



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-4715/2

DAK/RPN/RLR/MDK:hmh:cf  
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Wanted, 2/20  
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**2001 BILL**

1     **AN ACT to renumber 95.22; to amend 166.03 (1) (b) 1., 252.02 (title), 252.02 (6),**  
2           **252.05 (1), 252.06 (1) and 252.06 (10) (a); to repeal and recreate 252.06 (4);**  
3           **and to create 20.435 (1) (e), 95.22 (2), 157.055, 166.02 (1p), 166.02 (1r), 166.02**  
4           **(7), 166.03 (1) (b) 8., 250.01 (6g), 250.01 (6r), 250.03 (3), 250.042, 251.05 (3) (e),**  
5           **252.02 (7), 252.041, 252.06 (10) (b) 5., 252.06 (10) (b) 6., 440.142, 895.46 (5) (c)**  
6           **and 979.012 of the statutes; relating to:** authorizing a declaration of and  
7           actions under a state of emergency related to public health, requiring the  
8           exercise of rule-making authority, making an appropriation, and providing a  
9           penalty.

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***Analysis by the Legislative Reference Bureau***

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

**BILL***, chemical, or radiological*

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. 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 agent that creates a significant risk of harm to a large number of people. Under the bill, during a state of emergency related to public health, the governor may suspend any administrative rule that would hinder necessary actions to respond to the emergency and increase the health threat to the population.

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 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. Expenses for necessary medical care, food, and other articles necessary for

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*To receive a vaccination*

the care of an infected person must be charged to the person or whoever is liable for his or her support.

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 DHFS 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. From a sum sufficient appropriation of general purpose revenues created in the bill, 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. DHFS also may ~~authorize~~ order any ~~qualified person to perform vaccinations on any~~ individual, unless a vaccination is reasonably likely to lead to serious harm to the individual, and 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 ~~changes~~ provisions relating to visitation during isolation or quarantine to establish a penalty for any person, other than a person authorized by the local health department, or, ~~during a state of emergency related to public health, authorized by the public health authority or agent of the public health authority, who enters an isolation or quarantine premises.~~

*create*

In addition, a person, whether authorized or not, who enters an isolation or quarantine premises may be subject to quarantine or isolation. A county or municipality is made liable for the expense of providing a reasonable means of communication for a person who is isolated or quarantined and for expenses for necessary medical care, food, and other articles needed for the care and treatment of an infected person who is quarantined or isolated in a place other than his or her residence or a family member's residence, unless third-party payment is available for these expenses. All health care providers who know or have reason to know that a person treated or visited by them has a communicable disease, or, having a communicable disease, has died, must report the communicable disease or death to the local health officer.

*under a state of emergency related to public health*

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. Adopt and enforce measures 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.

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4. If reasonable and necessary for emergency response, compel 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.

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.

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

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. INSERT ANAL

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 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  
3 expenditures necessary to respond to a state of emergency related to public health  
4 only if the governor declares such an emergency and designates the department of

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1 health and family services as the lead state agency to respond to the emergency  
2 under s. 166.03 (1) (b) 1.

3 **SECTION 2.** 95.22 of the statutes is renumbered 95.22 (1).

4 **SECTION 3.** 95.22 (2) of the statutes is created to read:

5 95.22 (2) The department shall provide the reports of any communicable

6 diseases under sub. (1) to the department of health and family services, as requested

7 by that department.

8 **SECTION 4.** 157.055 of the statutes is created to read:

9 **157.055 Disposal of human remains during state of emergency relating**  
10 **to public health.** (1) In this section:

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

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

13 (2) Notwithstanding ss. 69.18 (4), 445.04 (2), 445.14, 979.01 (3), (3m), and (4),  
14 979.02, and 979.10, during a period of a state of emergency related to public health  
15 declared by the governor under s. 166.03 (1) (b) 1., a public health authority may do  
16 all of the following:

17 (a) Adopt and enforce measures that are reasonable and necessary to provide  
18 for the safe disposal of human remains, including by embalming, burial, cremation,  
19 interment, disinterment, transportation, and other disposal.

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

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

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1 (d) If reasonable and necessary for emergency response, compel a funeral  
2 establishment, as a condition of its permit under s. 445.105 (1), to accept human  
3 remains or provide the use of its business or facility, including by transferring the  
4 management and supervision of the funeral establishment to the public health  
5 authority, for a period of time not to exceed the period of the state of emergency.

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

11 (f) Maintain or require the maintenance of a written or electronic record of all  
12 human remains that are disposed of, including all available identifying information  
13 and information concerning the circumstances of death and disposal. If it is  
14 impossible to identify human remains prior to disposal, the public health authority  
15 may require that a qualified person obtain any fingerprints, photographs, or  
16 identifying dental information, and collect a specimen of deoxyribonucleic acid from  
17 the human remains and transmit this information to the public health authority.

18 (g) Notwithstanding s. 59.34 (1) or 59.35 (1), authorize a county medical  
19 examiner or a county coroner to appoint emergency assistant medical examiners or  
20 emergency deputy coroners, whichever is applicable, if necessary to perform the  
21 duties of the office of medical examiner or coroner, and to prescribe the duties of the  
22 emergency assistant medical examiners or emergency deputy coroners. The term of  
23 any emergency appointment authorized under this paragraph may not exceed the  
24 period of the state emergency. A county medical examiner or county coroner may  
25 terminate an emergency appointment before the end of the period of the state

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1 emergency, if termination of the appointment will not impede the performance of the  
2 duties of his or her office. From the appropriation under s. 20.435 (1) (e), the  
3 department shall reimburse counties for the cost of any emergency medical  
4 examiners or emergency deputy coroners appointed under this paragraph.

5 **SECTION 5.** 166.02 (1p) of the statutes is created to read:

6 166.02 (1p) "Biological agent" means any of the following:

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

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

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

14 **SECTION 6.** 166.02 (1r) of the statutes is created to read:

15 166.02 (1r) "Bioterrorism" means the intentional use of any biological agent  
16 to cause death, disease, or biological malfunction in a human, animal, plant, or other  
17 living organism in order to influence the policy of a governmental unit or to  
18 intimidate or coerce the civilian population.

