



ENGROSSED 2001 ASSEMBLY BILL 850

March 8, 2002 – Printed by direction of SENATE CHIEF CLERK.

1 **AN ACT** *to renumber* 95.22 and 252.06 (4); *to renumber and amend* 21.80 (1)
2 (a); *to amend* 20.465 (3) (e), 21.80 (title), 21.80 (3) (a) 4., 21.80 (3) (c) 1., 21.80
3 (3) (c) 2., 21.80 (3) (c) 3., 21.80 (3) (f) 1., 166.03 (1) (b) 1., 252.02 (title), 252.05
4 (1) and 252.06 (1); and *to create* 20.285 (1) (fg), 20.435 (1) (e), 21.80 (1) (a) 2.,
5 36.25 (11) (em), 50.36 (3d), 95.22 (2), 157.055, 166.02 (1p), 166.02 (1r), 166.02
6 (1t), 166.02 (7), 166.02 (8), 166.03 (1) (b) 8., 166.03 (2) (a) 6., 250.01 (6g), 250.01
7 (6r), 250.03 (3), 250.03 (3) (b), 250.042, 251.05 (3) (e), 252.02 (7), 252.041, 252.06
8 (4) (b), 252.06 (10) (c), 440.142 and 979.012 of the statutes; **relating to:**
9 authorizing a declaration of and actions under a state of emergency related to
10 public health, requiring the exercise of rule-making authority, making
11 appropriations, and providing a penalty.

Analysis by the Legislative Reference Bureau

Engrossment information:

The text of Engrossed 2001 Assembly Bill 850 consists of the bill, as passed by the assembly on March 7, 2002, as affected by the following Assembly Amendments

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adopted in the assembly on March 7, 2002: Assembly Amendments 1 (as affected by chief clerk's correction), 3, and 6.

Content of Engrossed 2001 Assembly Bill 850

Under current law, the governor may proclaim a state of emergency for any portion of the state or the whole state if the governor determines that an emergency resulting from enemy action or a natural or man-made disaster exists. The state of emergency may not exceed 60 days for an emergency resulting from enemy action or 30 days from disasters, unless extended by a joint resolution of the legislature. The department of military affairs, through the division of emergency government, is the lead state agency to respond to the emergency. This bill allows the governor to proclaim a state of emergency related to public health and designate the department of health and family services (DHFS) as the lead state agency if the governor determines that a public health emergency exists. Under the bill, the governor may suspend an administrative rule during a state of emergency related to public health if strict compliance with the rule would hinder a response to the emergency and increase the health threat to the population. The bill defines a public health emergency as the occurrence or threat of a health condition that is caused by bioterrorism or a novel or previously controlled biological agent and that poses a high probability of a large number of deaths or serious injury and a high probability of widespread exposure to a biological, chemical, or radiological agent that creates a significant risk of harm to a large number of people.

Current law relating to the duties of funeral directors prohibits a public officer, an employee or officer of a public institution, or a physician from sending the corpse of a person to a funeral director without having first made inquiry as to the desires of the next of kin or others who may be chargeable with the funeral expenses. No person who is not licensed as a funeral director by the funeral directors examining board may engage in the business of a funeral director. Further, no person may cremate a corpse without first obtaining a cremation permit from the appropriate county coroner or medical examiner. If a corpse is the subject of a coroner's or medical examiner's investigation concerning cause of death, no person may embalm or conduct an autopsy on the corpse without authorization from the appropriate coroner or medical examiner.

Under current law, DHFS must carry out a statewide immunization program to eliminate mumps, measles, German measles, diphtheria, whooping cough, poliomyelitis, and other diseases that DHFS specifies by rule and to protect against tetanus. Any registered nurse, licensed practical nurse, nurse midwife, physician, physician assistant, respirator care practitioner, physician therapist, podiatrist, dietitian, athletic trainer, or occupational therapist who knows or has reason to know that a person treated or visited by him or her has a communicable disease or, having a communicable disease, has died, must report the appearance of the disease or the death to the local health officer; the local health officer must report, or require the person reporting, to report to DHFS. DHFS has broad authority to implement emergency measures necessary to control communicable diseases, that are diseases specified by DHFS by rule. DHFS or local health officers of local health departments may require isolation of a patient, quarantine of contacts, disinfection, or modified

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forms of these procedures. If a local health officer has a reasonable belief in the existence of a communicable disease or receives a diagnostic report of a physician or notification or a confirming report from a parent or caretaker, the local health officer must immediately quarantine, isolate, and impose restrictions on persons or take other communicable disease control measures. If DHFS or a local health officer determines it necessary for a particular communicable disease, no persons except the local health officer, his or her representative, the attending physicians and nurses, members of the clergy, members of a patient's immediate family, and other persons with a special permit from the local health officer may be in direct contact with the patient.

