quarantine, consistent with Section 130364, an individual or group of individuals. This authority extends to the isolation and quarantine of individuals or a group of individuals who have not been examined, tested, vaccinated, or treated pursuant to this chapter.
2. Establish and maintain places of isolation and quarantine.
3. Establish rules and regulations and make orders for purposes of this article.
4. The failure of any person to comply with this article or any rules, regulations, or orders made pursuant to paragraph (3) of subdivision (a) or any provisions of this article is a misdemeanor.

130492. A public health authority shall adhere to all of the following conditions and principles when isolating or quarantining individuals or a group of individuals:

1. The isolation or quarantine shall be by the least restrictive means necessary to prevent the spread of a communicable or possibly communicable disease to others and may include, but is not limited to, confinement to private homes, other private premises, or public premises.
(b) Isolated individuals shall be confined separately from
quarantined individuals.

(c) The health status of isolated and quarantined individuals
shall be monitored regularly to determine if they require isolation
or quarantine.

(d) If a quarantined individual subsequently becomes infected
to the reasonable belief that he or she has become infected with a communicable or
possibly communicable disease, he or she shall be promptly removed
to isolation.

(e) Isolated and quarantined individuals shall be immediately
released when they pose no substantial risk of transmitting a
communicable or possibly communicable disease to others.

(f) The needs of individuals isolated and quarantined shall be
addressed in a systematic and competent fashion, including, but not
limited to, providing adequate food, clothing, shelter, means of
communicating with those in and outside of isolation or quarantine,
medication, and competent medical care.

(g) The premises used for isolation and quarantine shall be
maintained in a safe and hygienic manner and be designed to minimize
the likelihood of further transmission of infections or other harms to
persons isolated and quarantined.

(h) To the extent possible, cultural and religious beliefs shall
be considered in addressing the needs of individuals in, and
establishing and maintaining, isolation and quarantine premises.

130494. A person subject to isolation or quarantine under this
article shall not go beyond the isolation or quarantine premises.
The failure to comply with this requirement is subject to criminal
penalty, as provided in subdivision (b) of Section 130490.

130496. A public health authority may authorize physicians,
health care workers, or others access to individuals in isolation or
quarantine as necessary to meet the needs of isolated or quarantined
individuals.

(b) No person, other than a person authorized by a public health
authority, shall enter isolation or quarantine premises. The failure
to comply with this requirement is subject to criminal penalty as
provided in subdivision (b) of Section 130490.

(c) Any person entering an isolation or quarantine premises with
out authorization of the public health authority may be
isolated or quarantined pursuant to this article.

130498. (a) If the temporary isolation or quarantine of an
individual or group of individuals is undertaken without notice, it
shall comply with this section.

(b) A public health authority may temporarily isolate or
quarantine an individual or group of individuals, without notice,
through a written directive, if delay in imposing the isolation or
quarantine would significantly jeopardize the public health authority'
s ability to prevent or limit the transmission of a communicable or
possibly communicable disease to others.

(c) The written directive shall include all of the following:

(1) The identity of the individual, individuals, or group of
individuals subject to isolation or quarantine.

(2) The premises subject to isolation or quarantine.

(3) The date and time at which isolation or quarantine
commences.

(4) The suspected communicable disease, if known.

(5) A copy of this chapter and the relevant definitions of this
division.

(d) A copy of the written directive shall be given to the
individual to be isolated or quarantined or, if the order applies to
more than one individual and it is impracticable to provide individual
copies, it may be posted in a conspicuous place in the isolation or
quarantine premises.

(e) Within 10 days after issuing the written directive, the public
health authority shall issue a subsequent written directive
indicating the results of any tests of the suspected communicable
disease or the status of the individual to be isolated or quarantined.

(f) The public health authority shall also provide
a copy of the subsequent written directive to the person
subject to isolation or quarantine.
health authority shall file a petition pursuant to Section 130500 for a court order authorizing the continued isolation or quarantine of the isolated or quarantined individual or group of individuals. 

