

# House Research Act Summary

**CHAPTER:** 41

**SESSION:** 2009 Regular Session

**TOPIC:** Isolation and Quarantine Provisions

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## Overview

This act makes various modifications to the isolation and quarantine provisions of the Emergency Health Powers Act and adds mass dispensing provisions.

### Section

- 1 Ex parte order for isolation or quarantine.** Amends § 144.4195, subd. 1. Modifies a provision related to peace officers' use of force to quarantine or isolate a person subject to a court order by removing language that expressly permits "use of force" as described in the criminal code and removing certain conditions on a peace officer's actions.

Removes an August 1, 2009, sunset for this provision.
- 2 Temporary hold upon commissioner's directive.** Amends § 144.4195, subd. 2. Modifies this provision, which allows peace officers to assist a public health official to isolate or quarantine a person subject to the commissioner's directive, by removing language that expressly permits "use of force" as described in the criminal code. Gives peace officers authority to carry out enforcement duties under this section.

Removes an August 1, 2009, sunset for this subdivision.
- 3 Court hearing.** Makes technical changes. Removes the requirement that a person be determined indigent to be represented by counsel designated by the court.
- 4 Judicial procedures and decisions.** Amends § 144.4195, subd. 5. Requires the Supreme Court to develop procedures for compensating language interpreters and medial experts who are necessary for defense preparations. Modifies permissive language that states a person who seeks appeal and does not meet indigency standards may reimburse the Department of Health for fees and costs of the appeal by permitting the court to order such a person to reimburse the department.

- 5 Emergency vaccine administration; legend drug.** Amends § 144.4197. Adds to the situations in which the commissioner of health may authorize certain persons to administer vaccines or dispense drugs by including situations when a local board of health requests the commissioner’s assistance in responding to a public health event.
- Removes an August 1, 2009, sunset for this provision.
- 6 Mass dispensing under authority of commissioner of health.** Adds § 144.4198.
- Subd. 1. Definition.** Defines “closed point of dispensing” (POD)
- Subd. 2. Alternative and expedited mass dispensing.** Permits the commissioner of health to designate persons and entities to dispense drugs under certain emergency situations. Provides methods by which a drug may be dispensed, including via a household representative, the U.S. Postal Service, and a closed POD.
- Subd. 3. Liability protections for closed POD’s.** Provides certain civil liability protections for anyone who acts in good faith and under the direction of an approved closed POD plan during preparation for and setup, operation, and demobilization of a closed POD. Specifies that this liability protection does not apply in a case of malfeasance or willful or wanton actions.
- Subd. 4. Continuing benefits.** Specifies that this section does not affect a person’s rights related to workers’ compensation or pension law, nor does it affect entitlement to benefits or compensation under state or federal law.
- 7 Commissioner requests for health volunteers.** Permits the commissioner of health to ask for Minnesota Responds Medical Reserve Corps volunteers if the commissioner determines the state is in need and specifies certain uses of the volunteers that the commissioner may request. Requires that a volunteer’s rights and benefits must not be affected by vacation leave, pay, or other compensation provided by a volunteer’s employer during time of service.
- Makes technical changes.
- 8 Prescribing and filing.** Gives the commissioner of health prescribing authority for mass dispensing purposes under certain circumstances. Gives the commissioner discretion to modify state drug labeling requirements and medical screening criteria in situations where such modifications are necessary to ensure drugs reach the maximum number of persons in a timely fashion.
- Makes technical changes.
- 9 Purchase of drugs and other agents by commissioner of health.** Adds to the list of drugs that may be purchased, stored, and distributed by the commissioner of health to treat and prevent communicable diseases.
- 10 Effective date.** Provides an immediate effective date for this act.