This bill requires DHFS to act as the public health authority during the period of a state of emergency related to public health, if the governor declares the state of emergency and designates the department as the lead state agency. During the state of emergency, the secretary of health and family services may designate a local health department as an agent of DHFS and confer upon the local health department, acting under that agency, the powers and duties of the public health authority. Under the bill, as the public health authority, DHFS must inform state residents when a state of emergency related to public health has been declared or is terminated, how to protect themselves, and what actions the public health authority is taking to control a public health emergency. This information must be provided by all available and reasonable means calculated to inform the general public. DHFS also must consult with local health departments and individual health care providers.

The bill creates a sum sufficient appropriation of general purpose revenues from which DHFS may purchase, store, or distribute antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies that DHFS determines are advisable to control a public health emergency and may reimburse a local health department for reasonable and necessary expenses in acting as DHFS' agent. DHFS also may order any individual to receive a vaccination unless the vaccination is reasonably likely to lead to serious harm to the individual or unless the individual, for reasons of religion or conscience, refuses. DHFS also may isolate or quarantine any individual who is unable or unwilling for reasons of health, religion, or conscience to receive the vaccination. Further, the bill creates provisions relating to visitation during isolation or quarantine under a state of emergency related to public health to establish a penalty for any person, other than a person authorized by the public health authority or agent of the public health authority, who enters an isolation or quarantine premises. In addition, a person, whether authorized or not, who enters an isolation or quarantine premises may be subject to quarantine or isolation. Under a state of emergency related to public health, the expense of providing a reasonable means of communication for a person quarantined outside his or her home must be paid from the DHFS sum sufficient appropriation or, if DHFS is not designated as the lead state agency, from the sum sufficient general purpose revenues appropriation of the department of military affairs. All health care providers who know or have reason to know that a person treated, visited, or otherwise provided service by them has a communicable disease,

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or, having a communicable disease, has died, must report the communicable disease or death to the local health officer.

The bill also permits a public health authority, during a period of a state of emergency relating to public health, to do all of the following:

1. Issue and enforce orders that are reasonable and necessary to provide for the safe disposal of human remains, including by embalming, burial, cremation, interment, disinterment, transportation, and other disposal.

2. Take possession and control of any human remains.

3. Order the disposal, through burial or cremation, of any human remains of an individual who has died of a communicable disease, within 24 hours after the individual's death.

4. If reasonable and necessary for emergency response, require a funeral establishment, as a condition of its permit, to accept human remains or provide the use of its business to the public health authority for the period of the state of emergency. Reasonable and necessary expenses of the funeral establishment in complying with these requirements may be paid by DHFS from the sum sufficient appropriation created under the bill.

5. Require the labeling of all human remains before disposal with all available identifying information and information concerning the circumstances of death, and require the tagging of the human remains of an individual with a communicable disease.

6. Maintain or require maintenance of a written or electronic record of all human remains that are disposed of and, if it is impossible to identify the human remains, require that fingerprints, photographs, or identifying dental information be obtained and a specimen of deoxyribonucleic acid be collected.

7. Authorize a county medical examiner or county coroner to appoint assistants or deputies, if necessary to perform the duties of the medical examiner or the coroner.

The bill requires a pharmacist or pharmacy to report to DHFS all of the following:

1. An unusual increase in the number of prescriptions dispensed or nonprescription drug products sold for the treatment of medical conditions, as specified by DHFS by rule.

2. An unusual increase in the number of antibiotic drug prescriptions dispensed.

3. Prescriptions dispensed for treatment of a disease that is relatively uncommon or may be associated with bioterrorism.

If DHFS requests, the pharmacist or pharmacy must report personally identifying information, other than a social security number, concerning a person who is dispensed these prescriptions or purchases these nonprescription drug products.

The bill also requires a coroner or medical examiner to report to DHFS and to the local health department any illness or health condition of a deceased that is caused by bioterrorism or by a novel or previously controlled or eradicated biological agent.

