

October 24, 2001

Gene W. Matthews
Legal Advisor to CDC/ATSDR
CDC, Office of the General Counsel
Bldg. 16, Room 4101, MS D-53
1600 Clifton Road, N.E.
Atlanta, GA 30333

Dear Gene,

On behalf of the Center for Law and the Public's Health, I take great pleasure in sending you the Model State Emergency Health Powers Act. The legislation is intended to provide states with strong public health powers to rapidly detect and effectively respond to bioterrorism and other emergency health threats. The Act seeks to do so by giving public health authorities special powers to identify and monitor health threats, control property, and control persons where necessary to protect the public's health and security. At the same time, the model law recognizes the importance of respect and toleration of persons and groups in a constitutional democracy.

The Centers for Disease Control and Prevention requested the development of this draft model law in order to assist the collaboration with a number of national partner organizations, including the National Governors Association, National Conference of State Legislatures, Association of State and Territorial Health Officials, National Association of City and County Health Officers, and National Association of Attorneys General. This draft has been rapidly written to help focus the process for the development of an emergency health powers law that could be enacted by the states.

To assist governors, legislators, and health officials, this draft cites existing state statutes that provide support for the specific provisions in this model act. Where existing statutory approaches vary among states, we selected a single option to illustrate the issue in the context of a more comprehensive draft model law. Consequently, it may be helpful to view some of the sections as "placeholders" that may be modified as this process unfolds.

We look forward to working with CDC and its state partners in this process. We plan to collaborate with the various stakeholders in reviewing and refining this document to ensure that it reflects the best scientific and legal thinking to plan for an emergency health threat.

Yours Sincerely,

Lawrence O. Gostin, J.D., LL.D. (Hon.)
Professor of Law, Georgetown University
Professor of Public Health, the Johns Hopkins University
Director, Center for Law and the Public's Health
(CDC Collaborating Center Promoting Health Through Law)