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

20 166.02 (7) "Public health emergency" means the occurrence or imminent threat  
21 of an illness or health condition that meets all of the following criteria:

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

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

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

SEC # CR; 166.02 (1E)

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

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SEC #. CR; 166-02 (8) "Radiological agent" **SECTION 7**  
radiation or radioactive material at a level that is  
dangerous to human health. means

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2. A high probability of widespread exposure to a biological agent that creates a significant risk of substantial future harm to a large number of people.

**SECTION 8.** 166.03 (1) (b) 1. of the statutes is amended to read:

166.03 (1) (b) 1. Proclaim a state of emergency for the state or any portion thereof of the state if he or she determines that an emergency resulting from enemy action or natural or man-made disaster exists. If the governor determines that a public health emergency exists, he or she may declare a state of emergency related to public health and may designate the department of health and family services as the lead state agency to respond to that emergency. The duration of such state of emergency shall not exceed 60 days as to emergencies resulting from enemy action or 30 days as to emergencies resulting from natural or man-made disaster, unless either is extended by joint resolution of the legislature. A copy of the proclamation shall be filed with the secretary of state. The proclamation may be revoked at the discretion of either the governor by written order or the legislature by joint resolution.

**SECTION 9.** 166.03 (1) (b) 8. of the statutes is created to read:

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

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**SECTION 10.** 250.01 (6g) of the statutes is created to read:

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

**SECTION 11.** 250.01 (6r) of the statutes is created to read:



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1 250.01 (6r) "Public health emergency" has the meaning given in s. 166.02 (7).

2 **SECTION 12.** 250.03 (3) of the statutes is created to read:

3 ~~250.03 (3)~~ **(b)** Biennially, beginning on July 1, 2002, after first consulting with the  
4 adjutant general, local health departments, health care providers, as defined in s.  
5 146.81 (1), and law enforcement agencies, as defined in s. 165.77 (1) (b), the  
6 department shall submit to the legislature under s. 13.172 (2) and to the governor  
7 a report on the preparedness of the public health system to address public health  
8 emergencies.

9 **SECTION 13.** 250.042 of the statutes is created to read:

10 **250.042 Powers and duties of the department as public health**  
11 **authority.** (1) If the governor declares a state of emergency related to public health  
12 under s. 166.03 (1) (b) 1. and designates the department as the lead state agency, the  
13 department shall act as the public health authority during the period of the state of  
14 emergency. During the period of the state of emergency, the secretary may designate  
15 a local health department as an agent of the department and confer upon the local  
16 health department, acting under that agency, the powers and duties of the public  
17 health authority.

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

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

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

24 (3) (a) As the public health authority, the department shall inform state  
25 residents of all of the following:

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

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

4           3. What actions the public health authority is taking to control a public health  
5 emergency.

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

11           **SECTION 14.** 251.05 (3) (e) of the statutes is created to read:

12           251.05 (3) (e) Act as agent of the department, if designated by the secretary  
13 under s. 250.042 (1).

14           **SECTION 15.** 252.02 (title) of the statutes is amended to read:

15           **252.02 (title) Powers and duties of department.**

16           **SECTION 16.** ~~252.02 (6) of the statutes is amended to read:~~

17           ~~252.02 (6) The In addition to the powers specified under s. 250.042, the~~  
18 ~~department may authorize and implement all emergency measures necessary to~~  
19 ~~control communicable diseases.~~

20           **SECTION 17.** 252.02 (7) of the statutes is created to read:

21           252.02 (7) The department shall promulgate rules that specify medical  
22 conditions treatable by prescriptions or nonprescription drug products for which  
23 pharmacists and pharmacies must report under s. 440.142 (1).

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

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1           **252.041 Compulsory vaccination during a state of emergency.** During  
2 the period of a state of emergency related to public health under which the  
3 department is authorized to act as the lead state agency, as specified in s. 250.042  
4 (2), the department may do all of the following as necessary to address a public health  
5 emergency:

*to receive a vaccination*

6           (1) ~~Authorize and order any qualified person to perform a vaccination on any~~  
7 individual unless the vaccination is reasonably likely to lead to serious harm to the  
8 individual.

*or unless the individual, for reasons of religion or conscience, refuses to obtain the vaccination*

9           (2) Isolate or quarantine, under s. 252.06, any individual who is unable or  
10 unwilling for reasons ~~of health, religion, or conscience~~ to receive vaccination under  
11 sub. (1).

*specified under sub. (1)*

**SECTION 19.** 252.05 (1) of the statutes is amended to read:

12           252.05 (1) Any person licensed, permitted, registered or certified under ch. 441  
13 ~~or 448 knowing or having~~ health care provider, as defined in s. 146.81 (1), who knows  
14 or has reason to know that a person treated or visited by him or her has a  
15 communicable disease, or having a communicable disease, has died, shall report the  
16 appearance of the communicable disease or the death to the local health officer. The  
17 local health officer shall report this information to the department or shall direct the  
18 person reporting to report to the department. Any person directed to report shall  
19 submit this information to the department.  
20

**SECTION 20.** 252.06 (1) of the statutes is amended to read:

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

SECTION 21. 252.06 (4) of the statutes is ~~repealed and~~ created to read:

252.06 (4) (a) <sup>(b)</sup> If s. 250.042 (1) applies, no person, other than a person  
authorized by the public health authority or agent of the public health authority, may  
enter an isolation or quarantine premises. ~~If s. 250.042 (1) does not apply, no person,~~

all of the following apply: #1.

~~other than a person authorized by the local health department, may enter an  
isolation or quarantine premises.~~

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

<sup>3.</sup> (Any person, whether authorized under ~~par. (a)~~ 1. or not, who enters an  
isolation or quarantine premises may be subject to isolation or quarantine under this  
section.

subd.

SECTION 22. 252.06 (10) (a) of the statutes is amended to read:

252.06 (10) (a) Expenses Except as provided in par. (b) 5., expenses for  
necessary medical care, food, and other articles needed for the care and treatment  
of the infected person shall be charged against the person or whoever is liable for the  
person's support.

SECTION 23. 252.06 (10) (b) 5. of the statutes is created to read:

252.06 (10) (b) 5. If a person is quarantined or isolated in a place that is not the  
residence of the person or of an immediate family member of the person, the expenses  
of necessary medical care, food, and other articles needed for the care and treatment  
of the person.

SECTION 24. 252.06 (10) (b) 6. of the statutes is created to read:

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1           252.06 (10) (b) 6. The expense of providing a reasonable means of  
2 communication for the person.

3           **SECTION 25.** 440.142 of the statutes is created to read:

4           **440.142 Reporting potential causes of public health emergency.** A  
5 pharmacist or pharmacy shall report to the department of health and family services  
6 all of the following:

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

10          (2) An unusual increase in the number of prescriptions dispensed that are  
11 antibiotic drugs.

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

14          **SECTION 26.** 895.46 (5) (c) of the statutes is created to read:

15          895.46 (5) (c) An emergency county medical examiner or an emergency county  
16 coroner appointed under the authority of s. 157.055 (2) (h).

17          **SECTION 27.** 979.012 of the statutes is created to read:

18          **979.012 Reporting deaths of public health concern.** (1) If a coroner or  
19 medical examiner is aware of the death of a person who, at the time of his or her  
20 death, had an illness or a health condition that satisfies s. 166.02 (7) (a), the coroner  
21 or medical examiner shall report the illness or health condition to the department  
22 of health and family services in writing or by electronic transmission within 24 hours  
23 of learning of the deceased's illness or health condition.

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

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- 1 (a) The illness or health condition of the deceased.
- 2 (b) The name, date of birth, gender, race, occupation, and home and work  
3 addresses of the deceased.
- 4 (c) The name and address of the coroner or medical examiner.
- 5 (d) If the illness or health condition was related to an animal or insect bite, the  
6 suspected location where the bite occurred and the name and address of the owner  
7 of the the animal or insect, if an owner is identified.

**SECTION 28. Nonstatutory provisions.**

8 (1) MEDICAL CONDITIONS FOR WHICH PHARMACEUTICAL DRUGS ARE DISPENSED OR  
9

10 SOLD; RULES. (a) The department of health and family services shall submit in  
11 proposed form the rules required under section 252.02 (7) of the statutes, as created  
12 by this act, to the legislative council staff under section 227.15 (1) of the statutes no  
13 later than the first day of the 6th month beginning after the effective date of this  
14 subsection.

15 (b) Using the procedure under section 227.24 of the statutes, the department  
16 of health and family services may promulgate rules required under section 252.02  
17 (7) of the statutes, as created by this act, for the period before the effective date of the  
18 rules submitted under paragraph (a), but not to exceed the period authorized under  
19 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),  
20 (2) (b) and (3) of the statutes, the department of health and family services is not  
21 required to provide evidence that promulgating a rule under this paragraph as an  
22 emergency rule is necessary for the preservation of the public peace, health, safety,  
23 or welfare and is not required to provide a finding of emergency for a rule  
24 promulgated under this paragraph.

*par  
component*



**BILL**

unwilling for reasons of health, religion, or conscience to receive the vaccination. Further, the bill ~~changes~~ provisions relating to visitation during isolation or quarantine ~~to authorize entrance during a state of emergency related to public health of persons~~ authorized by the public health authority or agent of the public health authority. 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, or having a communicable disease, has died, must report the communicable disease or death to the local health officer.

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.

This bill directs the laboratory of hygiene board to maintain a roster of scientists and others with technical expertise who are willing to work at 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.

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 DHFS is designated as the lead state agency to respond to that emergency and no later than 90 days after the termination of this state of emergency, DHFS must submit to the legislature and to the governor a report on the emergency powers used and the expenses incurred by the public health authority and its agents.

creates

under a state of emergency related to public health to establish a penalty for any person,

other than a person

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

is designated

W04

the lead state agency, either DHFS or the department of military department affairs,



2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

4715/2  
LRB-4806/2ins  
RPN::

1 insert 8-<sup>20</sup>~~18~~.

2 SECTION 1. 166.03 (2) (a) 6. of the statutes is created to read:

3 166.03 (2) (a) 6. No later than 90 days after a state of emergency relating to  
4 public health is declared and the department is designated under s. 166.03 (1) (b) 1.  
5 as the lead state agency to respond to that emergency and no later than 90 days after  
6 the termination of this state of emergency relating to public health, ~~the department~~  
7 ~~shall~~ submit to the legislature under s. 13.172 (2) and to the governor a report on all  
8 of the following:

9 a The emergency powers used by the department of military affairs or its  
10 agents.

11 b, The expenses incurred by the department of military affairs and its agents  
12 in acting under the state of emergency related to public health.  
13  
14

**BILL**

**SECTION 16**

1           2. A high probability of widespread exposure to a biological agent that creates  
2 a significant risk of substantial future harm to a large number of people.

3           **SECTION 17.** 166.03 (1) (b) 1. of the statutes is amended to read:

4           166.03 (1) (b) 1. Proclaim a state of emergency for the state or any portion  
5 thereof of the state if he or she determines that an emergency resulting from enemy  
6 action or natural or man-made disaster exists. If the governor determines that a  
7 public health emergency exists, he or she may declare a state of emergency related  
8 to public health and may designate the department of health and family services as  
9 the lead state agency to respond to that emergency. The duration of such state of  
10 emergency shall not exceed 60 days as to emergencies resulting from enemy action  
11 or 30 days as to emergencies resulting from natural or man-made disaster, unless  
12 either is extended by joint resolution of the legislature. A copy of the proclamation  
13 shall be filed with the secretary of state. The proclamation may be revoked at the  
14 discretion of either the governor by written order or the legislature by joint  
15 resolution.

16           **SECTION 18.** 250.01 (6g) of the statutes is created to read:

17           250.01 (6g) "Public health authority" means the department, if the governor  
18 declares under s. 166.03 (1) (b) 1. a state of emergency related to public health and  
19 designates the department as the lead state agency to respond to that emergency.

20           **SECTION 19.** 250.01 (6r) of the statutes is created to read:

21           250.01 (6r) "Public health emergency" has the meaning given in s. 166.02 (7).