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This bill directs the laboratory of hygiene board to maintain a roster of scientists and others with technical expertise who are willing to work for the laboratory if the governor declares the existence of an emergency related to public health. The bill provides that if the governor declares such an emergency, the laboratory board must hire as limited-term employees the requisite number of persons from the roster to assist DHFS to perform the duties described above. The bill requires the employer of a person who is hired by the laboratory board to assist DHFS during an emergency related to public health, subject to certain exceptions and conditions, to reemploy the person on completion of that service in the position in which the person would have been employed or in a position of like seniority, status, and pay, and with the seniority that the person would have had, if the person's employment had not been interrupted by that service. In addition, the bill prohibits the employer of such a person from discharging the person, except for cause, for 180 days after reemployment, if the person's service with the laboratory was for more than 30 days, but less than 181 days, or for one year after reemployment, if that service was for more than 180 days. The bill also permits such a person, if covered under an employer-provided health benefit plan, to continue his or her coverage under the plan while absent from employment.

The bill requires a hospital to develop and maintain a system for granting emergency staff privileges to a health care provider who seeks to provide care at the hospital during a period of a state of emergency related to public health. The hospital granting these emergency staff privileges has immunity from civil liability for acts or omissions by the health care provider granted the staff privileges.

Lastly, beginning on July 1, 2002, after first consulting with the adjutant general, local health departments, health care providers, and law enforcement agencies, the bill requires DHFS to report biennially to the governor and to the legislature on the preparedness of the public health system to address public health emergencies. In addition, no later than 90 days after a state of emergency relating to public health is declared and the lead state agency is designated to respond to that emergency and no later than 90 days after the termination of this state of emergency, the lead state agency, either DHFS or the department of military affairs, must submit to the legislature and to the governor a report on the emergency powers used and the expenses incurred by the department and its agents.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 1 **SECTION 1.** 20.285 (1) (fg) of the statutes is created to read:
- 2 20.285 (1) (fg) *State laboratory of hygiene; limited-term employees.* A sum
- 3 sufficient to pay the salaries, benefits, and training of limited-term employees under
- 4 s. 36.25 (11) (em).

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1 **SECTION 2.** 20.435 (1) (e) of the statutes is created to read:

2 20.435 (1) (e) *Public health emergency.* A sum sufficient to defray all expenses
3 necessary to respond to a state of emergency related to public health only if the
4 governor declares such an emergency and designates the department of health and
5 family services as the lead state agency to respond to the emergency under s. 166.03
6 (1) (b) 1.

7 **SECTION 2m.** 20.465 (3) (e) of the statutes is amended to read:

8 20.465 (3) (e) *Disaster recovery aid.* A sum sufficient to pay the state share of
9 grants to individuals and, to make payments to local governments as defined in 42
10 USC 5122 (6) under federal disaster recovery programs as authorized in s. 166.03 (2)
11 (b) 8., and to defray all expenses necessary to respond to a state of emergency related
12 to public health declared under s. 166.03 (1) (b) 1. if the department of health and
13 family services is not designated as the lead state agency.

14 **SECTION 3.** 21.80 (title) of the statutes, as created by 2001 Wisconsin Act 26,
15 is amended to read:

16 **21.80** (title) **Reemployment rights after national guard or, state**
17 **defense force, or public health emergency service.**

18 **SECTION 4.** 21.80 (1) (a) of the statutes, as created by 2001 Wisconsin Act 26,
19 is renumbered 21.80 (1) (a) (intro.) and amended to read:

20 21.80 (1) (a) (intro.) “Active service” means ~~active~~ any of the following:

21 1. Active service in the national guard or the state defense force under an order
22 of the governor issued under this chapter or active service in the national guard
23 under 32 USC 502 (f) that is not considered to be service in the uniformed services.

24 **SECTION 5.** 21.80 (1) (a) 2. of the statutes is created to read:

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1 21.80 (1) (a) 2. Active service with the state laboratory of hygiene under s. 36.25
2 (11) (em) for the purpose of assisting the department of health and family services
3 under s. 250.042 during a state of emergency relating to public health declared by
4 the governor under s. 166.03 (1) (b) 1.

5 **SECTION 6.** 21.80 (3) (a) 4. of the statutes, as created by 2001 Wisconsin Act 26,
6 is amended to read:

7 21.80 (3) (a) 4. ~~The person's~~ In the case of active service in the national guard
8 or the state defense force, the active service has not been terminated under other
9 than honorable conditions.

10 **SECTION 7.** 21.80 (3) (c) 1. of the statutes, as created by 2001 Wisconsin Act 26,
11 is amended to read:

12 21.80 (3) (c) 1. Any period of active service, as defined in sub. (1) (a) 1., beyond
13 that 5-year period that is required to complete an initial period of obligated active
14 service.

