

**THE ROLE OF LAW ENFORCEMENT
IN IMPOSING AND ENFORCING
ISOLATION AND QUARANTINE**

Heather L. Adams
Assistant Attorney General
Hoover State Office Building, 2nd Floor
Des Moines, IA 50319
(515) 281-3441
Heather.Adams@ag.iowa.gov

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I. PURPOSE

This outline describes the legal authorities related to the role of law enforcement in imposing and enforcing quarantine or isolation of persons, groups of persons, or areas as ordered by the Iowa Department of Public Health (“IDPH”). The outline does not cover quarantine or isolation of animals imposed by the Iowa Department of Agriculture and Land Stewardship.

II. DEFINITIONS

A. Isolation and Quarantine. It is important for public health and law enforcement officials to understand the distinction between isolation and quarantine and to use the terms appropriately. Under Iowa law, isolation is the separation of persons who are showing symptoms of the disease, while quarantine is the separation of persons who have been exposed to the disease. The terms are specifically defined as follows:

“Isolation” means the separation of persons or animals presumably or actually infected with a communicable disease, or that are disease carriers, for the usual period of communicability of that disease. Isolation shall be in such places, marked by placards, if necessary, and under such conditions to prevent the direct or indirect conveyance of the infectious agent or contagion to susceptible individuals.

“Quarantine” means the limitation of freedom of movement of persons or animals that have been exposed to a communicable disease, within specified limits marked by placards, for a period of time equal to the longest usual incubation period of the disease. The limitation of movement shall be in such manner as to prevent the spread of a communicable disease.

(Iowa Code § 139A.2(15) & (21), 641 IAC 1.1).

State and local public health officials may also impose and enforce area quarantines.

“Area quarantine” means prohibiting ingress and egress to and from a building or building, structure or structures, or other definable physical location, or portion thereof, to prevent or contain the spread of a suspected or confirmed quarantinable disease or to prevent or contain exposure to a suspected or known chemical, biological, radioactive, or other hazardous or toxic agent.

(Iowa Code § 139A.2(1)).

“Quarantinable disease” means any communicable disease which presents a risk of serious harm to public health and which may require isolation or quarantine to prevent its spread. Quarantinable disease includes, but is not limited to, cholera, diphtheria, infectious tuberculosis, plague, smallpox, yellow fever, viral hemorrhagic fevers, including Lassa, Marburg, Ebola, Crimean-Congo, South American, and others not yet isolated or named, and severe acute respiratory syndrome (SARS).

(641 IAC 1.1)

B. Public Health Disaster

i. **Scope and Definition.** The term “public health disaster” has the following specific meaning in Iowa law:

"Public health disaster" means a state of disaster emergency proclaimed by the governor in consultation with the department pursuant to section 29C.6 for a disaster which specifically involves an imminent threat of an illness or health condition that meets both of the following conditions:

- a. Is reasonably believed to be caused by any of the following:
 - (1) Bioterrorism or other act of terrorism.
 - (2) The appearance of a novel or previously controlled or eradicated infectious agent or biological toxin.
 - (3) A chemical attack or accidental release.
 - (4) An intentional or accidental release of radioactive material.
 - (5) A nuclear or radiological attack or accident.
 - (6) A natural occurrence or incident, including but not limited to an attack, spill, or explosion.
 - (7) A man-made occurrence or incident, including but not limited to an attack, spill, or explosion.
- b. Poses a high probability of any of the following:
 - (1) A large number of deaths in the affected population.
 - (2) A large number of serious or long-term disabilities in the affected population.
 - (3) Widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of the affected population.
 - (4) Short-term or long-term physical or behavioral health consequences to a large number of the affected population.

(Iowa Code § 135.140(6))

Hence, in order for a public health disaster to exist, there must be an imminent threat of illness or health condition which is caused by one of the incidents in subsection “a” AND a high probability of a large number of deaths, serious or long term disabilities or health consequences, or substantial future harm to a large number of persons.

ii. **Examples.**

-- Novel or previously controlled/eradicated diseases. By way of example, prior measles outbreaks did not constitute a public health disaster, even though they involved the appearance of a previously eradicated disease in Iowa, because they did not pose a high probability of a large number of deaths or disabilities in the affected population. However, had an outbreak spread in an unvaccinated and vulnerable population, a public health disaster may have been declared. An outbreak of a previously eradicated disease with a higher mortality or morbidity rate, such as smallpox or polio, could constitute cause to declare a public health disaster. In addition, the appearance of a novel disease—such as a novel strain of coronavirus or avian influenza—may constitute cause to declare a public health disaster as well.

