



(WEDNESDAY 2/20)

State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-4806/2

DAK/RPN/MJL/GMM:hmh:

*D-Note*

*stays*

2001 BILL

REGENERATE

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

**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

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*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.

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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.

This bill requires DHFS to act as the public health authority during the period of a state of emergency related to public health, if the governor declares the state of emergency and designates the department as the lead state agency. During the state of emergency, the secretary of health and family services may designate a local health department as an agent of DHFS and confer upon the local health department, acting under that agency, the powers and duties of the public health authority.

The bill creates a sum sufficient appropriation of general purpose revenues from which DHFS may purchase, store, or distribute antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies that DHFS determines are advisable to control a public health emergency. DHFS also may ~~authorize~~ order any ~~qualified person to perform vaccinations on~~ individuals unless a vaccination is reasonably likely to lead to serious harm to the individual, ~~may~~ isolate or quarantine any individual who is unable or

*or unless the individual, for reasons of religion or conscience, refuses. DHFS also ~~may~~*

*to receive a vaccination*

*the*

**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.

Department

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

creates

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

other than a person

who enters an isolation or quarantine premises

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In addition a person whether authorized or not, who enters an isolation or quarantine premises may be subject to quarantine or isolation

is designated

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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.** 20.285 (1) (fg) of the statutes is created to read:

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

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

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

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

13           **21.80 (title) Reemployment rights after national guard or state**  
14 **defense force, or public health emergency service.**

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

17           21.80 (1) (a) (intro.) “Active service” means active any of the following:

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

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

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

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

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

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

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

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

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

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

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

**BILL****SECTION 9**

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

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

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

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

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

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

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

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1           95.22 (2) The department shall provide the reports of any communicable  
 2 diseases under sub. (1) to the department of health and family services *as requested*  
 3 ~~by that department.~~

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

5           166.02 (1p) "Biological agent" means any of the following:

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

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

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

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

14           166.02 (1r) "Bioterrorism" means the intentional use of any biological *, chemical, or radiological* agent  
 15 to cause death, disease or biological malfunction in a human, animal, plant, or other  
 16 living organism in order to influence the policy of a governmental unit or to  
 17 intimidate or coerce the civilian population.

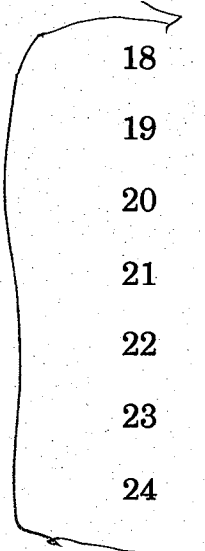
18           **SECTION 16.** 166.02 (7) of the statutes is created to read:

19           166.02 (7) "Public health emergency" means the occurrence or imminent threat  
 20 of an illness or health condition that meets all of the following criteria:

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

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

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



*SEC 16 CR; 166.02 (1r)  
 166.02 (1r) "Chemical agent" means a substance  
 that has chemical properties that produce lethal  
 or serious effects in plants or animals.*

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*SEC 16 CR; 166.02(8)*

**SECTION 16**

*radiation or radioactive material at a level that is*

*"Radiological agent" means*

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.

*dangerous to human health.*

**SECTION 17.** 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.

*insert p - 15 ->*

**SECTION 18.** 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 19.** 250.01 (6r) of the statutes is created to read:

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

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

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



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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

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**SECTION 22**

1 pharmaceutical agents or medical supplies that the department determines are  
2 advisable to control a public health emergency.

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

4 **SECTION 23.** 251.05 (3) (e) of the statutes is created to read:

5 251.05 (3) (e) Act as agent of the department, if designated by the secretary  
6 under s. 250.042 (1).