22           **SECTION 20.** 250.03 (3) of the statutes is created to read:

23           250.03 (3) (a) No later than 90 days after a state of emergency relating to public  
24 health is declared and the department is designated under s. 166.03 (1) (b) 1. as the  
25 lead state agency to respond to that emergency and no later than 90 days after the

**BILL**

1 termination of this state of emergency relating to public health, the department shall  
2 submit to the legislature under s. 13.172 (2) and to the governor a report on all of the  
3 following:

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

7 **SECTION 21.** 250.03 (3) (b) of the statutes is created to read:

8 250.03 (3) (b) Biennially, beginning on July 1, 2002, after first consulting with  
9 the adjutant general, local health departments, health care providers, as defined in  
10 s. 146.81 (1), and law enforcement agencies, as defined in s. 165.77 (1) (b), the  
11 department shall submit to the legislature under s. 13.172 (2) and to the governor  
12 a report on the preparedness of the public health system to address public health  
13 emergencies.

14 **SECTION 22.** 250.042 of the statutes is created to read:

15 **250.042 Powers and duties of the department as public health**  
16 **authority.** (1) If the governor declares a state of emergency related to public health  
17 under s. 166.03 (1) (b) 1. and designates the department as the lead state agency to  
18 respond to that emergency, the department shall act as the public health authority  
19 during the period of the state of emergency. During the period of the state of  
20 emergency, the secretary may designate a local health department as an agent of the  
21 department and confer upon the local health department, acting under that agency,  
22 the powers and duties of the public health authority.

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

24 (a) From the appropriation under s. 20.435 (1) (e), purchase, store, or distribute  
25 antitoxins, serums, vaccines, immunizing agents, antibiotics, and other

End of  
INSERT 9-2

**Kennedy, Debora**

---

**From:** Stier, Dan  
**Sent:** Thursday, February 21, 2002 10:08 AM  
**To:** Kennedy, Debora; Nelson, Robert P.; Sweet, Richard  
**Subject:** LRB-4715/1

I asked Jean Gilpin to carefully look over the bill. She provided the following:

4715/2

✓ Page 5, line 17: "Adopt and enforce measures" should be replaced with "Issue and enforce orders". Jean's concern, with which I agree, is that the current term, borrowed from the model act, is vague and raises the concern whether we would have to adopt those measures in rule form.

DAK p. 5, 2.17

✓ Page 6, lines 24 and 25 and page 7, line 1: "state emergency" should be replaced with "state of emergency".

RLR p. 7 ll 1+3-4

✓ Page 13, lines 15 and 16: "emergency county medical examiner" should be replaced with "emergency assistant medical examiner" and "emergency county coroner" should be replaced with "emergency deputy coroner" for consistency with the cross-referenced language.

RLR p. 14, ll 9+10



TODAY  
State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-4715/3  
DAK/RPN/RLR/MDK:hmh

Stays

## 2001 BILL

*Repealed*

1 AN ACT to renumber 95.22 and 252.06 (4); to amend 166.03 (1) (b) 1., 252.02  
2 (title), 252.05 (1), 252.06 (1) and 252.06 (10) (a); and to create 20.435 (1) (e),  
3 95.22 (2), 157.055, 166.02 (1p), 166.02 (1r), 66.02 (1t), 166.02 (7), 166.02 (8),  
4 166.03 (1) (b) 8., 166.03 (2) (a) 6., 250.01 (6g), 250.01 (6r), 250.03 (3), 250.042,  
5 251.05 (3) (e), 252.02 (7), 252.041, 252.06 (4) (b), 252.06 (10) (b) 5., 252.06 (10)  
6 (b) 6., 440.142, 895.46 (5) (c) and 979.012 of the statutes; relating to:  
7 authorizing a declaration of and actions under a state of emergency related to  
8 public health, requiring the exercise of rule-making authority, making an  
9 appropriation, and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

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

**BILL**

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. 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. Under the bill, during a state of emergency related to public health, the governor may suspend any administrative rule that would hinder necessary actions to respond to the emergency and increase the health threat to the population.

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 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. Expenses for necessary medical care, food, and other articles necessary for

**BILL**

the care of an infected person must be charged to the person or whoever is liable for his or her support.

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 DHFS 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. From a sum sufficient appropriation of general purpose revenues created in the bill, 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. DHFS also may order any individual to receive a vaccination unless a vaccination is reasonably likely to lead to serious harm to the individual, and 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. A county or municipality is made liable for the expense of providing a reasonable means of communication for a person who is isolated or quarantined and for expenses for necessary medical care, food, and other articles needed for the care and treatment of an infected person who is quarantined or isolated in a place other than his or her residence or a family member's residence, unless third-party payment is available for these expenses. All health care providers who know or have reason to know that a person treated or visited by them has a communicable disease, 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. ~~Adopt and enforce measures~~ 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.

Issue and enforce orders

**BILL**

4. If reasonable and necessary for emergency response, compel 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.

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.

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

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.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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



**BILL**

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

6           **SECTION 2.** 95.22 of the statutes is renumbered 95.22 (1).

7           **SECTION 3.** 95.22 (2) of the statutes is created to read:

8           95.22 (2) The department shall provide the reports of any communicable  
9 diseases under sub. (1) to the department of health and family services.

10          **SECTION 4.** 157.055 of the statutes is created to read:

11          **157.055 Disposal of human remains during state of emergency relating**  
12 **to public health.** (1) In this section:

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

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

15          (2) Notwithstanding ss. 69.18 (4), 445.04 (2), 445.14, 979.01 (3), (3m), and (4),  
16 979.02, and 979.10, during a period of a state of emergency related to public health  
17 declared by the governor under s. 166.03 (1) (b) 1., a public health authority may do  
18 all of the following:

19          (a) ~~Adopt~~ and enforce ~~measures~~ Issue orders that are reasonable and necessary to provide  
20 for the safe disposal of human remains, including by embalming, burial, cremation,  
21 interment, disinterment, transportation, and other disposal.

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

23          (c) Order the disposal, through burial or cremation, of any human remains of  
24 an individual who has died of a communicable disease, within 24 hours after the  
25 individual's death and consider, to the extent feasible, the religious, cultural, or

**BILL**

1 individual beliefs of the deceased individual or his or her family in disposing of the  
2 remains.

3 (d) If reasonable and necessary for emergency response, compel a funeral  
4 establishment, as a condition of its permit under s. 445.105 (1), to accept human  
5 remains or provide the use of its business or facility, including by transferring the  
6 management and supervision of the funeral establishment to the public health  
7 authority, for a period of time not to exceed the period of the state of emergency.

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

13 (f) Maintain or require the maintenance of a written or electronic record of all  
14 human remains that are disposed of, including all available identifying information  
15 and information concerning the circumstances of death and disposal. If it is  
16 impossible to identify human remains prior to disposal, the public health authority  
17 may require that a qualified person obtain any fingerprints, photographs, or  
18 identifying dental information, and collect a specimen of deoxyribonucleic acid from  
19 the human remains and transmit this information to the public health authority.

20 (g) Notwithstanding s. 59.34 (1) or 59.35 (1), authorize a county medical  
21 examiner or a county coroner to appoint emergency assistant medical examiners or  
22 emergency deputy coroners, whichever is applicable, if necessary to perform the  
23 duties of the office of medical examiner or coroner, and to prescribe the duties of the  
24 emergency assistant medical examiners or emergency deputy coroners. The term of  
25 any emergency appointment authorized under this paragraph may not exceed the

**BILL**

1

period of the state <sup>of</sup> emergency. A county medical examiner or county coroner may terminate an emergency appointment before the end of the period of the state <sup>of</sup> emergency, if termination of the appointment will not impede the performance of the

3

duties of his or her office. From the appropriation under s. 20.435 (1) (e), the department shall reimburse counties for the cost of any emergency medical examiners or emergency deputy coroners appointed under this paragraph.

**SECTION 5.** 166.02 (1p) of the statutes is created to read:

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

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

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

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

**SECTION 6.** 166.02 (1r) of the statutes is created to read:

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

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

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

**SECTION 8.** 166.02 (7) of the statutes is created to read:

**BILL**

1           166.02 (7) "Public health emergency" means the occurrence or imminent threat  
2 of an illness or health condition that meets all of the following criteria:

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

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

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

7           2. A high probability of widespread exposure to a biological agent that creates  
8 a significant risk of substantial future harm to a large number of people.

9           **SECTION 9.** 166.02 (8) of the statutes is created to read:

10           166.02 (8) "Radiological agent" means radiation or radioactive material at a  
11 level that is dangerous to human health.

12           **SECTION 10.** 166.03 (1) (b) 1. of the statutes is amended to read:

13           166.03 (1) (b) 1. Proclaim a state of emergency for the state or any portion  
14 thereof of the state if he or she determines that an emergency resulting from enemy  
15 action or natural or man-made disaster exists. If the governor determines that a  
16 public health emergency exists, he or she may declare a state of emergency related  
17 to public health and may designate the department of health and family services as  
18 the lead state agency to respond to that emergency. The duration of such state of  
19 emergency shall not exceed 60 days as to emergencies resulting from enemy action  
20 or 30 days as to emergencies resulting from natural or man-made disaster, unless  
21 either is extended by joint resolution of the legislature. A copy of the proclamation  
22 shall be filed with the secretary of state. The proclamation may be revoked at the  
23 discretion of either the governor by written order or the legislature by joint  
24 resolution.

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

**BILL**

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

5           **SECTION 12.** 166.03 (2) (a) 6. of the statutes is created to read:

6           166.03 (2) (a) 6. No later than 90 days after a state of emergency relating to  
7 public health is declared and the department is designated under s. 166.03 (1) (b) 1.  
8 as the lead state agency to respond to that emergency and no later than 90 days after  
9 the termination of this state of emergency relating to public health, submit to the  
10 legislature under s. 13.172 (2) and to the governor a report on all of the following:

11           a. The emergency powers used by the department of military affairs or its  
12 agents.

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

15           **SECTION 13.** 250.01 (6g) of the statutes is created to read:

16           250.01 (6g) “Public health authority” means the department, if the governor  
17 declares under s. 166.03 (1) (b) 1. a state of emergency related to public health and  
18 designates the department as the lead state agency to respond to that emergency.

19           **SECTION 14.** 250.01 (6r) of the statutes is created to read:

20           250.01 (6r) “Public health emergency” has the meaning given in s. 166.02 (7).

21           **SECTION 15.** 250.03 (3) of the statutes is created to read:

22           250.03 (3) (a) No later than 90 days after a state of emergency relating to public  
23 health is declared and the department is designated under s. 166.03 (1) (b) 1. as the  
24 lead state agency to respond to that emergency and no later than 90 days after the  
25 termination of this state of emergency relating to public health, the department shall

**BILL**

1 submit to the legislature under s. 13.172 (2) and to the governor a report on all of the  
2 following:

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

6 (b) Biennially, beginning on July 1, 2002, after first consulting with the  
7 adjutant general, local health departments, health care providers, as defined in s.  
8 146.81 (1), and law enforcement agencies, as defined in s. 165.77 (1) (b), the  
9 department shall submit to the legislature under s. 13.172 (2) and to the governor  
10 a report on the preparedness of the public health system to address public health  
11 emergencies.

12 **SECTION 16.** 250.042 of the statutes is created to read:

13 **250.042 Powers and duties of the department as public health**  
14 **authority.** (1) If the governor declares a state of emergency related to public health  
15 under s. 166.03 (1) (b) 1. and designates the department as the lead state agency, the  
16 department shall act as the public health authority during the period of the state of  
17 emergency. During the period of the state of emergency, the secretary may designate  
18 a local health department as an agent of the department and confer upon the local  
19 health department, acting under that agency, the powers and duties of the public  
20 health authority.

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

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

**BILL**

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

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

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

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

7 3. What actions the public health authority is taking to control a public health  
8 emergency.

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

14 **SECTION 17.** 251.05 (3) (e) of the statutes is created to read:

15 251.05 (3) (e) Act as agent of the department, if designated by the secretary  
16 under s. 250.042 (1).

17 **SECTION 18.** 252.02 (title) of the statutes is amended to read:

18 **252.02 (title) Powers and duties of department.**

19 **SECTION 19.** 252.02 (7) of the statutes is created to read:

20 252.02 (7) The department shall promulgate rules that specify medical  
21 conditions treatable by prescriptions or nonprescription drug products for which  
22 pharmacists and pharmacies must report under s. 440.142 (1).