15 **SECTION 8.** 21.80 (3) (c) 2. of the statutes, as created by 2001 Wisconsin Act 26,
16 is amended to read:

17 21.80 (3) (c) 2. Any period of active service, as defined in sub. (1) (a) 1., for which
18 the person, through no fault of the person's own, was unable to obtain orders
19 releasing the person from a period of active service before the expiration of the 5-year
20 period.

21 **SECTION 9.** 21.80 (3) (c) 3. of the statutes, as created by 2001 Wisconsin Act 26,
22 is amended to read:

23 21.80 (3) (c) 3. Any period of active service, as defined in sub. (1) (a) 1., that was
24 performed to fulfill any additional training requirements determined and certified
25 in writing by the federal secretary of the army, the federal secretary of the air force,

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1 or the adjutant general to be necessary for professional development or for
2 completion of skill training or retraining.

3 **SECTION 10.** 21.80 (3) (f) 1. of the statutes, as created by 2001 Wisconsin Act
4 26, is amended to read:

5 21.80 (3) (f) 1. A person who submits an application for reemployment under
6 par. (e) 2. or 3. must, on the request of the person's employer, provide to the employer
7 documentation to establish that the application was submitted within the time
8 limits specified in par. (e) 2. or 3., that the person's cumulative length of all absences
9 from employment with the employer because of active service or service in the
10 uniformed services does not, except as permitted under par. (c), exceed 5 years, and,
11 in the case of active service in the national guard or the state defense force, that the
12 person's service was not terminated under other than honorable conditions.

13 **SECTION 11.** 36.25 (11) (em) of the statutes is created to read:

14 36.25 (11) (em) The laboratory of hygiene board shall create and maintain a
15 roster of scientists and other persons with technical expertise who are willing to work
16 for the laboratory of hygiene if the governor declares that an emergency related to
17 public health exists. If the governor declares such an emergency, the laboratory of
18 hygiene board shall hire as limited-term employees the requisite number of persons
19 from the roster to assist the department of health and family services under s.
20 250.042. Salaries, benefits, and training of these employees shall be paid from the
21 appropriation under s. 20.285 (1) (fg).

22 **SECTION 11d.** 50.36 (3d) of the statutes is created to read:

23 50.36 (3d) (a) A hospital shall develop and maintain a system under which the
24 hospital may grant emergency staff privileges to a health care provider, as defined
25 in s. 146.81 (1), to whom all of the following apply:

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1 1. The health care provider seeks to provide care at the hospital during a period
2 of a state of emergency related to public health declared by the governor under s.
3 166.03 (1) (b) 1.

4 2. The health care provider does not have staff privileges at the hospital at the
5 time that the state of emergency related to public health is declared by the governor
6 under s. 166.03 (1) (b) 1.

7 3. The health care provider has staff privileges at another hospital.

8 (b) A hospital that grants emergency staff privileges under par. (a) has
9 immunity from civil liability for acts or omissions by a health care provider who is
10 granted emergency staff privileges under par. (a).

11 **SECTION 12.** 95.22 of the statutes is renumbered 95.22 (1).

12 **SECTION 13.** 95.22 (2) of the statutes is created to read:

13 **95.22 (2)** The department shall provide the reports of any communicable
14 diseases under sub. (1) to the department of health and family services.

15 **SECTION 14.** 157.055 of the statutes is created to read:

16 **157.055 Disposal of human remains during state of emergency relating**
17 **to public health. (1)** In this section:

18 (a) "Funeral establishment" has the meaning given in s. 445.01 (6).

19 (b) "Public health authority" has the meaning given in s. 250.01 (6g).

20 **(2)** Notwithstanding ss. 69.18 (4), 445.04 (2), 445.14, 979.01 (3), (3m), and (4),
21 979.02, and 979.10, during a period of a state of emergency related to public health
22 declared by the governor under s. 166.03 (1) (b) 1., a public health authority may do
23 all of the following:

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1 (a) Issue and enforce orders that are reasonable and necessary to provide for
2 the safe disposal of human remains, including by embalming, burial, cremation,
3 interment, disinterment, transportation, and other disposal.

4 (b) Take possession and control of any human remains.

5 (c) Order the disposal, through burial or cremation, of any human remains of
6 an individual who has died of a communicable disease, within 24 hours after the
7 individual's death and consider, to the extent feasible, the religious, cultural, or
8 individual beliefs of the deceased individual or his or her family in disposing of the
9 remains.

10 (d) If reasonable and necessary for emergency response, require a funeral
11 establishment, as a condition of its permit under s. 445.105 (1), to accept human
12 remains or provide the use of its business or facility, including by transferring the
13 management and supervision of the funeral establishment to the public health
14 authority, for a period of time not to exceed the period of the state of emergency.
15 Reasonable and necessary expenses of a funeral establishment in complying with the
16 requirements under this paragraph may be paid by the department from the
17 appropriation under s. 20.435 (1) (e).

18 (e) Require the labeling of all human remains before disposal with all available
19 identifying information and information concerning the circumstances of death and,
20 in addition, require that the human remains of an individual with a communicable
21 disease be clearly tagged to indicate that remains contain a communicable disease
22 and, if known, the specific communicable disease.

23 (f) Maintain or require the maintenance of a written or electronic record of all
24 human remains that are disposed of, including all available identifying information
25 and information concerning the circumstances of death and disposal. If it is

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1 impossible to identify human remains prior to disposal, the public health authority
2 may require that a qualified person obtain any fingerprints, photographs, or
3 identifying dental information, and collect a specimen of deoxyribonucleic acid from
4 the human remains and transmit this information to the public health authority.

5 (g) Notwithstanding s. 59.34 (1) or 59.35 (1), authorize a county medical
6 examiner or a county coroner to appoint emergency assistant medical examiners or
7 emergency deputy coroners, whichever is applicable, if necessary to perform the
8 duties of the office of medical examiner or coroner, and to prescribe the duties of the
9 emergency assistant medical examiners or emergency deputy coroners. The term of
10 any emergency appointment authorized under this paragraph may not exceed the
11 period of the state emergency. A county medical examiner or county coroner may
12 terminate an emergency appointment before the end of the period of the state
13 emergency, if termination of the appointment will not impede the performance of the
14 duties of his or her office. From the appropriation under s. 20.435 (1) (e), the
15 department shall reimburse counties for the cost of any emergency medical
16 examiners or emergency deputy coroners appointed under this paragraph.

17 **SECTION 15.** 166.02 (1p) of the statutes is created to read:

18 166.02 (1p) "Biological agent" means any of the following:

19 (a) A select agent that is a virus, bacterium, rickettsia, fungus, or toxin that is
20 specified under 42 CFR 72, Appendix A.

21 (b) A genetically modified microorganism or genetic element from an organism
22 under par. (a) that is shown to produce or encode for a factor associated with a
23 disease.

24 (c) A genetically modified microorganism or genetic element that contains
25 nucleic acid sequences coding for a toxin under par. (a) or its toxic subunit.

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1 (d) An agent specified by the department of health and family services by rule.

2 **SECTION 16.** 166.02 (1r) of the statutes is created to read:

3 166.02 (1r) "Bioterrorism" means the intentional use of any biological,
4 chemical, or radiological agent to cause death, disease or biological malfunction in
5 a human, animal, plant, or other living organism in order to influence the policy of
6 a governmental unit or to intimidate or coerce the civilian population.

7 **SECTION 17.** 166.02 (1t) of the statutes is created to read:

8 166.02 (1t) "Chemical agent" means a substance that has chemical properties
9 that produce lethal or serious effects in plants or animals.

10 **SECTION 18.** 166.02 (7) of the statutes is created to read:

11 166.02 (7) "Public health emergency" means the occurrence or imminent threat
12 of an illness or health condition that meets all of the following criteria:

13 (a) Is believed to be caused by bioterrorism or a novel or previously controlled
14 or eradicated biological agent.

15 (b) Poses a high probability of any of the following:

16 1. A large number of deaths or serious or long-term disabilities among humans.

17 2. A high probability of widespread exposure to a biological, chemical, or
18 radiological agent that creates a significant risk of substantial future harm to a large
19 number of people.

20 **SECTION 19.** 166.02 (8) of the statutes is created to read:

21 166.02 (8) "Radiological agent" means radiation or radioactive material at a
22 level that is dangerous to human health.

23 **SECTION 20.** 166.03 (1) (b) 1. of the statutes is amended to read:

24 166.03 (1) (b) 1. Proclaim a state of emergency for the state or any portion
25 thereof of the state if he or she determines that an emergency resulting from enemy

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1 action or natural or man-made disaster exists. If the governor determines that a
2 public health emergency exists, he or she may declare a state of emergency related
3 to public health and may designate the department of health and family services as
4 the lead state agency to respond to that emergency. The duration of such state of
5 emergency shall not exceed 60 days as to emergencies resulting from enemy action
6 or 30 days as to emergencies resulting from natural or man-made disaster, unless
7 either is extended by joint resolution of the legislature. A copy of the proclamation
8 shall be filed with the secretary of state. The proclamation may be revoked at the
9 discretion of either the governor by written order or the legislature by joint
10 resolution.