130500. (a) A public health authority may make a written petition to the trial court, as defined in subdivision (b) of Section 130368, for an order authorizing the isolation or quarantine of an individual or group of individuals.

(b) (1) A petition under subdivision (a) shall include all of the following:

(A) The identity of the individual, individuals, or group of individuals subject to isolation or quarantine. 

(B) The premises subject to isolation or quarantine. 

(C) The date and time at which isolation or quarantine commences.

(D) The suspected communicable disease, if known.

(E) A statement of compliance with the conditions and principles for isolation and quarantine specified in Section 130492.

(F) A statement of the basis upon which isolation or quarantine is justified in compliance with this article.

(2) The petition shall be accompanied by the sworn affidavit of the public health authority attesting to the facts asserted in the petition, together with any further information that may be relevant and material to the court’s consideration.

(c) Notice to the individuals or group of individuals identified in the petition shall be provided within 24 hours in accordance with any applicable procedure authorized by Chapter 5 (commencing with Section 1010) of Title 14 of Part 1 of the Code of Civil Procedure.

(d) A hearing shall be held on any petition filed pursuant to this section within five days of the filing of the petition. In extraordinary circumstances and for good cause shown, the public health authority may apply to continue the hearing date on a petition filed pursuant to this section for up to 10 days, which continuance the court may grant in its discretion giving due regard to the rights of the affected individuals, the protection of the public’s health, the severity of the emergency, and the availability of necessary witnesses and evidence.

(e) (1) The court shall grant the petition if, by a preponderance of the evidence, isolation or quarantine is shown to be reasonably necessary to prevent or limit the transmission of a communicable or possibly communicable disease to others.

(2) An order authorizing isolation or quarantine may do so for a period not to exceed 30 days.

(3) The order shall do all of the following:

(A) Identify the isolated or quarantined individuals or group of individuals by name or shared or similar characteristics or circumstances.

(B) Specify factual findings warranting isolation or quarantine pursuant to this act.

(C) Include any conditions necessary to ensure that isolation or quarantine is carried out within the stated purposes and restrictions of this act.

(D) Be served on affected individuals or groups of individuals in accordance with the applicable procedures authorized by Chapter 5 (commencing with Section 1010) of Title 14 of Part 1 of the Code of Civil Procedure.

(f) Prior to the expiration of an order issued pursuant to subdivision (e), the public health authority may move to continue isolation or quarantine for additional periods not to exceed 30 days each. The court shall consider the motion in accordance with the standards set forth in subdivision (e).

130502. (a) An individual or group of individuals isolated or quarantined pursuant to this act may apply to the trial court for an order to show cause why the individual or group of individuals should...
not be released. The court shall rule on the application for an
order to show cause within 48 hours of its filing. If the court
grants the application, the court shall schedule a hearing on the
order to show cause within 24 hours from issuance of the order to
show cause. The issuance of an order to show cause shall not stay or
enjoin an isolation or quarantine order.

(b) (1) An individual or group of individuals isolated or
quarantined pursuant to this act may request a hearing in the trial
court for relief regarding breaches to the conditions of isolation or
quarantine. A request for hearing shall not stay or enjoin an
isolation or quarantine order.

(2) Upon receipt of a request under this subdivision that alleges
extraordinary circumstances justifying the immediate granting of
relief, the court shall fix a date for hearing on the matters alleged
not more than 24 hours from receipt of the request.

(3) In cases other than those to which paragraph (2) applies, upon
receipt of a request under this subdivision, the court shall fix a
date for hearing on the matters alleged within five days from receipt
of request.

(c) In any proceedings brought for relief under this section in
extraordinary circumstances and for good cause shown, the public
health authority may move the court to extend the time for a hearing,
which extension the court in its discretion may grant giving due
regard to the rights of the affected individuals, the protection of
the public's health, the severity of the emergency, and the
availability of necessary witnesses and evidence.