23 **SECTION 20.** 252.041 of the statutes is created to read:

24 **252.041 Compulsory vaccination during a state of emergency.** During  
25 the period of a state of emergency related to public health under which the

**BILL**

1 department is authorized to act as the lead state agency, as specified in s. 250.042  
2 (2), the department may do all of the following as necessary to address a public health  
3 emergency:

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

7 (2) Isolate or quarantine, under s. 252.06, any individual who is unable or  
8 unwilling for reasons specified under sub. (1) to receive vaccination under sub. (1).

9 **SECTION 21.** 252.05 (1) of the statutes is amended to read:

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

18 **SECTION 22.** 252.06 (1) of the statutes is amended to read:

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

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

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



**BILL**

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

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

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

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

9           **SECTION 25.** 252.06 (10) (a) of the statutes is amended to read:

10           252.06 (10) (a) ~~Expenses~~ Except as provided in par. (b) 5., expenses for  
11 necessary medical care, food, and other articles needed for the care and treatment  
12 of the infected person shall be charged against the person or whoever is liable for the  
13 person's support.

14           **SECTION 26.** 252.06 (10) (b) 5. of the statutes is created to read:

15           252.06 (10) (b) 5. If a person is quarantined or isolated in a place that is not the  
16 residence of the person or of an immediate family member of the person, the expenses  
17 of necessary medical care, food, and other articles needed for the care and treatment  
18 of the person.

19           **SECTION 27.** 252.06 (10) (b) 6. of the statutes is created to read:

20           252.06 (10) (b) 6. The expense of providing a reasonable means of  
21 communication for the person.

22           **SECTION 28.** 440.142 of the statutes is created to read:

23           **440.142 Reporting potential causes of public health emergency.** A  
24 pharmacist or pharmacy shall report to the department of health and family services  
25 all of the following:

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

4 (2) An unusual increase in the number of prescriptions dispensed that are  
5 antibiotic drugs.

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

8 SECTION 29. 895.46 (5) (c) of the statutes is created to read:

9 895.46 (5) (c) An emergency <sup>assistant</sup> ~~county~~ medical examiner or an emergency <sup>deputy</sup> ~~county~~  
10 coroner appointed under the authority of s. 157.055 (2) (h).

11 SECTION 30. 979.012 of the statutes is created to read:

12 **979.012 Reporting deaths of public health concern.** (1) If a coroner or  
13 medical examiner is aware of the death of a person who, at the time of his or her  
14 death, had an illness or a health condition that satisfies s. 166.02 (7) (a), the coroner  
15 or medical examiner shall report the illness or health condition to the department  
16 of health and family services in writing or by electronic transmission within 24 hours  
17 of learning of the deceased's illness or health condition.

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

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

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

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

**BILL**

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

**SECTION 31. Nonstatutory provisions.**

4 (1) MEDICAL CONDITIONS FOR WHICH PHARMACEUTICAL DRUGS ARE DISPENSED OR  
5 SOLD; RULES.  
6

7 (a) The department of health and family services shall submit in proposed form  
8 the rules required under section 252.02 (7) of the statutes, as created by this act, to  
9 the legislative council staff under section 227.15 (1) of the statutes no later than the  
10 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 252.02  
13 (7) 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 **SECTION 32. Effective dates.** This act takes effect on the day after publication,  
22 except as follows:

**BILL**

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

4    **(END)**

**Emery, Lynn**

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**From:** Lonergan, Sandra  
**Sent:** Monday, February 25, 2002 9:28 AM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB-4715/3 Topic: Emergency health powers

It has been requested by <Lonergan, Sandra> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB-4715/3 Topic: Emergency health powers

## Kennedy, Debora

---

**From:** on behalf of Debora Kennedy  
**To:** Lonergan, Sandra  
**Subject:** RE: Public health preparedness

No, it's not too late, because it hasn't been introduced. However, if you've received the jacket, we have to have it back before we can release the /4.

-----Original Message-----

**From:** Lonergan, Sandra  
**Sent:** Monday, February 25, 2002 10:39 AM  
**To:** Kennedy, Debora  
**Cc:** Grapentine, Mark; Sweet, Richard  
**Subject:** FW: Public health preparedness

Debora,

I have already asked for LRB 4715/3 to be jacketed -- is it too late then to incorporate the suggestion below from Dick Sweet? If it is, so be it.

Thank you,  
Sandy

-----Original Message-----

**From:** Sweet, Richard  
**Sent:** Monday, February 25, 2002 10:18 AM  
**To:** Grapentine, Mark; Lonergan, Sandra  
**Subject:** Public health preparedness

**I'm working on a comparison chart for the 2 bills and noted something that you probably want to change. On page 8, line 7, chemical and radiological agents also need to be listed. This change was made in the other bill, but not in yours.**

**Also, do you want me to address the memo to all 3 legislators or do you want separate ones addressed to Peggy/Gregg and Hamk? I'll ask Sara the same question.**

*Dick Sweet*  
Senior Staff Attorney  
Wisconsin Legislative Council  
(608)266-2982  
richard.sweet@legis.state.wi.us



## 2001 BILL

1     **AN ACT** *to renumber* 95.22 and 252.06 (4); *to amend* 166.03 (1) (b) 1., 252.02  
2           (title), 252.05 (1), 252.06 (1) and 252.06 (10) (a); and *to create* 20.435 (1) (e),  
3           95.22 (2), 157.055, 166.02 (1p), 166.02 (1r), 166.02 (1t), 166.02 (7), 166.02 (8),  
4           166.03 (1) (b) 8., 166.03 (2) (a) 6., 250.01 (6g), 250.01 (6r), 250.03 (3), 250.042,  
5           251.05 (3) (e), 252.02 (7), 252.041, 252.06 (4) (b), 252.06 (10) (b) 5., 252.06 (10)  
6           (b) 6., 440.142, 895.46 (5) (c) and 979.012 of the statutes; **relating to:**  
7           authorizing a declaration of and actions under a state of emergency related to  
8           public health, requiring the exercise of rule-making authority, making an  
9           appropriation, and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

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

**BILL**

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. 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. Under the bill, during a state of emergency related to public health, the governor may suspend any administrative rule that would hinder necessary actions to respond to the emergency and increase the health threat to the population.