11 **SECTION 20m.** 166.03 (1) (b) 8. of the statutes is created to read:

12 166.03 (1) (b) 8. During a state of emergency related to public health, suspend
13 the provisions of any administrative rule if the strict compliance with that rule would
14 prevent, hinder, or delay necessary actions to respond to the emergency and increase
15 the health threat to the population.

16 **SECTION 21.** 166.03 (2) (a) 6. of the statutes is created to read:

17 166.03 (2) (a) 6. No later than 90 days after a state of emergency relating to
18 public health is declared and the department of health and family services is not
19 designated under s. 166.03 (1) (b) 1. as the lead state agency to respond to that
20 emergency and no later than 90 days after the termination of this state of emergency
21 relating to public health, submit to the legislature under s. 13.172 (2) and to the
22 governor a report on all of the following:

23 a. The emergency powers used by the department of military affairs or its
24 agents.

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1 b. The expenses incurred by the department of military affairs and its agents
2 in acting under the state of emergency related to public health.

3 **SECTION 22.** 250.01 (6g) of the statutes is created to read:

4 250.01 (6g) "Public health authority" means the department, if the governor
5 declares under s. 166.03 (1) (b) 1. a state of emergency related to public health and
6 designates the department as the lead state agency to respond to that emergency.

7 **SECTION 23.** 250.01 (6r) of the statutes is created to read:

8 250.01 (6r) "Public health emergency" has the meaning given in s. 166.02 (7).

9 **SECTION 24.** 250.03 (3) of the statutes is created to read:

10 250.03 (3) (a) No later than 90 days after a state of emergency relating to public
11 health is declared and the department is designated under s. 166.03 (1) (b) 1. as the
12 lead state agency to respond to that emergency and no later than 90 days after the
13 termination of this state of emergency relating to public health, the department shall
14 submit to the legislature under s. 13.172 (2) and to the governor a report on all of the
15 following:

- 16 1. The emergency powers used by the public health authority or its agents.
17 2. The expenses incurred by the public health authority and its agents in acting
18 under the state of emergency related to public health.

19 **SECTION 25.** 250.03 (3) (b) of the statutes is created to read:

20 250.03 (3) (b) Biennially, beginning on July 1, 2002, after first consulting with
21 the adjutant general, local health departments, health care providers, as defined in
22 s. 146.81 (1), and law enforcement agencies, as defined in s. 165.77 (1) (b), the
23 department shall submit to the legislature under s. 13.172 (2) and to the governor
24 a report on the preparedness of the public health system to address public health
25 emergencies.

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1 **SECTION 26.** 250.042 of the statutes is created to read:

2 **250.042 Powers and duties of the department as public health**
3 **authority. (1)** If the governor declares a state of emergency related to public health
4 under s. 166.03 (1) (b) 1. and designates the department as the lead state agency to
5 respond to that emergency, the department shall act as the public health authority
6 during the period of the state of emergency. During the period of the state of
7 emergency, the secretary may designate a local health department as an agent of the
8 department and confer upon the local health department, acting under that agency,
9 the powers and duties of the public health authority. The department may, from the
10 appropriation under s. 20.435 (1) (e), reimburse a local health department for
11 reasonable and necessary expenses in acting as an agent of the department if
12 designated under this subsection.

13 **(2)** As the public health authority, the department may do any of the following:

14 (a) From the appropriation under s. 20.435 (1) (e), purchase, store, or distribute
15 antitoxins, serums, vaccines, immunizing agents, antibiotics, and other
16 pharmaceutical agents or medical supplies that the department determines are
17 advisable to control a public health emergency.

18 (b) Act as specified in s. 252.041.

19 **(3)** (a) As the public health authority, the department shall inform state
20 residents of all of the following:

21 1. When a state of emergency related to public health has been declared or is
22 terminated.

23 2. How to protect themselves from a public health emergency.

24 3. What actions the public health authority is taking to control a public health
25 emergency.

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1 (b) The public health authority shall provide the information specified in par.
2 (a) by all available and reasonable means calculated to inform the general public,
3 including reasonable efforts to make the information accessible to individuals with
4 disabilities and to provide the information in the primary languages of individuals
5 who do not understand English.