(d) A record of the proceedings brought pursuant to this section
shall be made and retained. In the event that, given the nature of
the public health emergency, parties cannot personally appear in the
court, proceedings may be conducted by their authorized
representatives and be held via any means that allows all parties to
fully participate.

130504. (a) The court shall appoint counsel at state expense to
represent an individual or a group of individuals who are, or who are
about to be, isolated or quarantined pursuant to this division and
who are not otherwise represented by counsel. Appointments shall
be made in accordance with the procedures to be specified in the Public
Health Emergency Plan prepared pursuant to Section 130372 and shall
continue throughout the duration of the isolation or quarantine of the
individual or group of individuals. The public health authority
shall provide adequate means of communication between an individual
or group of individuals and their counsel.

(b) In any proceedings brought pursuant to this section, to
promote the fair and efficient operation of justice and having given
due regard to the rights of the affected individuals, the protection of
the public's health, the severity of the emergency, and the
availability of necessary witnesses and evidence, the court may order
the consolidation of individual claims into group claims if all of
the following conditions exist:

(1) The number of individuals involved or to be affected is so
large that individual participation is impractical.

(2) There are questions of law or fact common to the individual
claims or rights to be determined.

(3) The group claims or rights to be determined are typical of the
affected individuals' claims or rights.

(4) The entire group will be adequately represented in the
consolidation.

Article 4. Collection of Laboratory Specimen

130506. (a) A public health authority, during a state of public
health emergency declared pursuant to this act, in addition to
performing tests on a living person as provided in Article 1,
(commencing with Section 130180), may collect specimens of a deceased person, or a living or deceased animal, and acquire any previously collected specimen or test results that are reasonable and necessary to respond to a public health emergency.

(b) A specimen collected pursuant to this section shall be clearly marked.

(c) Specimen collection, handling, storage, and transport to the testing site shall be performed in a manner that will reasonably prevent specimen contamination or adulteration and provide for the safe collection, storage, handling, and transport of the specimen.

(d) Any person authorized to collect specimens or perform tests pursuant to this chapter shall use chain of custody procedures to ensure proper recordkeeping, handling, labeling, and identification of specimens to be tested. This requirement applies to all specimens, including specimens collected using onsite testing kits.

(e) Recognizing that during a state of public health emergency any specimen collected or test performed may be evidence in a criminal investigation, any business, facility, or agency authorized to collect specimens or perform tests shall provide all support as is reasonable and necessary to aid in a relevant criminal investigation.

CHAPTER 3. ACCESS TO AND DISCLOSURE OF PROTECTED HEALTH INFORMATION

130510. Access to protected health information of individuals who have participated in medical testing, treatment, vaccination, isolation, or quarantine programs or efforts by a public health authority during a public health emergency shall be limited to those persons having a legitimate need to acquire or use the information for one or more of the following purposes:

(a) To provide treatment to the individual who is the subject of the health information.

(b) To conduct epidemiologic research.

(c) To investigate the cause of transmission.

130512. Protected health information held by a public health authority shall not be disclosed without the written specific informed consent of the individual who is the subject of the information, except for disclosures made as follows:

(a) Directly to the individual who is the subject of the information.

(b) To the individual's immediate family members or personal representative, to the extent authorized by law.

(c) To appropriate local, state, or federal agencies or authorities pursuant to state or federal law.

(d) Pursuant to a court order to avert a clear danger to an individual or the public health.

(e) To identify a deceased individual or determine the manner or cause of death.

(f) To appropriate infection control practitioners, physician and surgeon, nurse, laboratory personnel, or others as necessary to prevent the spread of communicable disease as provided under Section 120140 or 120175.

