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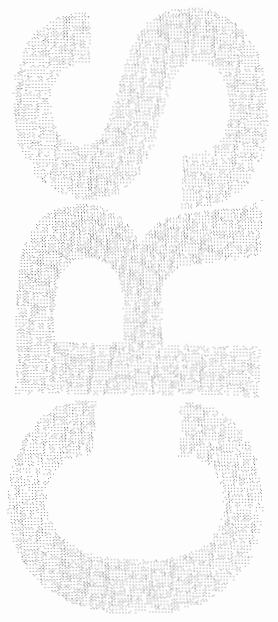
87-765 A

CRS REPORT FOR CONGRESS

SURVEY OF THE FIFTY STATES AND THE DISTRICT OF COLUMBIA STATUTES
GENERALLY CONCERNING THE QUARANTINE AND ISOLATION OF PERSONS HAVING A
CONTAGIOUS OR INFECTIOUS DISEASE

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ABSTRACT

This report surveys the statutes of the fifty states and the District of Columbia generally concerning the quarantine and isolation of persons having a contagious or infectious disease.

SURVEY OF THE FIFTY STATES AND THE DISTRICT OF COLUMBIA STATUTES
GENERALLY CONCERNING THE QUARANTINE AND ISOLATION OF PERSONS HAVING A
CONTAGIOUS OR INFECTIOUS DISEASE

This report is a survey of the statutes of the fifty states and the District of Columbia which generally concern the quarantine and isolation of persons having a contagious or infectious disease.

In this survey only those statutes were included which concern the quarantine and isolation of persons with contagious or infectious diseases generally. Except for those statutes which concern the quarantine and isolation of persons with venereal disease or specifically AIDS (Acquired Immune Deficiency Syndrome), as is the case with the newly enacted statute in Colorado, statutes which discuss the quarantine and isolation for tuberculosis or any other specific disease were not included.

It should be noted that statutes which are being enacted in the 1987 legislative year have not been thoroughly searched for this report since not all states have completed their 1987 sessions. Some 1987 legislation has been included, however, i.e., Colorado, Indiana, and Minnesota.

Many states, such as Alabama, Arkansas, Kansas, Tennessee, Louisiana, and Ohio among others, do not distinguish between the words "quarantine" and "isolation." Instead these states use these words interchangeably within their statutes. A few states such as Iowa, New Hampshire and Pennsylvania define these words separately. For purposes of this

survey the words quarantine and isolation have been used interchangeably. However, for informational purposes it might be useful to describe the strict distinction between the two terms. "In modern usage quarantine is the restriction of freedom of movement for healthy persons who may have been exposed to a communicable disease in order to prevent contact with unexposed persons; the period of time the quarantine lasts equals the longest usual incubation period for the disease. Isolation is the separation of infected persons from others during the period of communicability so as to prevent transmission of the infectious agent."^{1/}

States generally fall into one of two categories when dealing with the quarantine and isolation of persons diagnosed as having an infectious or contagious disease. A large number of state legislatures have empowered their state and local boards of health to create and enforce rules and regulations regarding quarantine and isolation of persons with contagious and infectious diseases. Some of these states are Alabama, Arizona, Arkansas, Delaware, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Montana, North Carolina, North Dakota, Ohio, South Carolina, South Dakota, and Vermont. However, a number of state legislatures have imposed statutory limitations on their appointed state officials by stipulating various legal procedures which allow persons to appeal the decisions of state

^{1/} Larry Gostin and William J. Curran, The Limits of Compulsion in Controlling AIDS, Hastings Center Report, December, 1986, p. 26.

and local health officers through the court systems within certain time frames, with some states specifying that an attorney must be provided for indigent persons. Some of these states are Connecticut, Colorado, Indiana, Maine, Michigan, Minnesota, New Hampshire, New York, Tennessee and Texas.

The following list of states with statutory citations indicate the part of the statutory code which mentions the words quarantine or isolation with regard to persons. Alaska is the only state which does not use this type of terminology or which does not describe the actions authorized by these terms. Alaska does authorize the administrator of the Department of Health and Social Services to adopt and administer regulations relating to the control of communicable disease (see Alaska Statutes §§18.05.010, 18.05.040).

AL §22-11-1 et seq. and §22-12-1 et seq.

AK No provisions were found.

AZ §36-621 et seq.

AR §§82-109, 82-110, 82-201, 82-204, 82-209, 82-220

CA Health & S. §§3050, 3051, 3110 et seq., 3123 (general);
§3195 (venereal disease).

CO §§25-1-506, 25-1-602, 25-1-623, 25-1-629, 25-1-631 thru 25-1-650
(general); §§25-4-404, 25-4-406 (venereal disease); §§25-4-1407(2),
25-4-1408 added by H. Bill 1177 app. 6/8/87 (specifically AIDS).

CT §§19a-207, 19a-221

DE 16 §§128, 303, 313, 315

D.C. §6-117 et seq.

FL §§381.031, 381.061, 381-241, 381.351

GA §31-12-4

HI §§321-1, 325-8, 325-9

ID §39-415 (general); §§39-603, 39-605 (venereal disease)

IL 34§3571, 111 1/2 §22

IN §§12-1-14-10, 16-1-9-3, 16-1-9-5, 16-1-9-6, 16-1-9-18;
§§16-1-9.5-4 thru 16-1-9.5-6 added by House Enrolled Act 1010,
eff. 9/1/87.

IA §136.3, §139.1 et seq.

KS §§65-119, 65-126, 65-128

KY §214.020

LA 40:5, 40:6, 40:18

ME 22 §454, 22 §1020, 22 §1021, 22 §1022 22 §1026

MD §18-211

MA 111 §92, 111 §95 thru 111 §98

MI §§333.5211, 333.5217 thru 333.5236

MN §§144.4172 thru §144.4185 as added by chapter 209,
1987 Minn. Sess. Law Service.

MS §§41-3-15, 41-23-5 (general);
§41-23-27 (venereal disease).

MO §§77.530, 79.380, 192.320

MT §§50-2-116, 7-1-4123, 7-4-4306 (general);
§50-18-107 (venereal disease).

NE §71-2619

NV §§439.210, 439.360, 439.470, 439.500

NH 141-C:2, 141-C:4, 141-C:5, 141-C:6, 141-C:11,
141-C:12, 141-C:13, 141-C:14, 141-C:15,
141-C:16 (general); 141-C:18 (venereal disease).

NJ 26:4-2 (general); 26:4-35, 26:4-36, 26:4-37,
26:4-48, 26:4-48.1 (venereal disease).

NM §§24-1-3, 24-1-15

NY Pub.H. §§2100, 2120 thru 2125

NC §§130A-41, 130A-145

ND §§23-07-06, 23-07-13 (general);
§23-07-07 (venereal disease).

OH §§3707.08, 3707.09, 3707.14, 3707.15, 3707.16,
3707.17, 3707.18, 3707.20, 3707.21 3707.29, 3707.30,
3707.31, 3707.32

OK 11 §22-120, 21 §1195, 63 §1-106, 63 §1-204, 63 §1-502,
63 §1-1701, 63 §1-505 (general); 63 §1-530 (venereal disease).

OR 433.106, 433.130, 433.135, 433.140, 433.150, 433.156,
433.220, (general); 434.050, 434.080, 434.090 (venereal disease).

PA 16 §§2190 thru 2192; 35 §§521.2, 521.5, 521.7, 521.11, 521.16, 521.19 (generally and venereal disease); 53 §§23146, 23148, 24661, 24664 thru 24668, 24672 thru 24675; 71 §§536 1404, 1407

RI §§23-8-4, 23-8-7, 23-8-18, 23-8-19, 23-8-20, 23-8-21

SC §§44-1-80, 44-1-100, 44-1-110, 44-1-140 (generally); §44-29-90, 44-29-110, 44-29-130 (venereal disease)

SD §§34-22-1 thru 34-22-5 (general); §§34-23-4, 34-23-5, 34-23-13, 34-23-14 (venereal disease).

TN §68-5-104 (general); §§68-10-104 thru 68-10-111 (venereal disease).

TX Civ.Stat., Art.4419b-1 §§4.01, 4.02, 4.05, 4.06, 5.01, 5.03 6.05, 6.07, 6.08

UT §§26-6-2, 26-6-4

VT 18 §§610, 612, 615, 616

VA §§15.1-510, 32.1-43, 32.1-44, 32.1-45, 32.1-51

WA §§35.22.280(29), 35.23.440(51), 43.20.050, 43.20A.600, 70.24.020, 70.24.040, 70.24.050

WV §§16-3-1, 16-3-2 (general); §§16-4-3, 16-4-9, 16-4-12 thru 16-4-17, 16-4-19, 16-4-21, 16-4-27 thru 16-4-30 (venereal disease).

WI §§59.70, 143.02, 143.05 (general); §§143.07 (venereal disease).

WY §§35-1-201, 35-1-229, 35-1-240, 35-4-103, 35-4-104, 35-4-105 (general); §§35-4-133 (venereal disease).

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