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 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. Expenses for necessary medical care, food, and other articles necessary for



**BILL**

the care of an infected person must be charged to the person or whoever is liable for his or her support.

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 DHFS 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. From a sum sufficient appropriation of general purpose revenues created in the bill, 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. DHFS also may order any individual to receive a vaccination unless a vaccination is reasonably likely to lead to serious harm to the individual, and 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. A county or municipality is made liable for the expense of providing a reasonable means of communication for a person who is isolated or quarantined and for expenses for necessary medical care, food, and other articles needed for the care and treatment of an infected person who is quarantined or isolated in a place other than his or her residence or a family member's residence, unless third-party payment is available for these expenses. All health care providers who know or have reason to know that a person treated or visited by them has a communicable disease, 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.

**BILL**

4. If reasonable and necessary for emergency response, compel 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.

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.

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

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.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

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

**BILL**

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

6           **SECTION 2.** 95.22 of the statutes is renumbered 95.22 (1).

7           **SECTION 3.** 95.22 (2) of the statutes is created to read:

8           95.22 (2) The department shall provide the reports of any communicable  
9 diseases under sub. (1) to the department of health and family services.

10          **SECTION 4.** 157.055 of the statutes is created to read:

11          **157.055 Disposal of human remains during state of emergency relating**  
12 **to public health.** (1) In this section:

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

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

15           (2) Notwithstanding ss. 69.18 (4), 445.04 (2), 445.14, 979.01 (3), (3m), and (4),  
16 979.02, and 979.10, during a period of a state of emergency related to public health  
17 declared by the governor under s. 166.03 (1) (b) 1., a public health authority may do  
18 all of the following:

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

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

23           (c) Order the disposal, through burial or cremation, of any human remains of  
24 an individual who has died of a communicable disease, within 24 hours after the  
25 individual's death and consider, to the extent feasible, the religious, cultural, or

**BILL****SECTION 4**

1 individual beliefs of the deceased individual or his or her family in disposing of the  
2 remains.

3 (d) If reasonable and necessary for emergency response, compel a funeral  
4 establishment, as a condition of its permit under s. 445.105 (1), to accept human  
5 remains or provide the use of its business or facility, including by transferring the  
6 management and supervision of the funeral establishment to the public health  
7 authority, for a period of time not to exceed the period of the state of emergency.

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

13 (f) Maintain or require the maintenance of a written or electronic record of all  
14 human remains that are disposed of, including all available identifying information  
15 and information concerning the circumstances of death and disposal. If it is  
16 impossible to identify human remains prior to disposal, the public health authority  
17 may require that a qualified person obtain any fingerprints, photographs, or  
18 identifying dental information, and collect a specimen of deoxyribonucleic acid from  
19 the human remains and transmit this information to the public health authority.

20 (g) Notwithstanding s. 59.34 (1) or 59.35 (1), authorize a county medical  
21 examiner or a county coroner to appoint emergency assistant medical examiners or  
22 emergency deputy coroners, whichever is applicable, if necessary to perform the  
23 duties of the office of medical examiner or coroner, and to prescribe the duties of the  
24 emergency assistant medical examiners or emergency deputy coroners. The term of  
25 any emergency appointment authorized under this paragraph may not exceed the

**BILL**

1 period of the state of emergency. A county medical examiner or county coroner may  
2 terminate an emergency appointment before the end of the period of the state of  
3 emergency, if termination of the appointment will not impede the performance of the  
4 duties of his or her office. From the appropriation under s. 20.435 (1) (e), the  
5 department shall reimburse counties for the cost of any emergency medical  
6 examiners or emergency deputy coroners appointed under this paragraph.

7 **SECTION 5.** 166.02 (1p) of the statutes is created to read:

8 166.02 (1p) "Biological agent" means any of the following:

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

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

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

16 **SECTION 6.** 166.02 (1r) of the statutes is created to read:

17 166.02 (1r) "Bioterrorism" means the intentional use of any biological,  
18 chemical, or radiological agent to cause death, disease, or biological malfunction in  
19 a human, animal, plant, or other living organism in order to influence the policy of  
20 a governmental unit or to intimidate or coerce the civilian population.

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

22 166.02 (1t) "Chemical agent" means a substance that has chemical properties  
23 that produce lethal or serious effects in plants or animals.

24 **SECTION 8.** 166.02 (7) of the statutes is created to read:

**BILL****SECTION 8**

1           166.02 (7) "Public health emergency" means the occurrence or imminent threat  
2 of an illness or health condition that meets all of the following criteria:

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

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

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

7           2. A high probability of widespread exposure to a biological agent that creates  
8 a significant risk of substantial future harm to a large number of people.

9           **SECTION 9.** 166.02 (8) of the statutes is created to read:

10           166.02 (8) "Radiological agent" means radiation or radioactive material at a  
11 level that is dangerous to human health.

12           **SECTION 10.** 166.03 (1) (b) 1. of the statutes is amended to read:

13           166.03 (1) (b) 1. Proclaim a state of emergency for the state or any portion  
14 thereof of the state if he or she determines that an emergency resulting from enemy  
15 action or natural or man-made disaster exists. If the governor determines that a  
16 public health emergency exists, he or she may declare a state of emergency related  
17 to public health and may designate the department of health and family services as  
18 the lead state agency to respond to that emergency. The duration of such state of  
19 emergency shall not exceed 60 days as to emergencies resulting from enemy action  
20 or 30 days as to emergencies resulting from natural or man-made disaster, unless  
21 either is extended by joint resolution of the legislature. A copy of the proclamation  
22 shall be filed with the secretary of state. The proclamation may be revoked at the  
23 discretion of either the governor by written order or the legislature by joint  
24 resolution.

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

**BILL**

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

5           **SECTION 12.** 166.03 (2) (a) 6. of the statutes is created to read:

6           166.03 (2) (a) 6. No later than 90 days after a state of emergency relating to  
7 public health is declared and the department is designated under s. 166.03 (1) (b) 1.  
8 as the lead state agency to respond to that emergency and no later than 90 days after  
9 the termination of this state of emergency relating to public health, submit to the  
10 legislature under s. 13.172 (2) and to the governor a report on all of the following:

11           a. The emergency powers used by the department of military affairs or its  
12 agents.

