

# **Emergency Legal Preparedness & Novel Coronavirus: A Primer**

**As of February 27, 2020**

**James G. Hodge, Jr., J.D., L.L.M.**

**Peter Kiewit Foundation Professor of Law**

**Director, Western Region Office, Network for Public Health Law**

**ASU Sandra Day O'Connor College of Law**

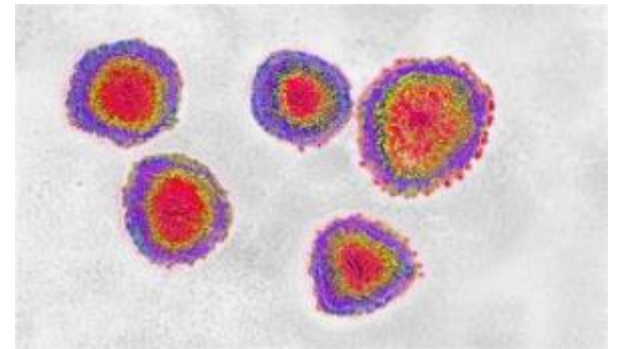
**[james.hodge.1@asu.edu](mailto:james.hodge.1@asu.edu)**

## Brief Overview – Novel Coronavirus

## International Legal Response Efforts

World Health Organization

Foreign Governments



## U.S. Legal Preparedness/Response

## Additional Resources



*Note: Data below are subject to change.*

**Global Confirmed Cases: >82,540 | Deaths: >2,800 | Mortality Rate: ~2%**

## Transmission:

- Initially-infected persons in Wuhan, China are linked epidemiologically to a large seafood/animal market.
- Transmissible person-to-person with potential infectivity rate approaching influenza. Asymptomatic persons may likely infect others (under review).
- Reproductive number [ $R^0$ ] estimated at 2.2 (similar to influenza).

## Symptoms:

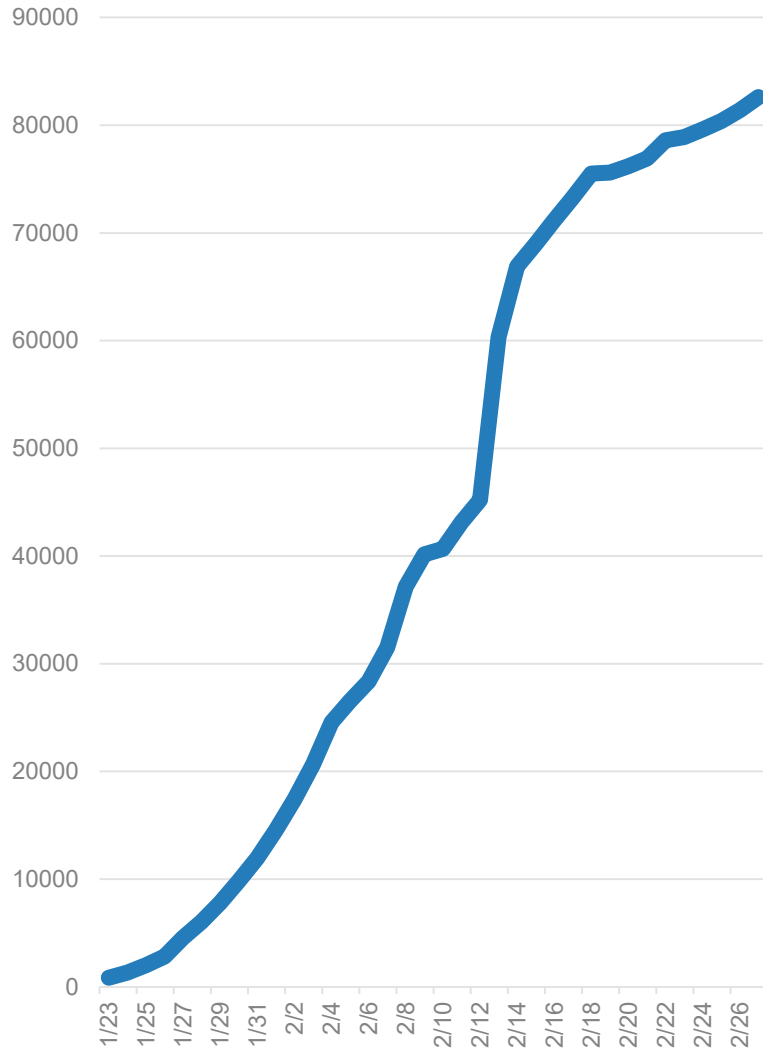
- Respiratory symptoms, fever, cough, breathing difficulties, aches, pains.
- In severe cases (~20%), infection can cause pneumonia, respiratory issues, kidney failure and death (~2%).

