



# SEVERE ACUTE RESPIRATORY SYNDROME

Public Health Guidance for Community-Level Preparedness and Response to Severe Acute Respiratory Syndrome (SARS) Version 2

## Supplement A: Command and Control

### V. Legal Authority

Legal preparedness is another key component of SARS preparedness and response. A response to an outbreak of SARS may require coordination of federal, state, and local legal authorities to impose a variety of emergency public health and containment measures, at both the individual and community levels. These measures might include: 1) active monitoring of potential cases and their contacts, 2) isolation of SARS patients to stop the spread of infection, 3) restriction of activities of SARS contacts.

**Objective:** Ensure legal preparedness for a SARS response.

In general, the federal government has primary responsibility for preventing the introduction of communicable diseases from foreign countries into the United States, and states and local jurisdictions have primary responsibility for isolation and quarantine within their borders. The authority to compel isolation and quarantine is derived from each state's inherent "police power," the authority of all state governments to enact laws and promote regulations to safeguard the health, safety, and welfare of its citizens. By statute, the HHS Secretary may accept state and local assistance in the enforcement of federal quarantine and other health regulations and may assist state and local officials in the control of communicable diseases. Because isolation and quarantine are "police power" functions, public health officials at the federal, state, and local levels may occasionally seek the assistance of their respective law enforcement counterparts to enforce a public health order.

#### Activities

U.S. public health officials need to be knowledgeable about the legal authorities and statutes that exist at the local, state, and federal levels for enforcing these measures. Three issues related to legal authorities that might be required to contain SARS are essential to ensuring preparedness for a rapid response:

- Prior identification of relevant legal authorities, persons, and organizations empowered to invoke and enforce such authorities
- Public trust and compliance with government directives, which includes due process protections to treat individuals with dignity and fairness
- Protection of personnel required to implement and enforce the measures

Appendices A2 and A3 were developed by CDC in consultation with external partners. Appendix A2 is a checklist of legal considerations related to SARS preparedness and response at the community level. Appendix A3 is a fact sheet that outlines some practical steps for SARS legal preparedness. Additional considerations related to community containment measures, including isolation and quarantine, are addressed in Supplement D.

For more information, visit [www.cdc.gov/ncidod/sars](http://www.cdc.gov/ncidod/sars) or call the CDC public response hotline at (888) 246-2675 (English), (888) 246-2857 (Español), or (866) 874-2646 (TTY)