7 **SECTION 24.** 252.02 (title) of the statutes is amended to read:

8 **252.02 (title) Powers and duties of department.**

9 ~~**SECTION 25.** 252.02 (6) of the statutes is amended to read:~~  
10 ~~252.02 (6) The In addition to the powers specified under s. 250.042, the~~  
11 ~~department may authorize and implement all emergency measures necessary to~~  
12 ~~control communicable diseases.~~

13 **SECTION 26.** 252.02 (7) of the statutes is created to read:

14 252.02 (7) The department shall promulgate rules that specify medical  
15 conditions treatable by prescriptions or nonprescription drug products for which  
16 pharmacists and pharmacies must report under s. 440.142 (1).

17 **SECTION 27.** 252.041 of the statutes is created to read:

18 **252.041 Compulsory vaccination during a state of emergency. (1)**

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

*to receive a vaccination*

23 (a) ~~Authorize and order any qualified person to perform a vaccination on any~~  
24 individual unless the vaccination is reasonably likely to lead to serious harm to the  
25 individual.

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

**BILL**

1 (b) Isolate or quarantine, under s. 252.06, any individual who is unable or  
2 unwilling for reasons of health, religion, or conscience to receive vaccination under  
3 par. (a). *Specified under sub. (1)*

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

6 **SECTION 28.** 252.05 (1) of the statutes is amended to read:

7 252.05 (1) Any person licensed, permitted, registered or certified under ch. 441  
8 or 448 ~~knowing or having~~ and any health care provider, as defined in s. 146.81 (1),  
9 who knows or has reason to know that a person treated or, visited, or otherwise  
10 provided service by him or her has a communicable disease, or having a  
11 communicable disease, has died, shall report the appearance of the communicable  
12 disease or the death to the local health officer. The local health officer shall report  
13 this information to the department or shall direct the person reporting to report to  
14 the department. Any person directed to report shall submit this information to the  
15 department.

16 **SECTION 29.** 252.06 (1) of the statutes is amended to read:

17 252.06 (1) The department or the local health officer acting on behalf of the  
18 department may require isolation of ~~the patient~~ a patient or of an individual under  
19 s. 252.041 (2), quarantine of contacts, concurrent and terminal disinfection, or  
20 modified forms of these procedures as may be necessary and ~~which are as are~~  
21 determined by the department by rule.

22 **SECTION 30.** 252.06 (4) of the statutes is amended to read:

23 252.06 (4) If deemed necessary by the department or a local health officer for  
24 a particular communicable disease, all persons except the local health officer, or his  
25 or her representative, attending physicians and nurses, members of the clergy, the

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## SECTION 30

1 members of the immediate family and, any other person having a special written  
2 permit from the local health officer, and, during a state of emergency related to public  
3 health, the public health authority and agents of the public health authority, are  
4 forbidden to be in direct contact with the patient.

5 **SECTION 31.** 440.142 of the statutes is created to read:

6 **440.142 Reporting potential causes of public health emergency.** (1) A  
7 pharmacist or pharmacy shall report to the department of health and family services  
8 all of the following:

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

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

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

16 (2) A pharmacist or pharmacy may not report personally identifying  
17 information concerning an individual who is dispensed a prescription or who  
18 purchases a nonprescription drug product as specified in sub. (1).

19 **SECTION 32. Nonstatutory provisions.**

20 (1) EXCEPTIONS TO COMPULSORY VACCINATION; RULES. (a) The department of  
21 health and family services shall submit in proposed form the rules required under  
22 section 252.041 (2) of the statutes, as created by this act, to the legislative council  
23 staff under section 227.15 (1) of the statutes no later than the first day of the 6th  
24 month beginning after the effective date of this subsection.

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1 (b) Using the procedure under section 227.24 of the statutes, the department  
2 of health and family services may promulgate rules required under section 252.041  
3 (2) of the statutes, as created by this act, for the period before the effective date of the  
4 rules submitted under paragraph (a), but not to exceed the period authorized under  
5 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),  
6 (2) (b), and (3) of the statutes, the department of health and family services is not  
7 required to provide evidence that promulgating a rule under this paragraph as an  
8 emergency rule is necessary for the preservation of the public peace, health, safety,  
9 or welfare and is not required to provide a finding of emergency for a rule  
10 promulgated under this paragraph.

