Anti-Terrorism

This Act requires the state department of health to monitor dangerous communicable diseases and outbreaks of diseases known or suspected to be used as weapons and to develop capabilities and procedures to identify unknown bacterial substances that may be weapons. The Act directs the state emergency medical services commission to provide training and certification standards for the administration of antidotes, vaccines, and antibiotics in situations related to a terrorist or military attack.

The legislation limits the liability of paramedics, advanced emergency medical technicians, and emergency medical technicians who are acting in response to a terrorist attack.

Finally, it imposes penalties for manufacturing, placing and detonating weapons of mass destruction with the intent to carry out terrorism.

Submitted as:
Indiana
SB 180

Suggested Legislation

(Title, enacting clause, etc.)

Section 1. [Short Title.] This Act may be cited as “An Anti-Terrorism Act.”

Section 2. [Definitions.] As used in this Act:

“Advanced life support” means care that is given:

(a) (1) at the scene of:
(A) an accident;
(B) an act of terrorism, if the governor has declared a disaster emergency under [insert citation] in response to the act of terrorism; or
(C) an illness;
(2) during transport; or
(3) at a hospital; by a paramedic or an advanced emergency medical technician and that is more advanced than the care usually provided by an emergency medical technician.

(b) “Advanced Life Support” may include any of the following:
(1) Defibrillation.
(2) Endotracheal intubation.
(3) Parenteral injections of appropriate medications.
(4) Electrocardiogram interpretation.
(5) Emergency management of trauma and illness.

“Deadly Weapon,” as defined in [insert citation] is expanded to include the following phrase “a biological disease, virus, or organism that is capable of causing serious bodily injury.”

“Department” means the [state department of health].

“Terrorism” means the unlawful use of force or violence or the unlawful threat of force or violence to intimidate or coerce a government or all or part of the civilian population.

“Weapon of mass destruction” means any chemical device, biological device or organism, or radiological device that is capable of being used for terrorism.

Section 3. [Monitoring Incidents.]

(a) The [department] shall adopt procedures to gather, monitor, and tabulate case reports of incidents involving dangerous communicable diseases or unnatural outbreaks of diseases known or suspected to be
used as weapons. The [department] shall specifically engage in medical surveillance, tabulation, and reporting
of confirmed or suspected cases set forth by the Centers for Disease Control and Prevention of the United
States Department of Health and Human Services and the United States Public Health Service of the United
States Department of Health and Human Services.

(b) The [department] shall notify the:

(1) [state emergency management agency];
(2) [state police]; and
(3) county health department and local law enforcement agency having jurisdiction of each
unnatural outbreak or reported case described in subsection (a); as soon as possible after the [insert
department] receives a report under subsection (a). Notification under this subsection must be made not more
than [twenty-four (24)] hours after receiving a report.

Section 4. [Procedures.]
The [department] shall develop capabilities and procedures to perform preliminary analysis and
identification in as close to a real-time basis as is scientifically possible of unknown bacterial substances that
have been or may be employed as a weapon. The [department] shall implement the developed capacity and
procedures immediately after the [department] achieves a Level B capability as determined by the Centers for
Disease Control and Prevention of the United States Department of Health and Human Services and the

Section 5. [Standards.]
The [emergency medical services commission] shall establish training and certification standards for
the administration of antidotes, vaccines, and antibiotics to prepare for or respond to a terrorist or military
attack for people who provide emergency medical services and who are not licensed or regulated under [insert
citation].

Section 6. [Immunity from Liability.]
(a) This section does not apply to an act or omission that was a result of gross negligence or willful or
intentional misconduct.

(b) An act or omission of a paramedic, an advanced emergency medical technician, an emergency
medical technician, or a person with equivalent certification from another state that is performed or made
while providing advanced life support or basic life support to a patient or trauma victim does not impose
liability upon the paramedic, the advanced emergency medical technician, the emergency medical technician,
the person with equivalent certification from another state, a hospital, a provider organization, a governmental
entity, or an employee or other staff of a hospital, provider organization, or governmental entity if the
advanced life support or basic life support is provided in good faith:

(1) in connection with a disaster emergency declared by the governor under [insert citation]
in response to an act that the governor in good faith believes to be an act of terrorism as defined in Section 2
of this Act; and

(2) in accordance with the rules adopted by the [emergency medical services commission] or
the disaster emergency declaration of the governor.

Section 7. [Unlawful or Unauthorized Practice of Medicine or Osteopathic Medicine.]
The unlawful or unauthorized practice of medicine or osteopathic medicine, does not apply to a
paramedic as defined in [insert citation], an advanced emergency medical technician as defined in [insert
citation], an emergency medical technician as defined in [insert citation], or a person with equivalent
certification from another state who renders advanced life support as defined in [insert citation] or basic life
support as defined in [insert citation]:

(1) during a disaster emergency declared by the [governor] under [insert citation] in response
to an act that the [governor] in good faith believes to be an act of terrorism as defined in Section 2 of this Act; and,
(2) in accordance with the rules adopted by the [emergency medical services commission] or a disaster emergency declaration of the [governor].

Section 8. [Weapons of Mass Destruction: Penalties.]

(a) A person who knowingly or intentionally:
   (1) manufactures;
   (2) places;
   (3) disseminates; or
   (4) detonates;
   a weapon of mass destruction with the intent to carry out terrorism commits a [Class B felony]. However, the offense is a [Class A felony] if the conduct results in serious bodily injury or death of any person.

(b) A person who knowingly or intentionally:
   (1) manufactures;
   (2) places;
   (3) disseminates; or
   (4) detonates;
   a weapon of mass destruction with the intent to damage, destroy, sicken, or kill crops or livestock of another person without the consent of the other person commits agricultural terrorism, a [Class C felony].

Section 9. [Severability.] [Insert severability clause.]

Section 10. [Repealer.] [Insert repealer clause.]

Section 11. [Effective Date.] [Insert effective date.]
Appointment of Presidential Electors

This SSL draft is based on North Carolina law. It provides for the selection of presidential electors by the General Assembly if the election results have not been proclaimed by the sixth day before electors are to meet, and by the governor if electors have not been selected by the day before electors are to meet.

It references these federal provisions:

3 U.S.C. § 2: Failure to Make Choice on Prescribed Day:

Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the legislature of such State may direct.

3 U.S.C. § 5: Determination of Controversy as to Appointment of Electors:

If any State shall have provided, by laws enacted prior to the day fixed for the appointment of the electors, for its final determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned.

3 U.S.C. § 7: Meeting and Vote of Electors:

The electors of President and Vice President of each State shall meet and give their votes on the first Monday after the second Wednesday in December next following their appointment at such place in each State as the legislature of such State shall direct.

Submitted as:
North Carolina
Chapter 289 of 2001

Suggested Legislation

(Title, enacting clause, etc.)

Section 1. [Short Title.] This Act may be cited as “An Act Relating to Appointing Presidential Electors.”

Section 2. [Appointment of Presidential Electors by General Assembly in Certain Circumstances, by the Governor in Certain other Circumstances.] As permitted by 3 U.S.C. § 2, whenever the appointment of any Presidential Elector has not been proclaimed under [insert citation] before noon on the date for settling controversies specified by 3 U.S.C. § 5, and upon the call of an extra session pursuant to the [state constitution] for the purposes of this section, the [General Assembly] may fill the position of any Presidential Electors whose election is not yet proclaimed.

Section 3. [Appointment by Governor if no Appointment by the Day Before Electors’ Meeting Day.] If the appointment of any Presidential Elector has not been proclaimed under [insert citation] before noon on the