

June 4, 2002

H 1508. PUBLIC HEALTH BIOTERRORISM PREPAREDNESS. TO PROMOTE READINESS FOR AND TO IMPROVE MANAGEMENT OF A PUBLIC HEALTH THREAT THAT MAY RESULT FROM AN ACT OF TERRORISM USING NUCLEAR, BIOLOGICAL, OR CHEMICAL AGENTS AS RECOMMENDED BY THE NORTH CAROLINA PUBLIC HEALTH STUDY COMMISSION.

Creates new Article 22 in Ch. 130A entitled "Bioterrorism." Establishes power of the State Health Director when he or she reasonably suspects that a public health threat may exist, caused by an act of terrorism using nuclear, biological, or chemical agents. Requires the State Health Director to conduct an epidemiologic investigation and specifies Director's powers in conducting the investigation. Moves previously enacted biological agents registry law (GS 130A-149) into new article. Amends GS 166A-5 to require the State Health Director to develop the public health portion of the state emergency management plan and specifies minimum requirements for the plan. Amends GS 130A-133(4) to specify that quarantine authority includes authority to limit access by any person or animal to an area or facility that may be contaminated with an infectious agent, and amends GS 130A-145 to give the State Health Director quarantine authority. Amends GS 130A-20 to broaden the scope of abatement authority for imminent hazards to anyone in control of the property (was, owners). Amends Article 1 of Ch. 130A to authorize the disclosure of health information (including information that would otherwise be confidential) by health care providers to the State Health Director or local health departments when information may indicate an outbreak of a communicable disease or condition, may have been caused by use of a nuclear, biological, or chemical weapon of mass destruction, or another condition for which public health investigation may be necessary. Provides immunity for health care providers who make reports under the law. Provides authority for the State Health Director to order disclosure of information when necessary to conduct health-related investigations, and to review and obtain copies of records under specified circumstances and limitations. Amends GS 106-24.1 to allow the disclosure of the owner of animals that are tested for disease when necessary to prevent the spread of animal disease or to protect the public health. Amends GS 106-307.2 to require the State Veterinarian to notify the State Health Director of any report indicating a potential outbreak of a disease or condition that can be transmitted to humans and that is a communicable disease that state law requires to be reported. Makes other technical and conforming changes. All changes become effective Oct. 1, 2002.

Intro. by Edwards.

Ref. to Public Health	GS 106, 130A, 166A
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June 12, 2002

H 1508. PUBLIC HEALTH BIOTERRORISM PREPAREDNESS. Intro. 6/4/02. House committee substitute makes the following changes to 1st edition. Requires State Health Director to conduct an investigation (was, an epidemiologic investigation) if director reasonably suspects public health threat caused by act of terrorism exists. In such circumstances, adds authority of State Health Director to limit the freedom of movement or action of a person or animal when risk of conveyance of contamination exists. Adds authority of State Health Director to limit access by person or animal to area or facility contaminated with, or reasonably suspected of being contaminated with, chemical or nuclear agent that may be conveyed to other persons or animals. Deletes amendment to GS 166A-5 that required State Health Director to develop the public health portion of the State emergency management plan. Adds amendment to GS 166A-5 to require Sec'y of Crime Control and Public Safety to coordinate with State Health Director to amend or revise State Emergency Operations Plan regarding public health matters and sets out some requirements for revisions of Plan. Amends GS 130A-145(b) to clarify that authorized health care, law enforcement, or emergency medical services personnel have access to quarantine or isolation premises as necessary in conducting their duties. Adds to amendment of GS 130A-12.1 that unit of state or local government, as well as health care provider, may report to State Health Director or local health director situation that may indicate use of nuclear, biological, or chemical weapon of mass destruction. Adds to amendment to GS 106-307.2 that State Veterinarian must notify Director of Div'n of Environmental Health in Dep't of Environment and Natural Resources, as well as State Health Director, of potential outbreak of disease or condition that can be transmitted to humans. Amends GS 143-518 to provide that medical records of Dep't of Health

and Human Service and EMS providers may be released to State Health Director for the purpose of protecting the public health. Adds repeal of GS 130A-152(b)(second measles immunization for child immunized before first birthday).

