

**2001 Jr2 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB1)**

Received: 03/11/2002

Received By: **kenneda**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau 266-8017**

By/Representing: **Jakel (CM)**

This file may be shown to any legislator: **NO**

Drafter: **kenneda**

May Contact:

Addl. Drafters: **nelsorp1  
mlief  
rryan  
malaigm**

Subject: **Health - public health  
Military Affairs - emerg govt  
Higher Education - UW System  
Criminal Law - miscellaneous**

Extra Copies:

Submit via email: **NO**

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**Pre Topic:**

LFB:.....Jakel (CM) -

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**Topic:**

Bioterrorism

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**Instructions:**

2001 AB 850, plus Assembly Amendments 1, 3, & 6

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kenneda 03/12/2002	gilfokm 03/12/2002		_____			
/1			rschluet 03/12/2002	_____	lrb_docadmin 03/12/2002		

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**<END>**

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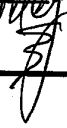
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2001

Date (time) needed TUES 3/12

LRB b 2391 / 1

**ARC CAUCUS BUDGET AMENDMENT  
[ONLY FOR CAUCUS]**

DAK:   
Kg 

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**January 2002 SPECIAL SESSION CAUCUS AMENDMENT  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1  
TO 2001 ASSEMBLY BILL 1**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

✓ #. Page 14, line 6: *after that line insert:*

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

#. Page . . . . , line . . . . :

**ENGROSSED 2001 ASSEMBLY BILL 850**

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

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

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

***Engrossment information:***

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

**ENGROSSED ASSEMBLY BILL 850**

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

***Content of Engrossed 2001 Assembly Bill 850***

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

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

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

**ENGROSSED ASSEMBLY BILL 850**

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

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

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

**ENGROSSED ASSEMBLY BILL 850**

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

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

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

2. Take possession and control of any human remains.

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

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

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

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

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

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

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

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

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

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

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



**ENGROSSED ASSEMBLY BILL 850**

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

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

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

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

- ① " SECTION <sup>32 P</sup> 20.285 (1) (fg) of the statutes is created to read:
- 2           20.285 (1) (fg) *State laboratory of hygiene; limited-term employees.* A sum
- 3 sufficient to pay the salaries, benefits, and training of limited-term employees under
- ④ s. 36.25 (11) (em). "

**ENGROSSED ASSEMBLY BILL 850****SECTION 2**

✓ #. Page 16, line 5; after that line insert:

1 " SECTION ~~2~~<sup>379</sup> 20.435 (1) (e) of the statutes is created to read:

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

6 (1) (b) 1. "

✓ #. Page 17, line 13; after that line insert:

7 " SECTION ~~2~~<sup>424</sup> 20.465 (3) (e) of the statutes is amended to read:

8 20.465 (3) (e) *Disaster recovery aid*. A sum sufficient to pay the state share of  
9 grants to individuals and, to make payments to local governments as defined in 42  
10 USC 5122 (6) under federal disaster recovery programs as authorized in s. 166.03 (2)  
11 (b) 8., and to defray all expenses necessary to respond to a state of emergency related  
12 to public health declared under s. 166.03 (1) (b) 1. if the department of health and

13 family services is not designated as the lead state agency. "

✓ #. Page 25, line 15; after that line insert:

14 " SECTION ~~2~~<sup>72fm</sup> 21.80 (title) of the statutes, as created by 2001 Wisconsin Act 26,  
15 is amended to read:

16 21.80 (title) **Reemployment rights after national guard or state**  
17 **defense force, or public health emergency service.** 72fn

18 SECTION ~~4~~<sup>72fn</sup> 21.80 (1) (a) of the statutes, as created by 2001 Wisconsin Act 26,  
19 is renumbered 21.80 (1) (a) (intro.) and amended to read:

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

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

24 SECTION ~~2~~<sup>72fp</sup> 21.80 (1) (a) 2. of the statutes is created to read:

## ENGROSSED ASSEMBLY BILL 850

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. 72fg

5           SECTION ~~§~~. 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. 72fr

10          SECTION ~~§~~. 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. 72fs

15          SECTION ~~§~~. 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. 72ft

21          SECTION ~~§~~. 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,

## ENGROSSED ASSEMBLY BILL 850

1 or the adjutant general to be necessary for professional development or for  
2 completion of skill training or retraining. 72 fu

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. "

✓ # . Page 31, line 17: after that line insert:

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

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

✓ # . Page 47, line 25: after that line insert:

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

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



**ENGROSSED ASSEMBLY BILL 850**

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

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

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

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

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

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

## ENGROSSED ASSEMBLY BILL 850

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

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

✓ #. Page 176, line 3 : after that line insert:

SECTION ~~15~~ 166.02 (1p) of the statutes is created to read:

17 SECTION ~~15~~ <sup>3409</sup> 166.02 (1p) "Biological agent" means any of the following:

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

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

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

## ENGROSSED ASSEMBLY BILL 850

## SECTION 15

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

2 SECTION ~~13~~<sup>340h</sup> 166.02 (1r) of the statutes is created to read:

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

7 SECTION ~~17~~<sup>340i</sup> 166.02 (1t) of the statutes is created to read:

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

10 SECTION ~~18~~<sup>340j</sup> 166.02 (7) of the statutes is created to read:

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

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

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

- 16 1. A large number of deaths or serious or long-term disabilities among humans.  
17 2. A high probability of widespread exposure to a biological, chemical, or  
18 radiological agent that creates a significant risk of substantial future harm to a large  
19 number of people.

20 SECTION ~~19~~<sup>340k</sup> 166.02 (8) of the statutes is created to read:

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

23 SECTION ~~20~~<sup>340L</sup> 166.03 (1) (b) 1. of the statutes is amended to read:

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



## ENGROSSED ASSEMBLY BILL 850

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

11 ~~SECTION 20m.~~ 340m 166.03 (1) (b) 8. of the statutes is created to read:

12 166.03 (1) (b) 8. During a state of emergency related to public health, suspend  
13 the provisions of any administrative rule if the strict compliance with that rule would  
14 prevent, hinder, or delay necessary actions to respond to the emergency and increase  
15 the health threat to the population. 340n

16 ~~SECTION 21.~~ 340n 166.03 (2) (a) 6. of the statutes is created to read:

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

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

## ENGROSSED ASSEMBLY BILL 850

## 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. "

✓ #, Page 182, line 9 : after that line insert :  
3 " SECTION ~~22~~ <sup>367p</sup> 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~~ <sup>367q</sup> 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~~ <sup>367r</sup> 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~~ <sup>367s</sup> 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.

## ENGROSSED ASSEMBLY BILL 850

367t

①

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

2

**250.042 Powers and duties of the department as public health**

3

**authority. (1)** If the governor declares a state of emergency related to public health

4

under s. 166.03 (1) (b) 1. and designates the department as the lead state agency to

5

respond to that emergency, the department shall act as the public health authority

6

during the period of the state of emergency. During the period of the state of

7

emergency, the secretary may designate a local health department as an agent of the

8

department and confer upon the local health department, acting under that agency,

9

the powers and duties of the public health authority. The department may, from the

10

appropriation under s. 20.435 (1) (e), reimburse a local health department for

11

reasonable and necessary expenses in acting as an agent of the department if

12

designated under this subsection.

13

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

14

(a) From the appropriation under s. 20.435 (1) (e), purchase, store, or distribute

15

antitoxins, serums, vaccines, immunizing agents, antibiotics, and other

16

pharmaceutical agents or medical supplies that the department determines are

17

advisable to control a public health emergency.

18

(b) Act as specified in s. 252.041.

19

(3) (a) As the public health authority, the department shall inform state

20

residents of all of the following:

21

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

22

terminated.

23

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

24

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

25

emergency.

## ENGROSSED ASSEMBLY BILL 850

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

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

9 ✓ #. Page 182, line 10 : after that line insert :  
" SECTION ~~27~~ 251.05 (3) (e) of the statutes is created to read:

10 251.05 (3) (e) Act as agent of the department, if designated by the secretary  
11 under s. 250.042 (1). 368d

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

13 **252.02 (title) Powers and duties of department.** 368h

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

15 252.02 (7) The department shall promulgate rules that specify medical  
16 conditions treatable by prescriptions or nonprescription drug products for which  
17 pharmacists and pharmacies must report under s. 440.142 (1). 368j

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

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

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

## ENGROSSED ASSEMBLY BILL 850

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

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

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

8 SECTION 31. 252.05 (1) of the statutes is amended to read: 368 L

9 252.05 (1) ~~Any person licensed, permitted, registered or certified under ch. 441~~  
10 ~~or 448 knowing or having~~ health care provider, as defined in s. 146.81 (1), who knows  
11 or has reason to know believe that a person treated or visited by him or her has a  
12 communicable disease, or having a communicable disease, has died, shall report the  
13 appearance of the communicable disease or the death to the local health officer. The  
14 local health officer shall report this information to the department or shall direct the  
15 person reporting to report to the department. Any person directed to report shall  
16 submit this information to the department. 368 n

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

18 252.06 (1) The department or the local health officer acting on behalf of the  
19 department may require isolation of ~~the patient~~ a patient or of an individual under  
20 s. 252.041 (1) (b), quarantine of contacts, concurrent and terminal disinfection, or  
21 modified forms of these procedures as may be necessary and ~~which are~~ as are  
22 determined by the department by rule. 368 p

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

24 SECTION 34. 252.06 (4) (b) of the statutes is created to read: 368 r

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

**ENGROSSED ASSEMBLY BILL 850**

**SECTION 34**

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

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

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

368t

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

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

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

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

16           ← #, Page 215, line 14 ; after that line insert:  
" SECTION ~~34~~ 440.142 of the statutes is created to read:

464P

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

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

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

ENGROSSED ASSEMBLY BILL 850

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

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

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

11 (a), (b), or (c). "  
12 ✓ #, Page 345, line 19 : after that line insert:  
" SECTION 36.979.012 of the statutes is created to read:

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

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

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

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

ENGROSSED ASSEMBLY BILL 850

SECTION 36

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

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

✓ # , Page 357, line 24 : after that line insert :

5 ~~SECTION 37. Nonstatutory provisions,~~

6 (6) EXCEPTIONS TO COMPULSORY VACCINATION; RULES.

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

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

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

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



ENGROSSED ASSEMBLY BILL 850

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

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

12 (12) " *✓ # , Page 446, line 6 : after that line insert:*

13 ~~SECTION 38. Effective dates. This act takes effect on the day after publication,~~

14 ~~except as follows:~~ *gzw*

15 (1) EXCEPTIONS TO COMPULSORY VACCINATION; RULES. The treatment of section  
16 252.041 (1) of the statutes takes effect on the first day of the ~~6th~~ *5th* month beginning  
17 after publication. *2zx*

18 (2) MEDICAL CONDITIONS FOR WHICH PHARMACEUTICAL DRUGS ARE DISPENSED OR  
19 SOLD; RULES. The treatment of section 440.142 (1) of the statutes takes effect on the  
20 first day of the ~~6th~~ month beginning after publication. "

21 (END) *5th*



State of Wisconsin  
2001 - 2002 LEGISLATURE  
January 2002 Special Session

LRBb2391/1  
DAK:kg:rs

LFB:.....Jakel (CM) – Bioterrorism

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION  
ASSEMBLY AMENDMENT ,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 1

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 14, line 6: after that line insert:

3 “SECTION 32p. 20.285 (1) (fg) of the statutes is created to read:

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

7 **2.** Page 16, line 5: after that line insert:

8 “SECTION 37g. 20.435 (1) (e) of the statutes is created to read:

9 20.435 (1) (e) *Public health emergency.* A sum sufficient to defray all expenses  
10 necessary to respond to a state of emergency related to public health only if the

1 governor declares such an emergency and designates the department of health and  
2 family services as the lead state agency to respond to the emergency under s. 166.03  
3 (1) (b) 1.”

4 **3.** Page 17, line 13: after that line insert:

5 “**SECTION 42x.** 20.465 (3) (e) of the statutes is amended to read:

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

12 **4.** Page 25, line 15: after that line insert:

13 “**SECTION 72fm.** 21.80 (title) of the statutes, as created by 2001 Wisconsin Act  
14 26, is amended to read:

15 **21.80** (title) **Reemployment rights after national guard or state**  
16 **defense force, or public health emergency service.**

17 **SECTION 72fn.** 21.80 (1) (a) of the statutes, as created by 2001 Wisconsin Act  
18 26, is renumbered 21.80 (1) (a) (intro.) and amended to read:

19 21.80 (1) (a) (intro.) “Active service” means active any of the following:

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

23 **SECTION 72fp.** 21.80 (1) (a) 2. of the statutes is created to read:

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 72fq.** 21.80 (3) (a) 4. of the statutes, as created by 2001 Wisconsin Act  
6           26, 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 72fr.** 21.80 (3) (c) 1. of the statutes, as created by 2001 Wisconsin Act  
11          26, 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 72fs.** 21.80 (3) (c) 2. of the statutes, as created by 2001 Wisconsin Act  
16          26, 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 72ft.** 21.80 (3) (c) 3. of the statutes, as created by 2001 Wisconsin Act  
22          26, 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,

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

3 **SECTION 72fu.** 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 **5.** Page 31, line 17: after that line insert:

14 “**SECTION 93d.** 36.25 (11) (em) of the statutes is created to read:

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

23 **6.** Page 47, line 25: after that line insert:

24 “**SECTION 148n.** 50.36 (3d) of the statutes is created to read:

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

4           1. The health care provider seeks to provide care at the hospital during a period  
5 of a state of emergency related to public health declared by the governor under s.  
6 166.03 (1) (b) 1.

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

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

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

14          **7.** Page 154, line 18: after that line insert:

15           “**SECTION 260g.** 95.22 of the statutes is renumbered 95.22 (1).

16           **SECTION 260h.** 95.22 (2) of the statutes is created to read:

17           95.22 (2) The department shall provide the reports of any communicable  
18 diseases under sub. (1) to the department of health and family services.”

19          **8.** Page 173, line 16: after that line insert:

20           “**SECTION 338g.** 157.055 of the statutes is created to read:

21           **157.055 Disposal of human remains during state of emergency relating**  
22 **to public health. (1)** In this section:

23           (a) “Funeral establishment” has the meaning given in s. 445.01 (6).

24           (b) “Public health authority” has the meaning given in s. 250.01 (6g).

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

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

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

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

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

22          (e) Require the labeling of all human remains before disposal with all available  
23          identifying information and information concerning the circumstances of death and,  
24          in addition, require that the human remains of an individual with a communicable

1 disease be clearly tagged to indicate that remains contain a communicable disease  
2 and, if known, the specific communicable disease.

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

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

22 **9.** Page 176, line 3: after that line insert:

23 **“SECTION 340g.** 166.02 (1p) of the statutes is created to read:

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



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

9 **SECTION 340h.** 166.02 (1r) of the statutes is created to read:

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

14 **SECTION 340i.** 166.02 (1t) of the statutes is created to read:

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

17 **SECTION 340j.** 166.02 (7) of the statutes is created to read:

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

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

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

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

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

4           **SECTION 340k.** 166.02 (8) of the statutes is created to read:

5           166.02 (8) “Radiological agent” means radiation or radioactive material at a  
6 level that is dangerous to human health.

7           **SECTION 340L.** 166.03 (1) (b) 1. of the statutes is amended to read:

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

20           **SECTION 340m.** 166.03 (1) (b) 8. of the statutes is created to read:

21           166.03 (1) (b) 8. During a state of emergency related to public health, suspend  
22 the provisions of any administrative rule if the strict compliance with that rule would  
23 prevent, hinder, or delay necessary actions to respond to the emergency and increase  
24 the health threat to the population.

25           **SECTION 340n.** 166.03 (2) (a) 6. of the statutes is created to read:

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

7           a. The emergency powers used by the department of military affairs or its  
8 agents.

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

11           **10.** Page 182, line 9: after that line insert:

12           “**SECTION 367p.** 250.01 (6g) of the statutes is created to read:

13           250.01 (6g) “Public health authority” means the department, if the governor  
14 declares under s. 166.03 (1) (b) 1. a state of emergency related to public health and  
15 designates the department as the lead state agency to respond to that emergency.

16           **SECTION 367q.** 250.01 (6r) of the statutes is created to read:

17           250.01 (6r) “Public health emergency” has the meaning given in s. 166.02 (7).

18           **SECTION 367r.** 250.03 (3) of the statutes is created to read:

19           250.03 (3) (a) No later than 90 days after a state of emergency relating to public  
20 health is declared and the department is designated under s. 166.03 (1) (b) 1. as the  
21 lead state agency to respond to that emergency and no later than 90 days after the  
22 termination of this state of emergency relating to public health, the department shall  
23 submit to the legislature under s. 13.172 (2) and to the governor a report on all of the  
24 following:

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

4           **SECTION 367s.** 250.03 (3) (b) of the statutes is created to read:

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

11          **SECTION 367t.** 250.042 of the statutes is created to read:

12          **250.042 Powers and duties of the department as public health**  
13          **authority.** (1) If the governor declares a state of emergency related to public health  
14          under s. 166.03 (1) (b) 1. and designates the department as the lead state agency to  
15          respond to that emergency, the department shall act as the public health authority  
16          during the period of the state of emergency. During the period of the state of  
17          emergency, the secretary may designate a local health department as an agent of the  
18          department and confer upon the local health department, acting under that agency,  
19          the powers and duties of the public health authority. The department may, from the  
20          appropriation under s. 20.435 (1) (e), reimburse a local health department for  
21          reasonable and necessary expenses in acting as an agent of the department if  
22          designated under this subsection.