11 (2) MEDICAL CONDITIONS FOR WHICH PHARMACEUTICAL DRUGS ARE DISPENSED OR  
12 SOLD; RULES. <sup>a</sup> ~~(a)~~ The department of health and family services shall submit in  
13 proposed form the rules required under section 252.02 (7) of the statutes, as created  
14 by this act, to the legislative council staff under section 227.15 (1) of the statutes no  
15 later than the first day of the 6th month beginning after the effective date of this  
16 subsection. <sup>b</sup>

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

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1 or welfare and is not required to provide a finding of emergency for a rule  
2 promulgated under this paragraph.

3 **SECTION 33. Effective dates.** This act takes effect on the day after publication,  
4 except as follows:

5 (1) **EXCEPTIONS TO COMPULSORY VACCINATION; RULES.** The treatment of section  
6 252.041 (1) of the statutes takes effect on the first day of the fifth month beginning  
7 after publication.

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

11 (END)

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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

## BILL

ANAL 2

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 and order any qualified person to perform vaccinations on any individuals 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. 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.



BILL

ANAL 2

p. 2  
2

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.

End of ANAL 2

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.

ANAL 3

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.

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

(p. 19)  
3

**BILL**

INSERT 7-3

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.

P. 28  
3

INSERT 7-3

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



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.

End of  
INS 7-3

2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-4806/2ins  
RPN::

1 insert 8-15: ✓

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

INSERT 12-4

1 of these procedures as may be necessary and which are as determined by the  
2 department by rule.

SECTION 21. RN; 252.06 (4); 252.06 (4)(a)

all of the following  
applies: #1.

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

4 252.06 (4) (a) <sup>(b)</sup> If s. 250.042 (1) applies, no person, other than a person

apply

5 authorized by the public health authority or agent of the public health authority, may

6 enter an isolation or quarantine premises. ~~If s. 250.042 (1) does not apply, no person~~

7 other than a person authorized by the local health department, may enter an

8 isolation or quarantine premises.

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

Subd.

11 <sup>3.</sup> (Any person, whether authorized under ~~par. (a)~~ 1. or not, who enters an

12 isolation or quarantine premises may be subject to isolation or quarantine under this  
13 section.

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

15 252.06 (10) (a) ~~Expenses~~ Except as provided in par. (b) 5., expenses for  
16 necessary medical care, food, and other articles needed for the care and treatment  
17 of the infected person shall be charged against the person or whoever is liable for the  
18 person's support.

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

20 252.06 (10) (b) 5. If a person is quarantined or isolated in a place that is not the  
21 residence of the person or of an immediate family member of the person, the expenses  
22 of necessary medical care, food, and other articles needed for the care and treatment  
23 of the person.

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

**BILL**

INSERT 12-18

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).

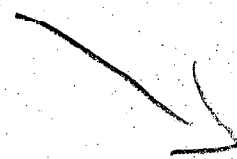
14           **SECTION 26.** 895.46 (5) (c) of the statutes is created to read:

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:



**BILL**

INSERT 12-18

**SECTION 27**

- 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.**

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

End of  
INSERT  
12-18



Date

LKB-9786

RPN:hmk

D-Note

Sara:

I am unhappy with the definitions of "chemical agent" and "radiological agent" because they seem very <sup>broad</sup> broad. However, I was unable to receive clarification from Dr. Anderson, so I put those definitions in as requested.

RPN

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4806/2dn  
RPN:hmh:kjf

February 20, 2002

Sara:

I am unhappy with the definitions of "chemical agent" and "radiological agent" because they seem very broad. However, I was unable to receive clarification from Dr. Anderson, so I put those definitions in as requested.

Robert P. Nelson  
Senior Legislative Attorney  
Phone: (608) 267-7511  
E-mail: robert.nelson@legis.state.wi.us



# 2001 ASSEMBLY BILL

*Regenerate*

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

### *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

**ASSEMBLY BILL**

department of military affairs, through the division of emergency government, is the lead state agency to respond to the emergency. This bill allows the governor to proclaim a state of emergency related to public health and designate the department of health and family services (DHFS) as the lead state agency if the governor determines that a public health emergency exists. The bill defines a public health emergency as the occurrence or threat of a health condition that is caused by bioterrorism or a novel or previously controlled biological agent and that poses a high probability of a large number of deaths or serious injury and a high probability of widespread exposure to a biological, chemical, or radiological agent that creates a significant risk of harm to a large number of people.

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

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

**ASSEMBLY BILL**

This bill requires DHFS to act as the public health authority during the period of a state of emergency related to public health, if the governor declares the state of emergency and designates the department as the lead state agency. During the state of emergency, the secretary of health and family services may designate a local health department as an agent of DHFS and confer upon the local health department, acting under that agency, the powers and duties of the public health authority.

The bill creates a sum sufficient appropriation of general purpose revenues from which DHFS may purchase, store, or distribute antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies that DHFS determines are advisable to control a public health emergency. DHFS also may order any individual to receive a vaccination unless the vaccination is reasonably likely to lead to serious harm to the individual or unless the individual, for reasons of religion or conscience, refuses. DHFS also may isolate or quarantine any individual who is unable or unwilling for reasons of health, religion, or conscience to receive the vaccination. Further, the bill creates provisions relating to visitation during isolation or quarantine under a state of emergency related to public health to establish a penalty for any person, other than a person authorized by the public health authority or agent of the public health authority, who enters an isolation or quarantine premises. In addition, a person, whether authorized or not, who enters an isolation or quarantine premises may be subject to quarantine or isolation. 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 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~~ <sup>orders</sup> that are reasonable and necessary to provide for the safe disposal of human remains, including by embalming, burial, cremation, interment, disinterment, transportation, and other disposal.
2. Take possession and control of any human remains.
3. Order the disposal, through burial or cremation, of any human remains of an individual who has died of a communicable disease, within 24 hours after the individual's death.
4. If reasonable and necessary for emergency response, 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

Issue

**ASSEMBLY BILL**

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.

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 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.

**ASSEMBLY BILL**

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.** 20.285 (1) (fg) of the statutes is created to read:

2           20.285 (1) (fg) *State laboratory of hygiene; limited-term employees.* A sum  
3 sufficient to pay the salaries ~~and~~ <sup>and training</sup> benefits of limited-term employees under s. 36.25  
4 (11) (em).

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

6           20.435 (1) (e) *Public health emergency.* A sum sufficient to defray all expenses  
7 necessary to respond to a state of emergency related to public health only if the  
8 governor declares such an emergency and designates the department of health and  
9 family services as the lead ~~public health authority~~ <sup>State agency</sup> to respond to the emergency under  
10 s. 166.03 (1) (b) 1.

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

13           **21.80 (title) Reemployment rights after national guard or state**  
14 **defense force, or public health emergency service.**

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

17           21.80 (1) (a) (intro.) "Active service" means active any of the following:

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

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

**ASSEMBLY BILL**

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

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

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

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

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

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

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

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

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



**ASSEMBLY BILL**

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

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

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

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

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

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

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

24 95.22 (2) The department shall provide the reports of any communicable  
25 diseases under sub. (1) to the department of health and family services.

## ASSEMBLY BILL

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

2 157.055 Disposal of human remains during state of emergency relating  
3 to public health. (1) In this section:

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

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

6 (2) Notwithstanding ss. 69.18 (4), 445.04 (2), 445.14, 979.01 (3), (3m), and (4),  
7 979.02, and 979.10, during a period of a state of emergency related to public health  
8 declared by the governor under s. 166.03 (1) (b) 1., a public health authority may do  
9 all of the following:

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

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

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

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

24 (e) Require the labeling of all human remains before disposal with all available  
25 identifying information and information concerning the circumstances of death and,

**ASSEMBLY BILL**

1 in addition, require that the human remains of an individual with a communicable  
2 disease be clearly tagged to indicate that remains contain a communicable disease  
3 and, if known, the specific communicable disease.

