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The Model State Emergency Health Powers Act

Legislative Surveillance Table

Since the completion of the Model State Emergency Health Powers Act on December 21, 2001, the *Center for Law and the Public's Health* has systematically tracked state legislative bills relating to the subject matter in the Act. As generally documented in our regularly-updated **State Legislative Activity Table**,¹ thirty-eight (38) states and the District of Columbia have passed sixty-six (66) bills that include provisions from or closely related to the Act. The extent to which the Act's provisions were incorporated into each state's laws varies.

The table below provides additional insight into the ways state legislatures have used the MSEHPA's provisions as of **July 15, 2006**. Within each of the major sections of the MSEHPA listed below, the table denotes [via a "■"] the state legislative areas that relate to sections or corresponding themes in the MSEHPA. The right-hand column presents a tally of the number of states legislating on these specific areas. The bottom column tallies the number of areas from the MSEHPA that each state's bills concern.

Please note -- this table only tracks the subject matter of recently passed legislative bills, not existing state legislative provisions. Thus, the absence of any indication in this table that a state has used a particular Section of the MSEHPA does not mean the state lacks existing laws on these issues. One must review the specific portions of the state bills in conjunction with other state laws to completely analyze the legal environment in these respective jurisdictions.

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¹ Available at www.publichealthlaw.net/Resources/Modellaws.htm.

MSEHPA § & Brief Description	AL	AK	AZ	CA	CT	DE	DC	FL	GA	HI	IA	ID	IL	IN	LA	ME	MD	MN	MO	MT	NJ	NV	NH	NM	NC	OK	OR	PA	RI	SC	SD	TN	TX	UT	VT	VA	WI	WY	#
§104(a) Defines <i>bioterrorism</i> or like term			■	■	■	■			■		■				■		■	■	■		■					■			■	■		■	■	■	■		■		19
§104(m) Defines <i>PHE</i> ² or like term	■	■			■	■	■	■	■	■	■		■		■	■	■	■	■		■			■	■	■				■	■		■	■		■	■		20
§201 Emergency Planning Commission					■	■					■				■	■		■			■			■		■			■	■		■							14
§202 Public Health Emergency Plans	■				■	■			■		■		■		■		■	■	■		■			■	■	■			■	■		■							20
§301 <i>PHE</i> Reporting		■	■			■			■		■			■	■		■		■		■			■	■	■			■	■		■	■	■	■	■	■	■	2
§302 Tracking Serious Threats		■	■			■			■	■	■			■	■		■		■		■			■		■			■	■		■	■	■	■	■	■	■	1
§303 Information Sharing		■	■			■			■		■			■	■		■		■		■			■		■			■	■		■	■	■	■	■	■	■	14
§401 <i>PHE</i> Declarations	■		■		■	■	■	■	■	■	■			■	■	■	■	■	■		■			■	■	■			■	■		■	■					■	2
§402 Content of Declaration	■		■		■		■		■		■			■	■	■	■	■	■		■			■		■			■	■		■	■					■	1
§403 Effect of Declaration	■				■				■		■			■	■	■	■	■	■		■			■		■			■	■		■	■					■	10
§405 Termination of Declaration	■		■		■	■			■	■	■			■	■	■	■	■	■		■			■	■	■			■	■		■	■					■	20

² PHE = public health emergency

MSEHPA § & Brief Description	AL	AK	AZ	CA	CT	DE	DC	FL	GA	HI	IA	ID	IL	IN	LA	ME	MD	MN	MO	MT	NJ	NV	NH	NM	NC	OK	OR	PA	RI	SC	SD	TN	TX	UT	VT	VA	WI	WY	#				
§501 Emergency Measures re: Facilities or Materials	■	■				■			■		■				■		■		■		■		■		■	■				■	■									10			
§502 Access to & Control of Facilities & Properties	■	■				■			■		■				■		■	■	■		■					■	■			■	■											10	
§504 Safe Disposal of Human Remains		■									■				■		■				■		■						■	■	■												13
§505 Control of Health Care Supplies		■	■		■	■		■			■						■	■	■		■		■						■	■	■												10
§506 Compensation for Takings	■					■					■				■				■		■														■								8
§507 Procedures for Property Destruction		■				■													■		■									■													6
§601 Protection of Persons – Generally		■		■							■								■		■									■	■												7
§602 Medical Exams & Testing		■	■			■		■			■					■	■	■			■		■		■				■	■													14
§603 Vaccination & Treatment		■	■		■	■	■	■	■		■					■	■	■	■		■		■						■	■	■												20
§604 Isolation & Quarantine	■	■	■	■	■	■	■	■	■	■	■	■				■	■	■		■	■	■		■	■					■													24
§605 Due Process – Isolation & Quarantine		■	■		■	■	■		■	■		■				■	■	■			■	■	■		■	■		■	■	■													20
§606 Collecting/ Testing Lab Samples			■			■					■										■		■							■													6

MSEHPA § & Brief Description	AL	AK	AZ	CA	CT	DE	DC	FL	GA	HI	IA	ID	IL	IN	LA	ME	MD	MN	MO	MT	NJ	NV	NH	NM	NC	OK	OR	PA	RI	SC	SD	TN	TX	UT	VT	VA	WI	WY	#		
§607 Access to Protected Health Info.		■	■			■				■							■				■		■		■	■													10		
§608 Licensing/ Appointment of HCWs			■			■	■	■					■		■		■		■		■									■	■			■						13	
§701 Public Information	■	■							■		■		■			■					■																■			8	
§802 Creation of Admin. Regs.		■	■			■	■	■	■							■	■	■	■		■				■	■									■	■				17	
§803 Financing & Expenses				■												■					■																			4	
§804 Immunity for State/Private Actors		■	■		■	■	■	■	■						■	■	■	■	■		■				■			■	■				■	■	■	■	■	■	■		23
Total # of Hits Per State:	11	18	17	4	13	23	9	9	18	7	22	2	4	3	17	14	21	16	19	1	29	4	18	5	12	17	2	2	9	27	13	4	4	12	7	5	15	7			