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

15           **SECTION 13.** 250.01 (6g) of the statutes is created to read:

16           250.01 (6g) “Public health authority” means the department, if the governor  
17 declares under s. 166.03 (1) (b) 1. a state of emergency related to public health and  
18 designates the department as the lead state agency to respond to that emergency.

19           **SECTION 14.** 250.01 (6r) of the statutes is created to read:

20           250.01 (6r) “Public health emergency” has the meaning given in s. 166.02 (7).

21           **SECTION 15.** 250.03 (3) of the statutes is created to read:

22           250.03 (3) (a) No later than 90 days after a state of emergency relating to public  
23 health is declared and the department is designated under s. 166.03 (1) (b) 1. as the  
24 lead state agency to respond to that emergency and no later than 90 days after the  
25 termination of this state of emergency relating to public health, the department shall

**BILL****SECTION 15**

1 submit to the legislature under s. 13.172 (2) and to the governor a report on all of the  
2 following:

3 1. The emergency powers used by the public health authority or its agents.

4 2. The expenses incurred by the public health authority and its agents in acting  
5 under the state of emergency related to public health.

6 (b) Biennially, beginning on July 1, 2002, after first consulting with the  
7 adjutant general, local health departments, health care providers, as defined in s.  
8 146.81 (1), and law enforcement agencies, as defined in s. 165.77 (1) (b), the  
9 department shall submit to the legislature under s. 13.172 (2) and to the governor  
10 a report on the preparedness of the public health system to address public health  
11 emergencies.

12 **SECTION 16.** 250.042 of the statutes is created to read:

13 **250.042 Powers and duties of the department as public health**  
14 **authority.** (1) If the governor declares a state of emergency related to public health  
15 under s. 166.03 (1) (b) 1. and designates the department as the lead state agency, the  
16 department shall act as the public health authority during the period of the state of  
17 emergency. During the period of the state of emergency, the secretary may designate  
18 a local health department as an agent of the department and confer upon the local  
19 health department, acting under that agency, the powers and duties of the public  
20 health authority.

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

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



**BILL**

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

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

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

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

7 3. What actions the public health authority is taking to control a public health  
8 emergency.

9 (b) The public health authority shall provide the information specified in par.

10 (a) by all available and reasonable means calculated to inform the general public,  
11 including reasonable efforts to make the information accessible to individuals with  
12 disabilities and to provide the information in the primary languages of individuals  
13 who do not understand English.

14 **SECTION 17.** 251.05 (3) (e) of the statutes is created to read:

15 251.05 (3) (e) Act as agent of the department, if designated by the secretary  
16 under s. 250.042 (1).

17 **SECTION 18.** 252.02 (title) of the statutes is amended to read:

18 **252.02 (title) Powers and duties of department.**

19 **SECTION 19.** 252.02 (7) of the statutes is created to read:

20 252.02 (7) The department shall promulgate rules that specify medical  
21 conditions treatable by prescriptions or nonprescription drug products for which  
22 pharmacists and pharmacies must report under s. 440.142 (1).

23 **SECTION 20.** 252.041 of the statutes is created to read:

24 **252.041 Compulsory vaccination during a state of emergency.** During  
25 the period of a state of emergency related to public health under which the

**BILL****SECTION 20**

1 department is authorized to act as the lead state agency, as specified in s. 250.042  
2 (2), the department may do all of the following as necessary to address a public health  
3 emergency:

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

7 (2) Isolate or quarantine, under s. 252.06, any individual who is unable or  
8 unwilling for reasons specified under sub. (1) to receive vaccination under sub. (1).

9 **SECTION 21.** 252.05 (1) of the statutes is amended to read:

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

18 **SECTION 22.** 252.06 (1) of the statutes is amended to read:

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

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

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

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

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

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

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

9           **SECTION 25.** 252.06 (10) (a) of the statutes is amended to read:

10           252.06 (10) (a) ~~Expenses~~ Except as provided in par. (b) 5., expenses for  
11 necessary medical care, food, and other articles needed for the care and treatment  
12 of the infected person shall be charged against the person or whoever is liable for the  
13 person's support.

14           **SECTION 26.** 252.06 (10) (b) 5. of the statutes is created to read:

15           252.06 (10) (b) 5. If a person is quarantined or isolated in a place that is not the  
16 residence of the person or of an immediate family member of the person, the expenses  
17 of necessary medical care, food, and other articles needed for the care and treatment  
18 of the person.

19           **SECTION 27.** 252.06 (10) (b) 6. of the statutes is created to read:

20           252.06 (10) (b) 6. The expense of providing a reasonable means of  
21 communication for the person.

22           **SECTION 28.** 440.142 of the statutes is created to read:

23           **440.142 Reporting potential causes of public health emergency.** A  
24 pharmacist or pharmacy shall report to the department of health and family services  
25 all of the following:

**BILL****SECTION 28**

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

4           (2) An unusual increase in the number of prescriptions dispensed that are  
5 antibiotic drugs.

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

8           **SECTION 29.** 895.46 (5) (c) of the statutes is created to read:

9           895.46 (5) (c) An emergency assistant medical examiner or an emergency  
10 deputy coroner appointed under the authority of s. 157.055 (2) (h).

11           **SECTION 30.** 979.012 of the statutes is created to read:

12           **979.012 Reporting deaths of public health concern.** (1) If a coroner or  
13 medical examiner is aware of the death of a person who, at the time of his or her  
14 death, had an illness or a health condition that satisfies s. 166.02 (7) (a), the coroner  
15 or medical examiner shall report the illness or health condition to the department  
16 of health and family services in writing or by electronic transmission within 24 hours  
17 of learning of the deceased's illness or health condition.

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

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

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

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

**BILL**

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

**SECTION 31. Nonstatutory provisions.**

4  
5 (1) **MEDICAL CONDITIONS FOR WHICH PHARMACEUTICAL DRUGS ARE DISPENSED OR**  
6 **SOLD; RULES.**

7 (a) The department of health and family services shall submit in proposed form  
8 the rules required under section 252.02 (7) of the statutes, as created by this act, to  
9 the legislative council staff under section 227.15 (1) of the statutes no later than the  
10 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 252.02  
13 (7) 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 **SECTION 32. Effective dates.** This act takes effect on the day after publication,  
22 except as follows:

