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H.P. 995

House of Representatives, March 30, 2021

**An Act To Clarify the Authority of the Department of Health and
Human Services during a Public Health Emergency**

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.
Reference to the Committee on Health and Human Services suggested and ordered printed.

Robert B. Hunt

ROBERT B. HUNT
Clerk

Presented by Representative MEYER of Eliot.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §10004, sub-§3**, as enacted by PL 1977, c. 694, §38, is amended
3 to read:

4 **3. Health or safety hazard.** The health or physical safety of a person or the continued
5 well-being of a significant natural resource is in immediate jeopardy at the time of the
6 agency's action, and acting in accordance with subchapter ~~IV~~ 4 or ~~VI~~ 6 would fail to
7 adequately respond to a known risk, ~~provided that~~ as long as the revocation, suspension or
8 refusal to renew ~~shall~~ does not continue for more than 30 days, except as provided in Title
9 22, section 804 and subject to review under Title 22, section 804, subsection 3;

10 **Sec. 2. 22 MRSA §802, sub-§1, ¶C**, as amended by PL 2005, c. 383, §6, is further
11 amended to read:

12 C. Investigate cases, epidemics and occurrences of communicable, environmental and
13 occupational diseases; ~~and~~

14 **Sec. 3. 22 MRSA §802, sub-§1, ¶D**, as amended by PL 2005, c. 383, §6, is further
15 amended to read:

16 D. Establish procedures for the control, detection, prevention and treatment of
17 communicable, environmental and occupational diseases, including public
18 immunization ~~and~~ contact notification programs: and closure of a business or entity
19 when that business or entity directly and repeatedly violates public health control
20 measures during an extreme public health emergency under section 820; and

21 **Sec. 4. 22 MRSA §802, sub-§1, ¶E** is enacted to read:

22 E. Impose administrative fines in accordance with section 804 and Title 5, chapter 375.

23 **Sec. 5. 22 MRSA §802, sub-§2, ¶B**, as enacted by PL 1989, c. 487, §11, is
24 amended to read:

25 B. Procedures for the disinfection, seizure or destruction of contaminated property;
26 ~~and~~

27 **Sec. 6. 22 MRSA §802, sub-§2, ¶C**, as amended by PL 2005, c. 383, §7, is further
28 amended to read:

29 C. The establishment of temporary facilities for the care and treatment of infected or
30 exposed persons, which are subject to the supervision and regulations of the department
31 and to the limitations set forth in section 807-; ~~and~~

32 **Sec. 7. 22 MRSA §802, sub-§2, ¶D** is enacted to read:

33 D. Procedures for the imposition of sanctions, including license suspensions and
34 administrative fines, to enforce orders issued to reduce potential exposure and risk to
35 public health. Notwithstanding Title 5, section 10004, subsection 3, the department
36 may directly and temporarily suspend a department-issued license for more than 30
37 days when further operation of the licensee's business would result in a serious and
38 imminent risk to public health or safety.

39 **Sec. 8. 22 MRSA §804, sub-§2**, as enacted by PL 1989, c. 487, §11, is amended to
40 read:

