

HB 1698 -- CONTAGIOUS DISEASE HEALTH ORDERS

SPONSOR: Sparks

This bill requires any public health order, ordinance, rule, or regulation that is issued by a political subdivision at a time other than during a statewide emergency to receive explicit prior approval from the General Assembly; if the General Assembly is not in session, the Governor may call an extraordinary session to consider whether to grant such approval. Additionally, a political subdivision issuing an order in violation of the provisions specified in the bill shall be liable to any person subject to the order for damages incurred by the person.

The bill also provides that, notwithstanding any laws, rules, orders, or directives made or promulgated in response to certain types of emergencies, individuals retain the right to be free, independent, and maintain their inalienable and fundamental right of self-determination to make their own health decisions including, but not limited to, the right to refuse any of the health-related countermeasures and procedures that are specified in the bill.

A person who has been directed or ordered by a government or its designees, or by a public or private business or entity, may decline to comply with, respond to, or participate in any countermeasure that may be described in the directive or order. The government or its designees, employers, businesses or nonprofit organizations, institutions, churches, travel carriers, or any other public or private entities shall not infringe upon or otherwise restrict or remove a person's ability to fully participate in any necessary and important services, as well as lifestyle choices and preferences, which are specified in the bill.

A person who declines to comply with a countermeasure directive or order may be required to isolate or quarantine if the person is infected, or reasonably believed to be infected, with a communicable disease or has been exposed to a toxic agent that can be transferred to other people, or if they have been exposed to a communicable disease; additionally, the toxic agent or communicable disease in question must be the basis of a declared emergency or nonemergency order, law, or rule. If an individual must isolate or quarantine, it shall be done so under the least restrictive means possible, shall include reasonable notice and due process, shall protect the right of the person to remain in their home and live with family, friends, and significant others, and shall not require any kind of renovation or alteration to any home.

Any kind of requirement to quarantine must be based on sufficient and credible evidence of contact or close proximity with an

infected individual, and shall not be imposed based on any third-party location data. Moreover, any treatment, tracking, testing, or prevention orders cannot be imposed as a condition for ending the isolation or quarantine. A person's status in quarantine does not remove or alter in any way the legal or medical custody they may possess over another person. Before a health care provider or an individual who has been ordered to enforce a directive or order performs a countermeasure described in this bill, they must notify the person to whom the directive or order is being given of his or her rights under this bill by reading aloud to them certain subsections of this section, as well as providing a written copy and obtaining a signature that acknowledges receipt of the notification.

This bill is similar to HB 1130 (2023).