

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
120TH LEGISLATURE  
SECOND REGULAR SESSION

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 1656, L.D. 2164, Bill, "An Act to Provide Government with the Necessary Authority to Respond to a Public Health Emergency Caused by an Act of Bioterrorism"

Amend the amendment by inserting after the title the following:

'Amend the bill by striking out the title and substituting the following:

**'Resolve, Concerning the Review of State Provisions Relevant to Public Health Emergencies''**

Further amend the amendment in the first paragraph after the title in the first line (page 1, line 24 in amendment) by striking out the following: "Amend" and inserting in its place the following: 'Further amend'

Further amend the amendment in the first paragraph after the title in the 1st and 2nd lines (page 1, lines 24 and 25 in amendment) by striking out the following: "the enacting clause" and inserting in its place the following: 'the title'

Further amendment the amendment by striking out everything after the first paragraph after the title and inserting in its place the following:

**'Sec. 1. Governor to convene Public Health Emergency Planning Commission. Resolved:** That the Governor shall convene the Public Health Emergency Planning Commission to review the provisions of state law relevant to public health emergency and extreme public health emergency preparedness, consider measures to safeguard individual dignity and medical record confidentiality and examine strategies to protect the public from the threat of communicable disease and acts of bioterrorism. The commission shall submit a report that includes its findings and recommendations, including

2 suggested legislation, to the joint standing committee of the  
Legislature having jurisdiction over health and human services  
4 matters and the Legislative Council by January 15, 2003.  
Following receipt and review of the report, the joint standing  
6 committee of the Legislature having jurisdiction over health and  
human services matters may report out legislation to the First  
8 Regular Session of the 121st Legislature. Members of the  
commission serve without compensation; and be it further

10 **Sec. 2. Department of Administrative and Financial Services, Bureau**  
**of the Budget to develop funding mechanism. Resolved:** That the  
12 Department of Administrative and Financial Services, Bureau of  
the Budget shall develop a mechanism for financing a response to  
14 a declaration of a state of extreme public health emergency by  
the Governor, the Governor's designee or a person acting in place  
16 of the Governor. The Commissioner of Administrative and  
Financial Services shall submit a report that includes findings  
18 and recommendations, including suggested legislation, to the  
joint standing committee of the Legislature having jurisdiction  
20 over appropriations and financial affairs and the Legislative  
Council by January 15, 2003. The joint standing committee of the  
22 Legislature having jurisdiction over appropriations and financial  
affairs may report out legislation regarding the financing of a  
24 declaration of a state of extreme public health emergency to the  
First Regular Session of the 121st Legislature. The department  
26 shall perform this task within existing resources; and be it  
further

28 **Sec. 3. Judicial Department study. Resolved:** That the Judicial  
30 Department shall study the responsibilities of the department in  
the event that a public health emergency is declared by the  
32 Department of Human Services or an extreme public health  
emergency is declared by the Governor, the designee of the  
34 Governor or a person acting in the place of the Governor. The  
study must include consideration of access to courts and  
36 availability of judges, access to attorneys for persons subject  
to the action of the Department of Human Services pursuant to the  
38 Maine Revised Statutes, Title 22, chapter 250 and planning for a  
person who has a serious illness or is in quarantine. By January  
40 15, 2003, the Judicial Department shall report to the joint  
standing committee of the Legislature having jurisdiction over  
42 judiciary matters and the Legislative Council. The joint  
standing committee of the Legislature having jurisdiction over  
44 judiciary matters may report out legislation pertaining to court  
access during times of public health emergencies and extreme  
46 public health emergencies to the First Regular Session of the  
121st Legislature; and be it further

2 **Sec. 4. Development of materials regarding public health**  
3 **emergencies and extreme public health emergencies. Resolved:** That the  
4 Department of Human Services, Bureau of Health shall develop  
5 materials regarding public health emergencies and extreme public  
6 health emergencies. The materials must include 2 categories of  
7 information: one for health care professionals and one for  
8 members of the public. Both categories of information must  
9 provide information on public health emergencies and extreme  
10 public health emergencies, the responsibilities and authority of  
11 the Department of Human Services, the rights and responsibilities  
12 of health care providers and members of the public and the legal  
13 procedures applicable to the emergencies. Materials developed  
14 pursuant to this section must be made available in the offices of  
15 health care providers, hospitals and pharmacies by July 1, 2003.  
16 The department shall perform this task within existing resources.'

18 **FISCAL NOTE**

20 The amendment replaces the bill and includes new  
21 responsibilities for the Executive Office, the Department of  
22 Human Services, the Department of Administrative and Financial  
23 Services, and the Judicial Department. The programmatic impact  
24 of these requirements can not be determined at the present time  
25 but it is assumed any additional costs can be absorbed by the  
26 affected agencies within existing budgeted resources.

28 **SUMMARY**

30 This amendment authorizes the convening of the Public Health  
31 Emergency Planning Commission to review the provisions of law  
32 relevant to public health emergency and extreme public health  
33 emergency preparedness and to consider other measures to protect  
34 the public from the threat of communicable disease and acts of  
35 bioterrorism. It requires the Department of Administrative and  
36 Financial Services, Bureau of the Budget to develop a mechanism  
37 for financing a response to a declaration of a state of extreme  
38 public health emergency by the Governor. It also requires the

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2 Judicial Department to study the responsibilities of the  
department in the event of a public health emergency. Lastly, it  
4 requires the Department of Human Services, Bureau of Health to  
develop materials for health care professionals and for members  
6 of the public for use in public health emergencies.

8  
10 SPONSORED BY:   
(Representative C. MUSE)

12 TOWN: South Portland

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# HOUSE AMENDMENT