



Supplement D: Community Containment Measures, Including Non-Hospital Isolation and Quarantine

VII. Roles and Responsibilities

Historical precedents, both legal and practical, suggest that states have primary authority to invoke and enforce quarantine in their own jurisdictions. This authority derives from the states' "police power," i.e., the inherent authority of a government to enact laws and promote regulations to safeguard the health and welfare of its citizens. As a result of this authority, the individual states are responsible for intrastate isolation and quarantine practices and conduct their activities in accordance with their respective statutes. Of note, quarantine is not the only public health action that can be compelled by state health authorities. Other frequently enforced actions include school immunization and tuberculosis treatment laws.

Current quarantine laws, regulations, and enforcement procedures vary widely from state to state, as do states' lists of notifiable and quarantinable diseases. Many of these laws date back to the nineteenth century. In response to a request from CDC, the Center for Law and the Public's Health at Georgetown and Johns Hopkins Universities has developed a "Model State Emergency Health Powers Act" (www.publichealthlaw.net/MSEHPA/MSEHPA2.pdf) to assist state governments in reviewing emergency public health powers to ensure they are adequate to respond to modern disease and bioterrorism concerns.

At the federal level, the HHS Secretary has statutory responsibility for preventing the introduction, transmission, and spread of communicable diseases from foreign countries into the United States (e.g., at international ports of arrival and from one state or possession to another). The communicable diseases for which federal isolation and quarantine are authorized are set forth by executive order of the President. An executive order adding SARS to the list of detainable communicable diseases was issued in April 2003. By statute, the HHS Secretary may accept state and local assistance in the enforcement of federal quarantine regulations and may also assist state and local officials in the control of communicable diseases. For more information on legal authorities and a checklist on legal considerations for SARS preparedness, see Supplement A.

For more information, visit 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)