CHAPTER 4. LICENSING OF HEALTH PERSONNEL

130520. A public health authority, during a state of public health emergency declared pursuant to this act, may require, as a condition of issuing or renewing the authority to continue to function as a health care provider in the state, in state health care providers to assist in the performance of vaccination, treatment, examination, or testing of any individual.
130522. (a) A public health authority, during a state of public health emergency declared pursuant to this act, may appoint and prescribe the duties of out-of-state emergency health care providers, consistent with any mutual aid and reciprocity contracts entered into pursuant to paragraph (9) of subdivision (a) of Section 130372, as may be reasonable and necessary to respond to the public health emergency.

(b) The appointment of out-of-state emergency health care providers pursuant to this section may be for a limited or unlimited time, but shall not exceed the date on which the state of public health emergency is terminated. The public health authority may terminate the out-of-state appointments at any time or for any reason if the termination will not jeopardize the health, safety, and welfare of the people of this state.

(c) For purposes of appointments made pursuant to this section, the public health authority may waive any licensing requirements, permit, or fee required by statute and applicable rules or regulations for health care providers from other jurisdictions who wish to practice in this state.

(d) Any out of state emergency health care provider appointed and acting pursuant to this section shall not be civilly liable for the death of, or any injury to, persons, or damage to property as a result of providing medical care or treatment related to an emergency response during a public health emergency, except in the event of gross negligence or willful misconduct.

130524. (a) A public health authority, during a state of public health emergency declared pursuant to this act, may authorize a medical examiner or coroner to appoint, and prescribe the duties of, emergency assistant medical examiners or coroners as may be required for the proper performance of the duties of the office.

(b) The appointment of emergency assistant medical examiners or coroners pursuant to this section may be for a limited or unlimited time, but shall not exceed the date on which the state of public health emergency is terminated. The medical examiner or coroner may terminate the emergency appointments at any time or for any reason if the termination will not impede the performance of the duties of the office.

(c) For purposes of appointments made pursuant to this section, the medical examiner or coroner may waive any licensing requirements, permit, or fee required by statute and applicable rules or regulations for the performance of the duties of assistant medical examiners or coroners.

(d) Any emergency assistant medical examiner or coroner appointed pursuant to this section and acting without malice and within the scope of the prescribed duties shall be immune from civil liability for the performance of those duties.

PART 4. MISCELLANEOUS

CHAPTER 1. PUBLIC INFORMATION DURING A STATE OF PUBLIC HEALTH EMERGENCY

130530. (a) The public health authority shall inform the people of the state when a state of public health emergency has been declared or terminated and regarding how to protect themselves and what actions are being taken to control the emergency.

(b) The public health authority shall provide information by all available and reasonable means calculated to bring the information promptly to the attention of the general public.

(c) If the public health authority has reason to believe there are people of the state insufficiently skilled in English to understand the information, the public health authority shall make reasonable efforts to provide the information in the primary language of those people as well as in English.
(d) The provision of information shall be made in a manner accessible to individuals with disabilities.

130532. During and after a state of public health emergency, the public health authority shall provide information about, and referrals to, mental health support personnel to address psychological responses to the public health emergency.

CHAPTER 2. FINANCING AND EXPENSES

130540. The Governor may transfer from any fund available to the Governor in the State Treasury those sums that may be necessary to meet a state of public health emergency declared pursuant to this act. Any money transferred pursuant to this section shall be repaid to the fund from which the money was transferred when money becomes available for that purpose, by legislative appropriation or otherwise.

130542. The Governor may transfer funds pursuant to Section 130540 only if one or more of the following conditions exist:

(a) No appropriation or other authorization is available to meet the public health emergency.

(b) An available appropriation is insufficient to meet the public health emergency.

(c) Federal money available for the public health emergency requires the use of state or other public money.

130544. All expenses incurred by the state during a state of public health emergency shall be subject to the following limitations:

(a) No expense shall be incurred against the money authorized under this section without the approval of the Governor.

(b) Money authorized for a state of public health emergency in prior fiscal years may be used in subsequent fiscal years only for the public health emergency for which the money was authorized.

CHAPTER 3. LIABILITY

130550. The state and its political subdivisions, and except in cases of gross negligence or willful misconduct, the Governor, public health authority, and any other state or local official referred to in this act, shall not be liable for the death of, or injury to, persons, or damage to property as a result of complying with or attempting to comply with this act or any rule or regulation adopted pursuant to this act.

130552. During a state of public health emergency, any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part of the real estate or premises for the purpose of sheltering persons, together with that person's successors in interest, if any, shall not be civilly liable for negligently causing the death of, or injury to, any person or about the real estate or premises as a result of complying with or attempting to comply with this act or any rule or regulation adopted pursuant to this act.

130554. During a state of public health emergency, any private person, firm, or corporation, and employees and agents of the person, firm, or corporation in the performance of a contract with, and under the direction of, the state or its political subdivisions under the provisions of this act shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of gross negligence or willful misconduct.

130556. During a state of public health emergency, any private person, firm, or corporation, and employees and agents of the person, firm, or corporation, who renders assistance or advice at the request of the state or its political subdivisions under the
provisions of this act shall not be civilly liable for causing the
death of, or injury to, any person or damage to any property except
in the event of gross negligence or willful misconduct.

130556. The immunities provided in this chapter shall not apply
to any private person, firm, or corporation, or to the employees and
agents of the person, firm, or corporation, whose act or omission
caused in whole or in part the public health emergency, and who would
otherwise be liable for the act or omission.

130559. During a state of public health emergency, a health care
provider shall not be civilly liable for the death of, or any injury
to, persons or damage to property as a result of providing health
care services, assistance, or advice related to a public health
emergency pursuant to this act, except in the event of gross
negligence or willful misconduct.

CHAPTER 4. COMPENSATION

130560. Compensation for property shall be made only if private
property is lawfully taken or appropriated by a public health
authority, for the temporary or permanent use during a state of public
health emergency declared by the Governor pursuant to this act.

130562. Any action against the state with regard to the payment
of compensation shall be brought in the courts of this state in
accordance with existing court laws and rules, or any rules that may
be developed by the courts for use during a state of public health
emergency.

130564. The amount of the compensation shall be calculated in
the same manner as compensation due for taking of property pursuant
to an emergency eminent domain proceeding as provided in Title
12 (commencing with Section 1230.010) of Part 3 of the Code of Civil
Procedure.

CHAPTER 5. MISCELLANEOUS

130570. The provisions of this division are severable. If any
provision of this division or its application is held invalid, that
invalidity shall not affect other provisions of this division that
may be given full force and effect without the invalid provision or application.

130572. This division does not preempt other laws or regulations
that preserve to a greater degree the powers of the Governor or the
public health authority if the laws or regulations are consistent
with this division and do not otherwise restrict or interfere with
the operation or enforcement of this division.

130574. (a) During a state of public health emergency declared
pursuant to Part 2 (commencing with Section 130410), in the event of
a conflict between this division and other laws or regulations,
local ordinances concerning public health powers, the provisions of
this division shall prevail.

(b) At any time, including during a state of public health
emergency declared pursuant to Part 2 (commencing with Section
130410), in the event of a conflict between the public health
emergency planning provisions in Chapter 2 (commencing with Section
130370), the reporting provisions in Chapter 3 (commencing with
Section 130380), the tracking provisions in Chapter 4 (commencing
with Section 130390), and the information sharing provisions in
Chapter 5 (commencing with Section 130400), and other laws or
regulations or local ordinances concerning public health powers,
these provisions of this division specified in this subdivision shall
prevail.

SEC. 4. No reimbursement is required by this act pursuant to
Section 6 of Article XIII B of the California Constitution for
certain costs that may be incurred by a local agency or school
district because in that regard this act creates a new crime
infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund.