§802. Authority of department

1. Authority. To carry out this chapter, the department may:

A. Designate and classify communicable, environmental and occupational diseases; [PL 2005, c. 383, §6 (AMD).]

B. Establish requirements for reporting and other surveillance methods for measuring the occurrence of communicable, occupational and environmental diseases and the potential for epidemics; [PL 2005, c. 383, §6 (AMD).]

C. Investigate cases, epidemics and occurrences of communicable, environmental and occupational diseases; [PL 2021, c. 349, §2 (AMD).]

D. Establish procedures for the control, detection, prevention and treatment of communicable, environmental and occupational diseases, including public immunization, contact notification programs and closure of a business or entity when that business or entity directly and repeatedly violates public health control measures during an extreme public health emergency under section 820; and [PL 2021, c. 349, §3 (AMD).]

E. Impose administrative fines in accordance with section 804 and Title 5, chapter 375. [PL 2021, c. 349, §4 (NEW).]

[PL 2021, c. 349, §§2-4 (AMD).]

2. Health emergency. In the event of an actual or threatened epidemic or public health threat, the department may declare that a health emergency exists and may adopt emergency rules for the protection of the public health relating to:

A. Procedures for the isolation and placement of infected persons for purposes of care and treatment or infection control; [PL 1989, c. 487, §11 (NEW).]

B. Procedures for the disinfection, seizure or destruction of contaminated property; [PL 2021, c. 349, §5 (AMD).]

C. The establishment of temporary facilities for the care and treatment of infected or exposed persons, which are subject to the supervision and regulations of the department and to the limitations set forth in section 807; and [PL 2021, c. 349, §6 (AMD).]

D. Procedures for the imposition of sanctions, including license suspensions and administrative fines, to enforce orders issued to reduce potential exposure and risk to public health. Notwithstanding Title 5, section 10004, subsection 3, the department may directly and temporarily suspend a department-issued license for more than 30 days when further operation of the licensee's business would result in a serious and imminent risk to public health or safety. [PL 2021, c. 349, §7 (NEW).]

[PL 2021, c. 349, §§5-7 (AMD).]

2-A. Declaration of extreme public health emergency by Governor. The Governor may declare an extreme public health emergency pursuant to this chapter and Title 37-B, chapter 13, subchapter II. [PL 2001, c. 694, Pt. B, §3 (NEW); PL 2005, c. 383, §24 (AFF).]

3. Rules. The department shall adopt rules to carry out its duties as specified in this chapter. The application of rules adopted pursuant to Title 5, section 8052 to implement section 820 must be limited to periods of an extreme public health emergency. Rules adopted pursuant to this subsection, unless otherwise indicated, are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2005, c. 383, §8 (AMD); PL 2005, c. 383, §24 (AFF).]

4. Immunization required.

[PL 2001, c. 185, §1 (RP).]

4-A. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Designated health care facility" means a licensed nursing facility, residential care facility, intermediate care facility for persons with intellectual disabilities, multi-level health care facility, hospital or home health agency. [PL 2011, c. 542, Pt. A, §25 (AMD).]

B. "Disease" means one of those conditions enumerated in rules adopted by the department that may be preventable by an immunizing agent. [PL 2001, c. 185, §2 (NEW).]

C. "Employee" means any person who performs a service for wages or other remuneration for a designated health care facility. [PL 2001, c. 185, §2 (NEW).]

D. "Immunizing agent" means a vaccine, antitoxin or other substance used to increase an individual's immunity to a disease. [PL 2001, c. 185, §2 (NEW).]

[PL 2011, c. 542, Pt. A, §25 (AMD).]

4-B. Exemptions to immunization. Employees are exempt from immunization otherwise required by this subchapter or by rules adopted by the department pursuant to this section under the following circumstances.

A. A medical exemption is available to an employee who provides a written statement from a licensed physician, nurse practitioner or physician associate that, in the physician's, nurse practitioner's or physician associate's professional judgment, immunization against one or more diseases may be medically inadvisable. [PL 2019, c. 154, §8 (AMD); PL 2019, c. 154, §12 (AFF); PL 2025, c. 316, §3 (REV).]

B. [PL 2019, c. 154, §9 (RP).]

C. An exemption is available to an individual who declines hepatitis B vaccine, as provided for by the relevant law and regulations of the federal Department of Labor, Occupational Health and Safety Administration. [PL 2001, c. 185, §2 (NEW).]

[PL 2019, c. 154, §§8, 9 (AMD); PL 2019, c. 154, §12 (AFF); PL 2025, c. 316, §3 (REV).]

5. Immunization requirements for nursing facility staff. A nursing facility or licensed assisted living facility shall adopt a facility policy that recommends and offers annual immunizations against influenza to all personnel who provide direct care to residents of the facility.

[PL 1999, c. 378, §2 (NEW).]

6. Acceptance of funds. The department is authorized to accept any public or private funds that may be available to create a supply or stockpile of antiviral medications, influenza vaccines or other items necessary in the event of a severe outbreak of influenza or an outbreak of another infectious disease.

[PL 2007, c. 240, Pt. UU, §1 (NEW).]

SECTION HISTORY

PL 1989, c. 487, §11 (NEW). PL 1999, c. 378, §§1,2 (AMD). PL 2001, c. 185, §§1,2 (AMD). PL 2001, c. 694, §§B3,4 (AMD). PL 2001, c. 694, §B6 (AFF). PL 2003, c. 366, §1 (AFF). PL 2005, c. 383, §§6-8 (AMD). PL 2005, c. 383, §24 (AFF). PL 2007, c. 240, Pt. UU, §1 (AMD). PL 2011, c. 542, Pt. A, §25 (AMD). PL 2019, c. 154, §§8, 9 (AMD). PL 2019, c. 154, §12 (AFF). PL 2021, c. 349, §§2-7 (AMD). PL 2025, c. 316, §3 (REV).

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