-- Terrorism. An intentional attack or release of a biologic, chemical, nuclear, or radiological agent which affects a large number of Iowans could constitute cause to declare a public health disaster.

-- Major Mass Casualty Accidents/Incidents. An intentional or accidental release or explosion of a biologic, chemical, nuclear, or radiological agent which affects a large number of Iowans could constitute cause to declare a public health disaster.

III. COOPERATION BETWEEN LAW ENFORCEMENT AND PUBLIC HEALTH

A. Duties of Division of Acute Disease Prevention and Emergency Response and Environmental Health.

i. Establishment of Division. In 2003, the legislature specifically established a division within IDPH to coordinate public health disaster preparedness efforts, now titled the Division of Acute Disease Prevention and Emergency Response and Environmental Health.

ii. Duties of Division. In addition to coordinating the administration of the public health disaster laws with other divisions of the IDPH, the Division is specifically charged with the duty to coordinate planning issues with law enforcement and other agencies. The Division shall:

a. Coordinate with the department of homeland security and emergency management the administration of emergency planning matters which involve the public health, including development, administration, and execution of the public health components of the comprehensive plan and emergency management program pursuant to section 29C.8.

b. Coordinate with federal, state, and local agencies and officials, and private agencies, organizations, companies, and persons, the administration of emergency planning matters that involve the public health.

B. Duties of Law Enforcement. Iowa law provides that “all peace officers of the state when called upon by the department shall enforce its rules and execute the lawful orders of the department within their respective jurisdictions.” (Iowa Code § 135.35).

A person who knowingly violates the provisions of Iowa Code chapter 135, IDPH’s rules, or any written or verbal order of IDPH or its officers or authorized agents, is guilty of a misdemeanor. (Iowa Code § 135.38).

C. Information Sharing Between Law Enforcement and Public Health.

Public Health Disasters. Iowa law requires law enforcement officials to notify IDPH of certain diseases or events which could be the cause of a public health disaster. The statute specifically provides as follows:

When the department of public safety or other federal, state, or local law enforcement agency learns of a case of a disease or health condition, unusual cluster, or a suspicious event that may be the cause of a public health disaster, the department or agency shall immediately notify the department [of public health], the director of the department of homeland security and emergency management, the department of agriculture and land stewardship, and the department of natural resources as appropriate.

(Iowa Code § 135.145(1)).

Public health officials also have a corresponding duty to notify law enforcement of diseases or events of a similar nature:

When the department [of public health] learns of a case of a disease or health condition, an unusual cluster, or a suspicious event that may be the cause of a public health disaster, the department shall immediately notify the department of public safety, the department of homeland security and emergency management, and other appropriate federal, state, and local agencies and officials.

(Iowa Code § 135.145(2))

When IDPH does share information with law enforcement, it is limited to “sharing only the information necessary for the prevention, control, and investigation of a public health disaster.” (Iowa Code section 135.145(3)).

Other Events. IDPH may also share confidential information with law enforcement as necessary to implement or enforce a quarantine or isolation order. Information shared with law enforcement during these events shall continue to maintain its confidential status and shall not be re-released by law enforcement. (641 IAC 1.17(3)(d), (e) and 175.10(2)(e)).

IV. IMPOSITION AND ENFORCEMENT OF QUARANTINE AND ISOLATION

A. Authority to Order Isolation and Quarantine. Under Iowa law, both IDPH and local boards of health are authorized to impose and enforce quarantine and isolation. (Iowa Code § 139A.4(2); 641 IAC 1.9(2)(b)). Quarantine and isolation undertaken by a local board of health must be accomplished according to the local board's rules and must be consistent with the process contained in this outline. Many local boards of health have adopted IDPH's model rules for quarantine and isolation by reference. (641 IAC 1.12). Quarantine and isolation undertaken by IDPH must follow the process detailed in 641 IAC 1.9 and discussed in this section of the outline.

