

SENATE 2028:

**AN ACT RELATIVE TO PANDEMIC AND DISASTER
PREPARATION AND RESPONSE IN THE COMMONWEALTH**
(Summary reflects text as amended.)

SPONSORS:

Senators Moore, Brewer and Fargo, Representatives Koutoujian, Ehrlich, Arciero, and Poirier

**LEGISLATIVE
HISTORY:**

04/08/09 S Bill reported favorably by Health Care Financing committee and referred to the committee on Senate Ways & Means

**EXISTING LAWS
AFFECTED:**

- G.L. c. 17, § 2A; G.L. c. 111, §§ 1, 5, 5A, 6, 7, 25L, 25M, 26E, 27, 92, 93, 94A, 95, 96, 96A, 103, 105, 110, 110B, 113, 114; G.L. c. 111D, § 6; G.L. c. 112 §§ 12B, 12C, 12V; G.L. c. 122, § 13; G.L. c. 175; G.L. c. 258; G.L. c. 268.

**PROPOSED
LEGISLATION:**

- This legislation aims to prepare the Commonwealth for a possible pandemic flu or state of emergency and to ensure a quick and efficient response to such an emergency by:
 - Allowing the Commissioner of the Department of Public Health to take necessary action upon declaration of a public health emergency or a state of emergency declared by the Governor;
 - Authorizing the Commissioner to do what is necessary to protect the public health which may include: closing or evacuating buildings and facilities; entering private property for investigation; decontamination of property and materials; procuring, storing and distributing any anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies; and the isolation or quarantine of individuals;
 - Encouraging civil proceedings, the extent practicable, prior to the destruction of any property;
 - Authorizing the Department of Public Health to specify the responsibilities of health care providers, medical examiners, local public health authorities and others to report diseases, injuries, health conditions, and threats to health to the Department;
 - Ensuring the confidentiality of individual health records except when necessary for disease investigation, control, treatment and prevention;
 - Requiring the Department of Public Health to establish a registry of volunteer personnel, the Massachusetts System for Advance Registration, to be activated during an

- emergency;
- Protecting health care providers from liability for damages or sanctions resulting from their actions or inactions when engaged in the performance of their duties, as volunteers, or as employees of the state rendering emergency care during a public health emergency;
 - Allowing the Governor make a declaration if there is a supply emergency in the state;
 - Authorizing the Commissioner to direct the appropriate local public health authority to issue an order when there is reasonable cause to believe that a disease or condition dangerous to the public health exists or if there is an immediate risk of an outbreak and certain measures must be taken;
 - Allowing for civil fines of up to \$1000 per violation for non-compliance with an order issued by a local public health authority;
 - Requiring the Department of Public Health to study the specific needs of the Commonwealth with regard to funding the preparation and protection of the state and its citizens in the event of a pandemic or other wide spread disease outbreak, and to report on its 9 months of the act.
 - Studying the feasibility of a statewide pharmacy and drug store electronic communication network to be used to track possible disease or emerging threats to public health;
 - Allows for health insurance to waive administrative requirements and other protocol during a public health emergency; implements a 180 day reconciliation period for charges and reimbursements after the declared end of a public health emergency.

**AGENCY
COMMENTS:**

None.

**ESTIMATED
COST:**

This legislation will have no cost for the Commonwealth.

(EW)