6 (c) As the public health authority, the department, to the extent possible, shall
7 consult with local health departments, whether or not designated as agents of the
8 department, and with individual health care providers.

9 **SECTION 27.** 251.05 (3) (e) of the statutes is created to read:

10 251.05 (3) (e) Act as agent of the department, if designated by the secretary
11 under s. 250.042 (1).

12 **SECTION 28.** 252.02 (title) of the statutes is amended to read:

13 **252.02 (title) Powers and duties of department.**

14 **SECTION 29.** 252.02 (7) of the statutes is created to read:

15 252.02 (7) The department shall promulgate rules that specify medical
16 conditions treatable by prescriptions or nonprescription drug products for which
17 pharmacists and pharmacies must report under s. 440.142 (1).

18 **SECTION 30.** 252.041 of the statutes is created to read:

19 **252.041 Compulsory vaccination during a state of emergency. (1)**

20 Except as provided in sub. (2), during the period under which the department is
21 designated as the lead state agency, as specified in s. 250.042 (2), the department,
22 as the public health authority, may do all of the following as necessary to address a
23 public health emergency:

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1 (a) Order any individual to receive a vaccination unless the vaccination is
2 reasonably likely to lead to serious harm to the individual or unless the individual,
3 for reasons of religion or conscience, refuses to obtain the vaccination.

4 (b) Isolate or quarantine, under s. 252.06, any individual who is unable or
5 unwilling for reasons specified under sub. (1) to receive vaccination under par. (a).

6 (2) The department shall promulgate rules that specify circumstances, if any,
7 under which vaccination may not be performed on an individual.

8 **SECTION 31.** 252.05 (1) of the statutes is amended to read:

9 252.05 (1) ~~Any person licensed, permitted, registered or certified under ch. 441~~
10 ~~or 448 knowing or having health care provider, as defined in s. 146.81 (1), who knows~~
11 ~~or has reason to know believe that a person treated or visited by him or her has a~~
12 ~~communicable disease, or having a communicable disease, has died, shall report the~~
13 ~~appearance of the communicable disease or the death to the local health officer. The~~
14 ~~local health officer shall report this information to the department or shall direct the~~
15 ~~person reporting to report to the department. Any person directed to report shall~~
16 ~~submit this information to the department.~~

17 **SECTION 32.** 252.06 (1) of the statutes is amended to read:

18 252.06 (1) The department or the local health officer acting on behalf of the
19 department may require isolation of ~~the patient~~ a patient or of an individual under
20 s. 252.041 (1) (b), quarantine of contacts, concurrent and terminal disinfection, or
21 modified forms of these procedures as may be necessary and ~~which are~~ as are
22 determined by the department by rule.

23 **SECTION 33.** 252.06 (4) of the statutes is renumbered 252.06 (4) (a).

24 **SECTION 34.** 252.06 (4) (b) of the statutes is created to read:

25 252.06 (4) (b) If s. 250.042 (1) applies, all of the following apply:

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1 1. No person, other than a person authorized by the public health authority or
2 agent of the public health authority, may enter an isolation or quarantine premises.

3 2. A violation of subd. 1. is subject to a fine not to exceed \$10,000 or
4 imprisonment not to exceed 9 months, or both.

5 3. Any person, whether authorized under subd. 1. or not, who enters an
6 isolation or quarantine premises may be subject to isolation or quarantine under this
7 section.

8 **SECTION 34m.** 252.06 (10) (c) of the statutes is created to read:

9 252.06 (10) (c) The expense of providing a reasonable means of communication
10 for a person who is quarantined outside his or her home during a state of emergency
11 related to public health shall be paid under either of the following, as appropriate:

12 1. If the governor designates the department as the lead state agency under s.
13 166.03 (1) (b) 1., from the appropriation under s. 20.435 (1) (e).

14 2. If the governor does not designate the department as the lead state agency
15 under s. 166.03 (1) (b) 1., from the appropriation under s. 20.465 (3) (e).

16 **SECTION 35.** 440.142 of the statutes is created to read:

17 **440.142 Reporting potential causes of public health emergency.** (1) A
18 pharmacist or pharmacy shall report to the department of health and family services
19 all of the following:

20 (a) An unusual increase in the number of prescriptions dispensed or
21 nonprescription drug products sold for the treatment of medical conditions specified
22 by the department of health and family services by rule under s. 252.02 (7).