IDPH and local boards have the further authority to order area quarantine. Rules detailing the process for imposing area quarantine are found at 641 IAC 1.13.

Note: While IDPH has the authority to quarantine and isolate during a public health disaster, IDPH possesses independent legal authority to isolate or quarantine individuals or groups of individuals in the event of an outbreak of any quarantinable disease, even if the outbreak is not serious enough to constitute a public health disaster. (Iowa Code § 139A.4). The process IDPH follows to implement and enforce quarantine and isolation, outlined below, is the same regardless of whether a public health disaster has been declared. IDPH may request law enforcement to assist with imposition or enforcement of quarantine or isolation in either situation.

B. Authority to Quarantine and Isolate—jurisdictional issues. Due to the dual authority, jurisdictional issues may arise when considering which entity (IDPH or county board of health) should have responsibility for implementing and enforcing a quarantine or isolation. Iowa law provides that IDPH has “primary jurisdiction to isolate or quarantine individuals or groups of individuals if the communicable disease outbreak has affected more than one county or has multicounty, statewide, or interstate public health implications. When imposing isolation or quarantine, the department shall coordinate with the local health department as appropriate. If isolation or quarantine is imposed by the department, a local board of health or local health department may not alter, amend, modify, or rescind the isolation or quarantine order.” (641 IAC 1.9(10))

Law enforcement officials should also be aware that the federal government, through the Centers for Disease Control (“CDC”), also has the legal authority to quarantine when there is a risk of transmission of the quarantinable disease across state lines, when requested by state or local authorities, or if the CDC believes that local efforts

to control the disease are inadequate. (42 USCA § 264a; 42 USCA § 70.2).

C. Voluntary Confinement. Prior to instituting mandatory quarantine or isolation, IDPH or a local board of health “may request that an individual or group of individuals voluntarily confine themselves to a private home or other facility.” (641 IAC 1.9(2)(a)). Voluntary home confinement with self-monitoring is generally the least restrictive means of limiting further exposure to the disease and is under most circumstances IDPH’s primary and preferred disease containment measure for quarantinable diseases. If an individual fails to comply with voluntary home confinement, IDPH may obtain a mandatory and involuntary quarantine or isolation order subjecting the individual to quarantine or isolation in their home or in a facility.

D. Process for Quarantine and Isolation.

i. Who may issue quarantine or isolation order? IDPH may enforce quarantine and isolation through the Director of IDPH, IDPH’s Medical Director, or the Director or Medical Director’s designee. (641 IAC 1.9(6)(a)). Hence, any oral order must be verbally issued by the Director or Medical Director or designee, and any written order must be signed by the Director or Medical Director or designee.

ii. Process for issuing order.

a. Oral order. IDPH may temporarily isolate or quarantine an individual or groups of individuals through “an oral order, without notice, only if delay in imposing the isolation or quarantine would significantly jeopardize the department’s ability to prevent or limit the transmission of a communicable or possibly communicable disease to others. If the department imposes temporary isolation or quarantine of an individual or groups of individuals through an oral order, the department shall issue a written order as soon as is reasonably possible and in all cases within 24 hours of issuance of the oral order if continued isolation or quarantine is necessary to prevent or limit the transmission of a communicable or possibly communicable disease.” (641 IAC 1.9(6)”b”)

b. Written order. If sufficient time is available, IDPH will quarantine or isolate only after issuing a written order.

iii. Content. A written order must include:

1. The identity of the individual, individuals, or groups of individuals subject to isolation or quarantine.
2. The premises subject to isolation or quarantine.
3. The date and time at which isolation or quarantine commences.
4. The suspected communicable disease.
5. A description of the less restrictive alternatives that were attempted and were unsuccessful, or the less restrictive alternatives that were considered and rejected, and the reasons such alternatives were rejected.
6. A statement of compliance with the conditions and principles for

- isolation and quarantine specified in subrule 1.9(3).
7. The legal authority under which the order is requested.
 8. The medical basis upon which isolation or quarantine is justified.
 9. A statement advising the individual, individuals, or groups of individuals of the right to appeal the written order pursuant to subrule 1.9(7) and the rights of individuals and groups of individuals subject to quarantine and isolation as listed in subrule 1.9(8).
 10. A copy of this chapter and the relevant definitions of this rule.

(641(641 IAC 1.9(6)(c)).

iii. Service. A copy of the written order must be “provided to the individual to be isolated or quarantined within 24 hours of issuance of the order in accordance with any applicable process authorized by the Iowa Rules of Civil Procedure.” (641 IAC 1.9(6)(c)(2)). Service of the order should either be accomplished by personal service or restricted certified mail, return receipt requested. In either case, public health officials should inform the individual providing service of the nature of the disease and ensure that such person has taken all reasonable measures to reduce the risk of transmission. For example, IDPH requested the assistance of local law enforcement to serve the quarantine orders issued during the measles outbreak in 2004, but first made sure that the officers involved had received all required doses of the measles vaccine. The rules further provide that “if the order applies to a group or groups of individuals and it is impractical to provide individual copies, the order may be posted in a conspicuous place in the isolation or quarantine premises.” (641 IAC 1.9(6)(c)(2))

E. Conditions and Principles of Quarantine and Isolation. IDPH and local boards of health must follow the following conditions and principles when quarantining or isolating individuals or groups of individuals:

- a. The isolation or quarantine shall be by the least restrictive means necessary to prevent the spread of a communicable or possibly communicable disease to others and may include, but not be limited to, confinement to private homes, other private premises, or public premises.
- b. Isolated individuals shall be confined separately from quarantined individuals.
- c. The health status of isolated or quarantined individuals shall be monitored regularly to determine if the individuals require further or continued isolation or quarantine.
- d. If a quarantined individual subsequently becomes infected or is reasonably believed to have become infected with a communicable or possibly communicable disease, the individual shall be promptly removed to isolation.
- e. Isolated or quarantined individuals shall be immediately released when the department or local board of health determines that the individuals pose no

substantial risk of transmitting a communicable or possibly communicable disease.

- f. The needs of isolated or quarantined individuals shall be addressed in a systematic and competent fashion including, but not limited to, providing adequate food; clothing; shelter; means of communicating with those in and outside of isolation or quarantine; medication; and competent medical care.
- g. The premises used for isolation or quarantine shall be maintained in a safe and hygienic manner and shall be designed to minimize the likelihood of further transmission of infection or other harm to isolated or quarantined individuals.
- h. To the extent possible, cultural and religious beliefs shall be considered in addressing the needs of individuals in isolation or quarantine premises and in establishing and maintaining the premises.

(641 IAC 1.9(3))

F. Quarantine and Isolation Premises. Upon issuance of a quarantine or isolation order, IDPH may “prominently placard” the site with signs prescribed by IDPH if placarding is deemed appropriate by IDPH. If posted, the signs should be on all sides of the building where access to the building is possible. (Iowa Code § 139A.5; 641 IAC 1.9(4)(a)). An individual subject to a quarantine or isolation order must obey the order and “shall not go beyond the isolation or quarantine premises,” and no individual other than one authorized by IDPH or a local board may enter the quarantine or isolation premises. (641 IAC 1.9(4)(b), (d)). However, IDPH or a local board may “authorize physicians, health care workers, or others access to individuals in isolation or quarantine as necessary to meet the needs of isolated or quarantined individuals.” (641 IAC 1.9(4)(c)).

If IDPH has requested the assistance of law enforcement in enforcing the isolation or quarantine, the department shall provide law enforcement personnel with a list of individuals authorized to enter the isolation or quarantine premises.” (641 IAC 1.9(4)(d)). “Any individual entering an isolation or quarantine premises with or without authorization of the department or a local board of health may be isolated or quarantined.” (641 IAC 1.9(4)(e)).

G. Due process.

i. **Appeal Rights.** The subject of a quarantine or isolation order has the right to appeal such order to the Director of IDPH or, in certain cases, directly to district court, in accordance with 641 IAC 1.9(7). All hearings must be held as soon as is practicable, and in no case later than 10 days after receipt of the appeal. The hearings may be by telephonic or other electronic means if necessary to prevent additional exposure to the disease. The hearing shall be closed to the public at the discretion of the subject of the order. If the hearing is closed to the public, IDPH’s final decision shall redact information which could lead to the identification of the subject of the order.

- ii. Other rights. Any individual or group of individuals subject to isolation or quarantine shall have the following rights:
 - a. The right to be represented by legal counsel.
 - b. The right to be provided with prior notice of the date, time, and location of any hearing.
 - c. The right to participate in any hearing. The hearing may be held by telephonic or other electronic means if necessary to prevent additional exposure to the communicable or possibly communicable disease.
 - d. The right to respond and present evidence and argument on the individual's own behalf in any hearing.
 - e. The right to cross-examine witnesses who testify against the individual.
 - f. The right to view and copy all records in the possession of the department which relate to the subject of the written order.

(641 IAC 1.9(8))

H. Implementation and Enforcement. If IDPH has imposed the quarantine or isolation, “the local boards of health and the local health departments in the affected areas shall assist in the implementation of the isolation or quarantine order.”

In addition, pursuant to Iowa Code section 135.35, “all peace officers of the state shall enforce and execute a lawful department order for isolation or quarantine within their respective jurisdictions. The department shall take all reasonable measures to minimize the risk of exposure to peace officers and others assisting with enforcement of an isolation or quarantine order.” (641 IAC 1.9(10)(c)).

The penalty for violation of a quarantine or isolation order is a misdemeanor subject to fines of up to \$ 625 and imprisonment not to exceed 30 days. (Iowa Code §§ 135.38, 903.1; 641 IAC 1.9(10)(d))

V. DECLARING A PUBLIC HEALTH DISASTER

A. Role of Law Enforcement. Law enforcement officials may be asked to assist public health officials or the Governor in enforcing quarantine and isolation or other legal orders during a public health disaster. This section and the next section of the outline reviews the legal powers of IDPH and the Governor's office during a public health disaster and highlights certain instances in which law enforcement may be requested to provide assistance.

B. Declaration. The Governor of the State of Iowa must proclaim a public health disaster in accordance with Iowa Code section 29.6 in order for IDPH to take any of the actions outlined in section V, with the exception of quarantine and isolation. The Governor's proclamation must be in writing, indicate the area affected and the facts upon which it is based, and be signed by the Governor and filed with the Secretary of State. The written proclamation must include a statement that the state of disaster emergency specifically constitutes a public health disaster as defined in Iowa Code section 135.140. (Iowa Code § 29C.6(1)).

VI. MANAGING AND CONTAINING A PUBLIC HEALTH DISASTER

A. Authority of IDPH In the Event of a Public Health Disaster. If a public health disaster exists, the department, in conjunction with the Governor, may do any of the following:

i. **Decontaminate.** Decontaminate or cause to be decontaminated, to the extent reasonable and necessary to address the public health disaster, any facility or material if there is cause to believe the contaminated facility or material may endanger the public health. (Iowa Code § 135.144(1)).

ii. **Identify and Dispose of Human Remains.** Adopt and enforce measures to provide for the identification and safe disposal of human remains, including performance of postmortem examinations, transportation, embalming, burial, cremation, interment, disinterment, and other disposal of human remains. To the extent possible, religious, cultural, family, and individual beliefs of the deceased person or the deceased person's family shall be considered when disposing of any human remains. (Iowa Code section 135.144(2))

iii. **Prevent, Control, and Treat Infectious Disease.** Take reasonable measures as necessary to prevent the transmission of infectious disease and to ensure that all cases of communicable disease are properly identified, controlled, and treated. (Iowa Code § 135.144(3))

iv. **Control and Treat Contamination.** Take reasonable measures as necessary to ensure that all cases of chemical, biological, and radiological contamination are properly identified, controlled, and treated. (Iowa Code § 135.144(4))

v. **Order Physical Examinations and Testing.** Order physical examinations and tests and collect specimens as necessary for the diagnosis or treatment of individuals, to be performed by any qualified person authorized to do so by the department. An examination or test shall not be performed or ordered if the examination or test is reasonably likely to lead to serious harm to the affected individual. The department may isolate or quarantine, pursuant to chapter 139A and the rules implementing chapter 139A and this division of this chapter, any individual whose refusal of medical examination or testing results in uncertainty regarding whether the individual has been exposed to or is infected with a

communicable or potentially communicable disease or otherwise poses a danger to public health. (Iowa Code § 135.144(5)). IDPH may request that law enforcement officials assist in enforcing isolation or quarantine under this section.

vi. **Order Vaccination.** Vaccinate or order that individuals be vaccinated against an infectious disease and to prevent the spread of communicable or potentially communicable disease. Vaccinations shall be administered by any qualified person authorized to do so by the department. The vaccination shall not be provided or ordered if it is reasonably likely to lead to serious harm to the affected individual. To prevent the spread of communicable or potentially communicable disease, the department may isolate or quarantine, pursuant to chapter 139A and the rules implementing chapter 139A and this division of this chapter, any person who is unable or unwilling to undergo vaccination pursuant to this subsection. (Iowa Code § 135.144(6)). IDPH may request that law enforcement officials assist in enforcing isolation or quarantine under this section.

vii. **Order Treatment.** Treat or order that individuals exposed to or infected with disease receive treatment or prophylaxis. Treatment or prophylaxis shall be administered by any qualified person authorized to do so by the department. Treatment or prophylaxis shall not be provided or ordered if the treatment or prophylaxis is reasonably likely to lead to serious harm to the affected individual. To prevent the spread of communicable or potentially communicable disease, the department may isolate or quarantine, pursuant to chapter 139A and the rules implementing chapter 139A and this division of this chapter, any individual who is unable or unwilling to undergo treatment or prophylaxis pursuant to this section. (Iowa Code § 135.144(7)). IDPH may request that law enforcement officials assist in enforcing isolation or quarantine under this section.

viii. **Order Isolation and Quarantine.** Isolate or quarantine individuals or groups of individuals pursuant to chapter 139A and the rules implementing chapter 139A and this division of this chapter. (Iowa Code § 135.144(8)). [For process, see section II].

ix. **Inform Public.** Inform the public when a public health disaster has been declared or terminated, about protective measures to take during the disaster, and about actions being taken to control the disaster. (Iowa Code § 135.144(9))

x. **Accept Grants and loans.** Accept grants and loans from the federal government pursuant to section 29C.6 or available provisions of federal law. (Iowa Code § 135.144(10))

xi. **Provide Financial Assistance.** If a public health disaster or other public health emergency situation exists which poses an imminent threat to the public health, safety, and welfare, the department, in conjunction with the Governor, may provide financial assistance from funds appropriated to the department that are not otherwise encumbered and to political subdivisions as needed to alleviate the disaster or the emergency. If the department does not have

sufficient unencumbered funds, the Governor may request that the executive council, pursuant to the authority of section 7D.29, commit sufficient funds, up to one million dollars, that are not otherwise encumbered from the general fund, as needed and available, for the disaster or the emergency. If additional financial assistance is required in excess of one million dollars, approval by the legislative council is also required. (Iowa Code § 135.144(11)).

xii. **Reassign Department Employees.** IDPH may temporarily reassign IDPH employees for purposes of response and recovery efforts, to the extent such employees consent to the reassignments. (Iowa Code § 135.144(12)).

xiii. **Closure of Schools.** IDPH may, in conjunction with the department of education, order temporary closure of any public school or nonpublic school, as defined in section 280.2, to prevent or control the transmission of a communicable disease as defined in section 139A.2. (Iowa Code § 135.144(13)).

xiv. **Health Care Supplies.** IDPH is authorized to purchase and distribute antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies to prepare for or control a public health disaster.

If a public health disaster exists or there is reasonable cause to believe that a public health disaster is imminent and if the public health disaster or belief that a public health disaster is imminent results in a statewide or regional shortage or threatened shortage of any product described [above], whether or not such product has been purchased by the department, the department may control, restrict, and regulate by rationing and using quotas, prohibitions on shipments, allocation, or other means, the use, sale, dispensing, distribution, or transportation of the relevant product necessary to protect the public health, safety, and welfare of the people of this state. The department shall collaborate with persons who have control of the products when reasonably possible. In making rationing or other supply and distribution decisions, the department shall give preference to health care providers, disaster response personnel, and mortuary staff.

During a public health disaster, the department may procure, store, or distribute any antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies located within the state as may be reasonable and necessary to respond to the public health disaster, and may take immediate possession of these pharmaceutical agents and supplies. If a public health disaster affects more than one state, this section shall not be construed to allow the department to obtain antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies for the primary purpose of hoarding such items or preventing the fair and equitable distribution of these pharmaceutical and medical supplies

among affected states. The department shall collaborate with affected states and persons when reasonably possible.