July 23, 2002

H 1508. PUBLIC HEALTH BIOTERRORISM PREPAREDNESS. Intro. 6/4/02. House committee substitute makes the following changes to 2nd edition. Changes title to add the following: *TO AMEND THE NORTH CAROLINA MEDICAL CARE COMMISSION'S RULE-MAKING AUTHORITY REGARDING STANDARDS AND CRITERIA FOR THE EDUCATION AND CREDENTIALING OF PERSONS TO ADMINISTER TREATMENT FOR ANAPHYLAXIS*. Makes numerous technical changes. Also does the following: (1) Amends new GS 130A-475(a) to authorize the State Health Director to limit access by any person or animal to an area or facility that is housing people or animals whose movement has been limited. Also places certain limits on the Director's authority to impose such restrictions. Requires that the Director consult with the State Veterinarian before exercising this authority with respect to livestock or poultry, limits time period of restrictions, and establishes judicial procedures for continuing restrictions in effect and reviewing orders. Creates similar procedures with respect to quarantine and isolation authority under GS 130A-145. (2) Amends new GS 130A-476 to remove immunity of health care providers and government units from civil or criminal liability for failing to report information if the person had actual knowledge that a condition or illness was caused by nuclear, biological, or chemical weapons of mass destruction. Also amends new GS 130A-476 to provide that information reported under that section is confidential except as specified. (3) Repeals GS 130A-133, the definitions section for communicable diseases, and repeats substance of repealed definitions in GS 130A-2, the general definitions section. (4) Amends GS 106-307.2 to require Board of Agriculture to establish by rule a list of reportable animal diseases and conditions and to require the State Veterinarian to notify the State Health Director and Director of Div'n of Environmental Health when the State Veterinarian receives report of potential outbreak of anthrax or other conditions that may have been caused by a terrorist act. (5) Deletes changes to GS 130A-5, which would have deleted provision authorizing Sec'y of Health and Human Services to obtain access to certain privileged medical records. (6) Amends GS 166A-5(3) to specify revisions to be made to the North Carolina Emergency Operations Plan with respect to acts of terrorism. (7) Amends GS 143-508(d)(11) to require NC Medical Care Commission to establish standards for the education and credentialing of people administering treatment for anaphylaxis.

August 20, 2002

H 1508. PUBLIC HEALTH BIOTERRORISM PREPAREDNESS. Intro. 6/4/02. Senate amendment makes the following changes to 3rd edition. Clarifies that authority of State Health Director in proposed GS 130A-475 to limit access to contaminated areas does not prevent access by health care, law enforcement, and emergency personnel who have legitimate need to have access to the areas. Amends GS 15A-401 to allow a law enforcement officer to detain a person arrested for violation of an order of the State Health Director that limits access to certain areas in terrorist attacks or public health quarantines. Detention may last until person taken before judicial official. Adds new GS 15A-534.5 to allow judicial official in such cases to deny pretrial release and order person held in quarantine area if there is clear and convincing evidence that the person poses a threat to the health and safety of others. Pretrial release must be authorized when person no longer dangerous, but judicial official may not make that decision without hearing recommendations from State Health Director. Amends GS 90-21.22A and 131E-95 to include proceedings involving ambulatory surgical facility licensed under GS Ch. 131E among entities covered by the confidentiality provisions in those sections.

August 27, 2002

H 1508. PUBLIC HEALTH BIOTERRORISM PREPAREDNESS. Intro. 6/4/02. Senate committee substitute makes the following changes to 4th edition. Provides that a person who brings an action to review an order limiting the person's freedom of movement or access is entitled to representation by counsel. If the person is indigent, counsel must be appointed in accordance with

the statutes governing representation for indigent persons and the rules of the Office of Indigent Defense Services. Requires the State Health Director and the Secretary of Crime Control and Public Safety to notify the Governor and each other whenever the Director or the Secretary reasonably suspects that there exists a public health threat that may have been caused by an act of terrorism using a nuclear, biological, or chemical agent. Directs State Health Director to develop a voluntary pilot program for hospitals and urgent care centers to provide emergency department data to the Director for the purpose of public health surveillance. Requires the Director to remove from the data individuals' names, street addresses, phone numbers, social security numbers, dates of birth, and any other information that might identify a patient. Authorizes State Health Director, upon a determination that a public health threat may exist because property has been contaminated by an act of terrorism using nuclear, biological, or chemical agents, to order any action to abate the threat. Provides that an owner or other person in control of the property who is not culpable in the creation of the threat shall not be responsible for the cost of the abatement. Authorizes NC Medical Board to waive its licensure requirements to permit the provision of emergency health services to the public in a declared disaster or state of emergency. Amends statutes governing regional hazardous materials response teams to authorize those teams to respond to terrorist incidents.

August 28, 2002

H 1508. PUBLIC HEALTH BIOTERRORISM PREPAREDNESS. Intro. 6/4/02. Senate amendments make the following changes to 5th edition. Specify that the immunity from tort liability provisions of GS 143 Article 31 apply to persons acting pursuant to the new article created to address acts of terrorism. Also clarify that a lien on real property arising in favor of the Secretary or a local health department as the result of the abatement of an imminent hazard shall be defeated by a showing that the owner of the property is innocent of culpability in creation of the hazard. Make technical changes.

October 1, 2002

H 1508. PUBLIC HEALTH BIOTERRORISM PREPAREDNESS. Intro. 6/4/02. Conference report recommends the following changes to 6th edition to reconcile matters in controversy. Amends new GS 130A-476(f) by expanding the list of identifiers that must be removed by the State Health Director in order for data to be used in the emergency department data pilot program. Revises the proposed amendments to GS 130A-20 to authorize a lien on the property of the owner, lessee, operator, or other person in control of the property where an imminent hazard is abated. Provides that the person against whose property the lien has been filed may defeat the lien by showing that the person was not culpable in the creation of the imminent hazard. Makes technical changes.