4 (f) Maintain or require the maintenance of a written or electronic record of all  
5 human remains that are disposed of, including all available identifying information  
6 and information concerning the circumstances of death and disposal. If it is  
7 impossible to identify human remains prior to disposal, the public health authority  
8 may require that a qualified person obtain any fingerprints, photographs, or  
9 identifying dental information, and collect a specimen of deoxyribonucleic acid from  
10 the human remains and transmit this information to the public health authority.

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

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

24 166.02 (1p) “Biological agent” means any of the following:

**ASSEMBLY BILL**

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

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

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

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

9 166.02 (1r) "Bioterrorism" means the intentional use of any biological,  
10 chemical, or radiological agent to cause death, disease or biological malfunction in  
11 a human, animal, plant, or other living organism in order to influence the policy of  
12 a governmental unit or to intimidate or coerce the civilian population.

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

14 166.02 (1t) "Chemical agent" means a substance that has chemical properties  
15 that produce lethal or serious effects in plants or animals.

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

17 166.02 (7) "Public health emergency" means the occurrence or imminent threat  
18 of an illness or health condition that meets all of the following criteria:

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

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

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

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

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

2           166.02 (8) “Radiological agent” means radiation or radioactive material at a  
3 level that is dangerous to human health.

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

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

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

18           166.03 (2) (a) 6. No later than 90 days after a state of emergency relating to  
19 public health is declared and the department is designated under s. 166.03 (1) (b) 1.  
20 as the lead state agency to respond to that emergency and no later than 90 days after  
21 the termination of this state of emergency relating to public health, submit to the  
22 legislature under s. 13.172 (2) and to the governor a report on all of the following:

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

**ASSEMBLY BILL****SECTION 21**

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

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

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

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

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

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

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

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

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

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

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

2           **250.042 Powers and duties of the department as public health**  
3 **authority.** (1) If the governor declares a state of emergency related to public health  
4 under s. 166.03 (1) (b) 1. and designates the department as the lead state agency to  
5 respond to that emergency, the department shall act as the public health authority  
6 during the period of the state of emergency. During the period of the state of  
7 emergency, the secretary may designate a local health department as an agent of the  
8 department and confer upon the local health department, acting under that agency,  
9 the powers and duties of the public health authority.

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

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

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

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

17           251.05 (3) (e) Act as agent of the department, if designated by the secretary  
18 under s. 250.042 (1).

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

20           **252.02 (title) Powers and duties of department.**

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

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

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

## ASSEMBLY BILL

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

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

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

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

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

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

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

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

252.06 (1) The department or the local health officer acting on behalf of the department may require isolation of ~~the patient~~ a patient or of an individual under

RESTORE TO  
PLAIN TEXT



**ASSEMBLY BILL**

1 s. 252.041 (2), quarantine of contacts, concurrent and terminal disinfection, or  
2 modified forms of these procedures as may be necessary and ~~which are~~ as are  
3 determined by the department by rule.

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

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

6 252.06 (4) (b) If s. 250.042 (1) applies, all of the following apply:

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

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

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

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

15 **440.142 Reporting potential causes of public health emergency.** (1) A  
16 pharmacist or pharmacy shall report to the department of health and family services  
17 all of the following:

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

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

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

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1           (2) A pharmacist or pharmacy may not report personally identifying  
2 information concerning an individual who is dispensed a prescription or who  
3 purchases a nonprescription drug product as specified in sub. (1).

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

5           **979.012 Reporting deaths of public health concern.** (1) If a coroner or  
6 medical examiner is aware of the death of a person who, at the time of his or her  
7 death, had an illness or a health condition that satisfies s. 166.02 (7) (a), the coroner  
8 or medical examiner shall report the illness or health condition to the department  
9 of health and family services in writing or by electronic transmission within 24 hours  
10 of learning of the deceased's illness or health condition.

