

The Public's Health and the Law in the 21st Century
5th Annual Partnership Conference

Concurrent Session

Incident at Airport X: Quarantine Law and Limits

Wednesday, June 14, 2006
10:30-12:00 am

Moderator: Myles V. Lynk, JD, Peter Kiewit Foundation Professor of Law and the Legal Profession,
Arizona State University College of Law, Tempe, AZ

Panel: Susan M. Allan, MD, JD, Public Health Director, Oregon Department of Human Services,
Portland, OR

Hon. John Cleland, JD, Judge, Court of McKean County, PA

Barret W. S. Lane, JD, Attorney at Law, Minneapolis, MN

James J. Misrahi, JD, Senior Attorney, CDC/ATSDR Branch, Public Health Division,
Office of the General Counsel, U.S. Department of Health and Human Services, Atlanta,
GA

Richard S. Murray, JD, Assistant United States Attorney, Western District of Michigan,
Grand Rapids, MI

Grace R. Schuyler, JD, Senior Attorney, Pennsylvania Department of Health Office of
Legal Counsel, Harrisburg, PA

LCDR Jason Thomas, MPH, Officer-in-Charge, Washington Quarantine Station, Division
of Global Migration and Quarantine, NCID, CDC, Washington DC

Session Purpose:

The rising specter of intentional epidemics and imported communicable diseases (e.g., SARS, pandemic influenza) has highlighted the need for federal, state, and local agencies to review their legal authorities for quarantine and isolation. The federal government has recently proposed new quarantine regulations (see Resource Materials below), and many states have revised their quarantine laws in the past few years. This session will use a panel discussion built around a hypothetical real life incident and a set of fictional federal and state laws to spot and discuss legal and procedural issues surrounding the quarantine of a large number of persons at an international airport in the United States.

The goal of the session is to provide an experience whereby members of the audience can place themselves in the position of public health and law officials coping with the sudden need for quarantine to prevent the spread of a dangerous communicable disease.

Audience members will learn by observing panelists weigh and discuss various public health and legal problems and courses of action.

Each panelist will play a specific role in the unfolding scenario based on their professional experience:

- Susan M. Allan will represent the role of a state health official.
- John Cleland will represent the role of a trial judge.
- Barret W. S. Lane will represent the role of an attorney counseling a person placed under a quarantine order.
- James J. Misrahi will represent the role of a federal lawyer.
- Richard S. Murray will represent the role of a federal lawyer.
- Grace R. Schuyler will represent the role of a state public health legal counsel.
- Jason Thomas will represent the role of a federal quarantine official.

Learning Objectives:

By the close of this session, conference participants will be able to:

- Explain some of the most important practical legal issues to be considered in instituting quarantine for arriving passengers at an international airport in the United States,
- Describe alternative courses of action for coping with legal problems that may arise during such a quarantine.

Resource Materials:

Audience members will be given a one-page handout that sets out the quarantine laws of "South Caledonia," a fictional state in the United States, plus fictional federal quarantine laws. The panelists will use these fictional laws during the scenario.

Audience members may benefit by reading the following before attending the session:

1. Control of Communicable Disease Proposed 42 CFR Parts 70 and 71, available at <http://www.cdc.gov/ncidod/dq/nprm/>.
2. James J. Misrahi et al., *Legal Authorities for Interventions During Public Health Emergencies*, in *Law in Public Health Practice*, 195-210 (Richard A. Goodman et al., eds., 2003).
3. Lawrence O. Gostin, *Chapter 8: Restrictions of the Person*, in *Public Health Law: Power, Duty, Restraint*, 203-236 (2000).

Session Convener:

Public Health Law Program, CDC

Lessons Learned:

This session will consist of an unfolding hypothetical factual scenario and will be experiential in nature. The practical legal tools or lessons learned will arise during the

session itself and will be summarized by the moderator at the end of the session.