23 (b) An unusual increase in the number of prescriptions dispensed that are
24 antibiotic drugs.

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1 (c) The dispensing of a prescription for treatment of a disease that is relatively
2 uncommon or may be associated with bioterrorism, as defined in s. 166.02 (1r).

3 (2) (a) Except as provided in par. (b), a pharmacist or pharmacy may not report
4 personally identifying information concerning an individual who is dispensed a
5 prescription or who purchases a nonprescription drug product as specified in sub. (1)
6 (a), (b), or (c).

7 (b) Upon request by the department of health and family services, a pharmacist
8 or pharmacy shall report to that department personally identifying information
9 other than a social security number concerning an individual who is dispensed a
10 prescription or who purchases a nonprescription drug product as specified in sub. (1)
11 (a), (b), or (c).

12 **SECTION 36.** 979.012 of the statutes is created to read:

13 **979.012 Reporting deaths of public health concern.** (1) If a coroner or
14 medical examiner is aware of the death of a person who, at the time of his or her
15 death, had an illness or a health condition that satisfies s. 166.02 (7) (a), the coroner
16 or medical examiner shall report the illness or health condition to the department
17 of health and family services and to the local health department, as defined in s.
18 250.01 (4), in whose jurisdiction the coroner or medical examiner is located in writing
19 or by electronic transmission within 24 hours of learning of the deceased's illness or
20 health condition.

21 (2) In a report under sub. (1), the coroner or medical examiner shall include all
22 of the following information if such information is available:

23 (a) The illness or health condition of the deceased.

24 (b) The name, date of birth, gender, race, occupation, and home and work
25 addresses of the deceased.

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1 (c) The name and address of the coroner or medical examiner.

2 (d) If the illness or health condition was related to an animal or insect bite, the
3 suspected location where the bite occurred and the name and address of the owner
4 of the animal or insect, if an owner is identified.

5 **SECTION 37. Nonstatutory provisions.**

6 (1) EXCEPTIONS TO COMPULSORY VACCINATION; RULES.

7 (a) The department of health and family services shall submit in proposed form
8 the rules required under section 252.041 (2) of the statutes, as created by this act,
9 to the legislative council staff under section 227.15 (1) of the statutes no later than
10 the first day of the 6th month beginning after the effective date of this subsection.

11 (b) Using the procedure under section 227.24 of the statutes, the department
12 of health and family services may promulgate rules required under section 252.041
13 (2) of the statutes, as created by this act, for the period before the effective date of the
14 rules submitted under paragraph (a), but not to exceed the period authorized under
15 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),
16 (2) (b), and (3) of the statutes, the department of health and family services is not
17 required to provide evidence that promulgating a rule under this paragraph as an
18 emergency rule is necessary for the preservation of the public peace, health, safety,
19 or welfare and is not required to provide a finding of emergency for a rule
20 promulgated under this paragraph.

21 (2) MEDICAL CONDITIONS FOR WHICH PHARMACEUTICAL DRUGS ARE DISPENSED OR
22 SOLD; RULES.

23 (a) The department of health and family services shall submit in proposed form
24 the rules required under section 252.02 (7) of the statutes, as created by this act, to

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1 the legislative council staff under section 227.15 (1) of the statutes no later than the
2 first day of the 6th month beginning after the effective date of this subsection.

3 (b) Using the procedure under section 227.24 of the statutes, the department
4 of health and family services may promulgate rules required under section 252.02
5 (7) of the statutes, as created by this act, for the period before the effective date of the
6 rules submitted under paragraph (a), but not to exceed the period authorized under
7 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),
8 (2) (b) and (3) of the statutes, the department of health and family services is not
9 required to provide evidence that promulgating a rule under this paragraph as an
10 emergency rule is necessary for the preservation of the public peace, health, safety,
11 or welfare and is not required to provide a finding of emergency for a rule
12 promulgated under this paragraph.

13 **SECTION 38. Effective dates.** This act takes effect on the day after publication,
14 except as follows:

15 (1) **EXCEPTIONS TO COMPULSORY VACCINATION; RULES.** The treatment of section
16 252.041 (1) of the statutes takes effect on the first day of the fifth month beginning
17 after publication.

18 (2) **MEDICAL CONDITIONS FOR WHICH PHARMACEUTICAL DRUGS ARE DISPENSED OR**
19 **SOLD; RULES.** The treatment of section 440.142 (1) of the statutes takes effect on the
20 first day of the fifth month beginning after publication.

21 (END)