The state shall pay just compensation to the owner of any product lawfully taken or appropriated by the department for the department's temporary or permanent use in accordance with this section. The amount of compensation shall be limited to the costs incurred by the owner to procure the item.

(Iowa Code § 135.142). IDPH may request the assistance of law enforcement in ensuring the safety of these pharmaceutical or medical supplies or agents during shipment, storage, or distribution.

B. Additional Authority of the Governor in the Event of a Public Health Disaster. In addition to those duties cited above, in the event of a public health disaster, the Governor may also:

i. [T]hrough the use of state agencies or the use of any of the political subdivisions of the state, clear or remove from publicly or privately-owned land or water, debris and wreckage which may threaten public health or safety or public or private property. The Governor may accept funds from the federal government and utilize such funds to make grants to any local government for the purpose of removing debris or wreckage from publicly or privately-owned land or water. Authority shall not be exercised by the Governor unless the affected local government, corporation, organization or individual shall first present an additional authorization for removal of such debris or wreckage from public and private property and, in the case of removal of debris or wreckage from private property, such corporation, organization or individual shall first agree to hold harmless the state or local government against any claim arising from such removal. When the Governor provides for clearance of debris or wreckage, employees of the designated state agencies or individuals appointed by the state may enter upon private land or waters and perform any tasks necessary to the removal or clearance operation. Any state employee or agent complying with orders of the Governor and performing duties pursuant to such orders under this chapter shall be considered to be acting within the scope of employment within the meaning specified in chapter 669. (Iowa Code § 29C.6(4))

ii. Suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders or rules, of any state agency, if strict compliance with the provisions of any statute, order or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency by stating in a proclamation such reasons. Upon the request of a local governing body, the Governor may also suspend statutes limiting local governments in their ability to provide services to aid disaster victims. (Iowa Code § 29C.6(6))

iii. Utilize all available resources of the state government as reasonably necessary to cope with the disaster emergency and of each political subdivision of the state. (Iowa code § 29C.6(10))

iv. Transfer the direction, personnel, or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency management. (Iowa Code §29C.6(11))

v. Subject to any applicable requirements for compensation, commandeer or utilize any private property if the Governor finds this necessary to cope with the disaster emergency. (Iowa Code § 29C.6(12))

vi. Direct the evacuation of all or part of the population from any stricken or threatened area within the state if the Governor deems this action necessary for the preservation of life or other disaster mitigation, response, or recovery. (Iowa Code § 29C.6(13))

vii. Prescribe routes, modes of transportation, and destinations in connection with evacuation. (Iowa Code § 29C.6(14))

viii. Control ingress and egress to and from a disaster area, the movement of persons within the area, and the occupancy of premises in such area. (Iowa Code § 29C.6(15))

ix. Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles. (Iowa Code § 29C.6(16))

x. When the President of the United States has declared a major disaster to exist in the state and upon the Governor's determination that financial assistance is essential to meet disaster-related necessary expenses or serious needs of local and state government adversely affected by a major disaster that cannot be otherwise adequately met from other means of assistance, accept a grant by the federal government to fund the financial assistance, subject to terms and conditions imposed upon the grant, and enter into an agreement with the federal government pledging the state to participate in the funding of the financial assistance authorized to local government and eligible private nonprofit agencies in an amount not to exceed ten percent of the total eligible expenses, with the applicant providing the balance of any participation amount. If financial assistance is granted by the federal government for state disaster-related expenses or serious needs, the state shall participate in the funding of the financial assistance authorized in an amount not to exceed twenty-five percent of the total eligible expenses. If financial assistance is granted by the federal government for hazard mitigation, the state may participate in the funding of the financial assistance authorized to a local government in an amount not to exceed ten percent of the eligible expenses, with the applicant providing the balance of any participation amount. If financial assistance is granted by the federal government for state-related hazard mitigation, the state may participate in the funding of the financial assistance authorized, not to exceed fifty percent of the total eligible expenses. If state funds are not otherwise available to the Governor, an advance of the state share may be accepted from the federal government to be repaid when the state is able to do so. (Iowa Code § 29C.6(17)).