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

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

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

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

9 3. What actions the public health authority is taking to control a public health  
10 emergency.

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

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

19 **11.** Page 182, line 10: after that line insert:

20 “**SECTION 368d.** 251.05 (3) (e) of the statutes is created to read:

21 251.05 (3) (e) Act as agent of the department, if designated by the secretary  
22 under s. 250.042 (1).

23 **SECTION 368f.** 252.02 (title) of the statutes is amended to read:

24 **252.02 (title) Powers and duties of department.**

1           **SECTION 368h.** 252.02 (7) of the statutes is created to read:

2           252.02 (7) The department shall promulgate rules that specify medical  
3 conditions treatable by prescriptions or nonprescription drug products for which  
4 pharmacists and pharmacies must report under s. 440.142 (1).

5           **SECTION 368j.** 252.041 of the statutes is created to read:

6           **252.041 Compulsory vaccination during a state of emergency. (1)**

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

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

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

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

18           **SECTION 368L.** 252.05 (1) of the statutes is amended to read:

19           252.05 (1) ~~Any person licensed, permitted, registered or certified under ch. 441~~  
20 ~~or 448 knowing or having~~ health care provider, as defined in s. 146.81 (1), who knows  
21 or has reason to ~~know~~ believe that a person treated or visited by him or her has a  
22 communicable disease, or having a communicable disease, has died, shall report the  
23 appearance of the communicable disease or the death to the local health officer. The  
24 local health officer shall report this information to the department or shall direct the

1 person reporting to report to the department. Any person directed to report shall  
2 submit this information to the department.

3 **SECTION 368n.** 252.06 (1) of the statutes is amended to read:

4 252.06 (1) The department or the local health officer acting on behalf of the  
5 department may require isolation of ~~the patient~~ a patient or of an individual under  
6 s. 252.041 (1) (b), quarantine of contacts, concurrent and terminal disinfection, or  
7 modified forms of these procedures as may be necessary and ~~which are~~ as are  
8 determined by the department by rule.

9 **SECTION 368p.** 252.06 (4) of the statutes is renumbered 252.06 (4) (a).

10 **SECTION 368r.** 252.06 (4) (b) of the statutes is created to read:

11 252.06 (4) (b) If s. 250.042 (1) applies, all of the following apply:

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

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

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

19 **SECTION 368t.** 252.06 (10) (c) of the statutes is created to read:

20 252.06 (10) (c) The expense of providing a reasonable means of communication  
21 for a person who is quarantined outside his or her home during a state of emergency  
22 related to public health shall be paid under either of the following, as appropriate:

23 1. If the governor designates the department as the lead state agency under s.  
24 166.03 (1) (b) 1., from the appropriation under s. 20.435 (1) (e).

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

3           **12.** Page 215, line 14: after that line insert:

4           “SECTION 464p. 440.142 of the statutes is created to read:

5           **440.142 Reporting potential causes of public health emergency.** (1) A  
6 pharmacist or pharmacy shall report to the department of health and family services  
7 all of the following:

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

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

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

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

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

24           **13.** Page 345, line 19: after that line insert:



1           “SECTION 1151r. 979.012 of the statutes is created to read:

2           **979.012 Reporting deaths of public health concern.** (1) If a coroner or  
3 medical examiner is aware of the death of a person who, at the time of his or her  
4 death, had an illness or a health condition that satisfies s. 166.02 (7) (a), the coroner  
5 or medical examiner shall report the illness or health condition to the department  
6 of health and family services and to the local health department, as defined in s.  
7 250.01 (4), in whose jurisdiction the coroner or medical examiner is located in writing  
8 or by electronic transmission within 24 hours of learning of the deceased’s illness or  
9 health condition.

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

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

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

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

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

19           **14.** Page 357, line 24: after that line insert:

20           “(2zw) EXCEPTIONS TO COMPULSORY VACCINATION; RULES.

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

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           (2zx) 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,

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

3 **15.** Page 446, line 6: after that line insert:

4 “(2zw) EXCEPTIONS TO COMPULSORY VACCINATION; RULES. The treatment of section  
5 252.041 (1) of the statutes takes effect on the first day of the 5th month beginning  
6 after publication.

7 (2zx) MEDICAL CONDITIONS FOR WHICH PHARMACEUTICAL DRUGS ARE DISPENSED OR  
8 SOLD; RULES. The treatment of section 440.142 (1) of the statutes takes effect on the  
9 first day of the 5th month beginning after publication.”.

10

(END)