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

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

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

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

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

20           **SECTION 37. Nonstatutory provisions.**

21           (1) EXCEPTIONS TO COMPULSORY VACCINATION; RULES.

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

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1 (b) Using the procedure under section 227.24 of the statutes, the department  
2 of health and family services may promulgate rules required under section 252.041  
3 (2) of the statutes, as created by this act, for the period before the effective date of the  
4 rules submitted under paragraph (a), but not to exceed the period authorized under  
5 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),  
6 (2) (b), and (3) of the statutes, the department of health and family services is not  
7 required to provide evidence that promulgating a rule under this paragraph as an  
8 emergency rule is necessary for the preservation of the public peace, health, safety,  
9 or welfare and is not required to provide a finding of emergency for a rule  
10 promulgated under this paragraph.

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

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

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

**ASSEMBLY BILL**

1 or welfare and is not required to provide a finding of emergency for a rule  
2 promulgated under this paragraph.

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

5 (1) **EXCEPTIONS TO COMPULSORY VACCINATION; RULES.** The treatment of section  
6 252.041 (1) of the statutes takes effect on the first day of the fifth month beginning  
7 after publication.

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

11 (END)

Honnie and Robin -

I've marked the redraft changes with the appropriate drafter - please make the changes + send on as soon as possible - they want it this afternoon. (It is in your inbox, honnie)

Thanks,

DAK

# TELEPHONE DRAFTING INSTRUCTIONS

Drafting instructions received by Debora Kennedy.

DATE: 2/25/02  
CONVERSATION WITH: Sara Buschman  
OF: Urban's office  
TELEPHONE NO: 6-9175  
REGARDING LRB # OR DRAFT TOPIC: 4806/2

## INSTRUCTIONS: Redraft:

- MJL ✓ ① State lab of hyg. p. 5, l. 3 - sum. suff. shd. pay for training as well + p. 7, l. 20
- ✓ RPN/DAK ~~②~~ p. 5, l. 9 - lead pub. health authority. shd be lead state agency
- ✓ DAK ✓ ~~③~~ p. 14, l. 16 - delete underscored material
- RLR ✓ ④ p. 16, l. 19 - extra "the" - delete
- ✓ DAK & RLR ⑤ changes in Sandy Louergan e-mail (from Dan Stier)

**Kennedy, Debora**

---

**From:** Lonergan, Sandra  
**Sent:** Thursday, February 21, 2002 5:13 PM  
**To:** Kennedy, Debora  
**Subject:** RE: LRB-4715/1

Oh, sure. We're really into sharing lately!

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

**From:** Kennedy, Debora  
**Sent:** Thursday, February 21, 2002 4:59 PM  
**To:** Lonergan, Sandra  
**Cc:** Nelson, Robert P.; Ryan, Robin  
**Subject:** RE: LRB-4715/1

Yes, we will do a /3. Should I contact Rep. Urban's office concerning the first two changes (the third is irrelevant to their draft)?

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

**From:** Lonergan, Sandra  
**Sent:** Thursday, February 21, 2002 4:51 PM  
**To:** Kennedy, Debora  
**Cc:** Nelson, Robert P.; Sweet, Richard; Grapentine, Mark  
**Subject:** RE: LRB-4715/1

Hi Debora,  
Yes, please. These are fine to add. Does that mean we will have a /3 now?  
Thank you,  
Sandy

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

**From:** Kennedy, Debora  
**Sent:** Thursday, February 21, 2002 1:51 PM  
**To:** Lonergan, Sandra  
**Cc:** Nelson, Robert P.  
**Subject:** FW: LRB-4715/1

Bob and I received this message from Dan Stier. Do you want us to incorporate these changes into a redraft of LRB-4715/2?

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

**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:

**DAK** ✓ 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.

*p. 8, l. 10 +  
Anal.*

**RUR** Page 6, lines 24 and 25 and page 7, line 1: "state emergency" should be

*p. 9, ll. 17 & 18*

replaced with "state of emergency".

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.