## Vaccines, Tests and Treatment:

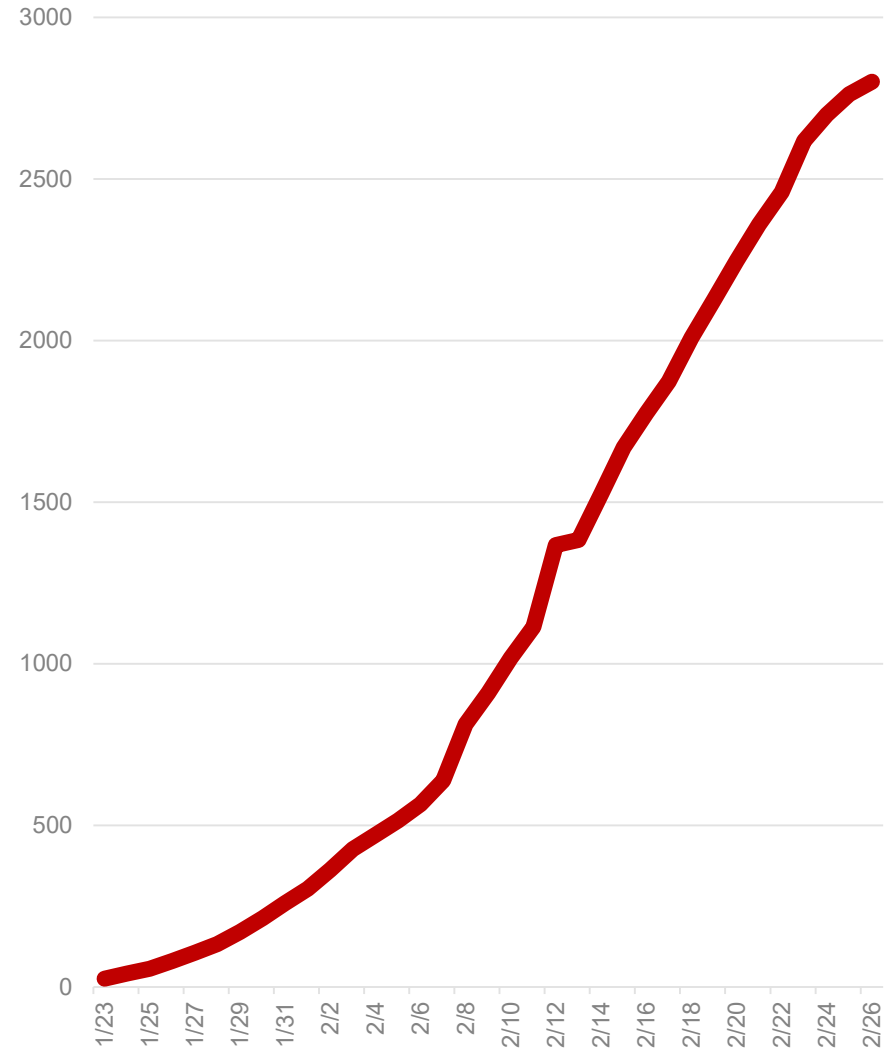
- No vaccines, commercial tests, or proven treatments are currently available.

# COVID-19 Longitudinally

## Total Number of Cases



## Total Number of Deaths



# COVID-19 Global Distribution



Source: <https://gisanddata.maps.arcgis.com/apps/opsdashboard/index.html#/bda7594740fd40299423467b48e9ecf6>



# International Legal Response Efforts



**Jan. 30, 2020:** WHO declares  
a public health emergency of  
international concern (PHEIC).



**Organized Responses** | Engage in containment, active surveillance, early detection, isolation & contact tracing

**Data Sharing** | Share data with WHO via IHR legal requirements

**Prevention** | Focus on reducing human infection/secondary transmission

**Communication** | Engage in multi-sectoral communication re: knowledge & research

**Restrict Movement** | Restricting movement of people/goods may be temporarily useful under limited response capacities or intense cases

**Travel** | Inform WHO about travel measures as required by the IHR

**Discrimination** | Avoid actions promoting stigma or discrimination

**Developing Countries** | Support LMICs to enable their responses & facilitate access to diagnostics, vaccines & therapeutics

**Justification** | Justify health measures significantly interfering with international traffic



# International Emergency Declarations



Jan. 24, 2020

19 Chinese provinces -  
highest level of public  
health emergency



Jan. 25, 2020

Hong Kong State of  
Emergency



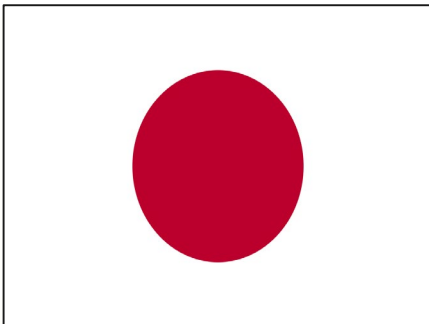
Jan. 31, 2020

Italy State of  
Emergency



Feb. 10, 2020

COVID-19 a “serious  
and imminent threat  
to public health”



Feb.13, 2020

Invokes emergency  
COVID-19 plan



Feb. 23, 2020

South Korea on  
highest Level 4 alert



Feb. 24, 2020

Afghanistan State of  
Emergency



Feb. 26, 2020

Lithuania State of  
Emergency

# Border and Travel Restrictions

**Jan. 28, 2020:** Mongolia closes Chinese border.

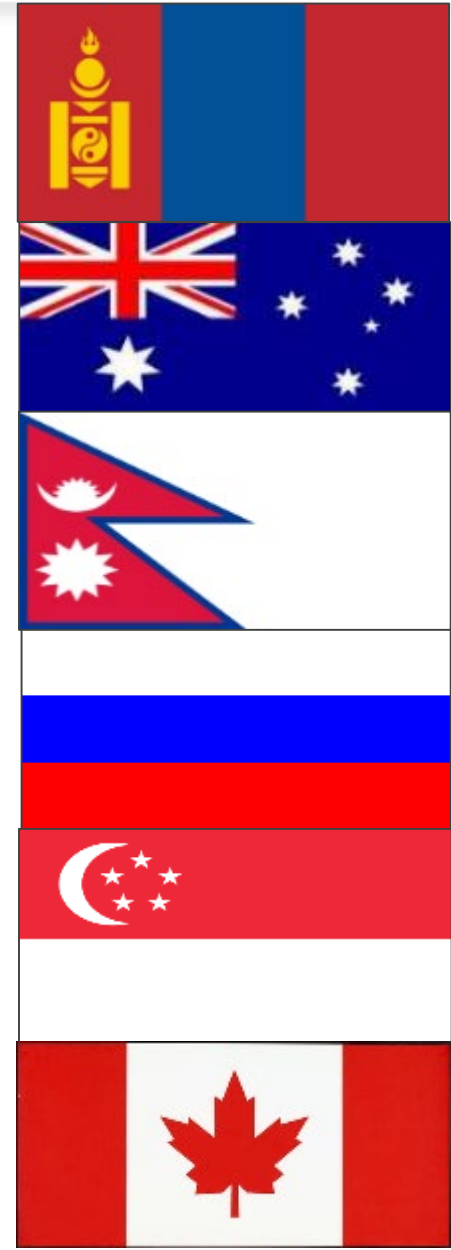
**Jan. 29, 2020:** Foreign Minister Marise Payne advises Australians to “reconsider your need to travel to China overall,” and “do not travel to Hubei Province.”

**Jan. 29, 2020:** Nepal closes border with China for 15 days.

**Jan. 30, 2020:** Russia shuts border with China.

**Jan. 31, 2020:** Singapore closes Chinese border.

**Feb. 4, 2020:** Canadian authorities elect not to impose explicit travel bans re: COVID-19, aligning to WHO recommendations.



# U.S. Legal Response Efforts

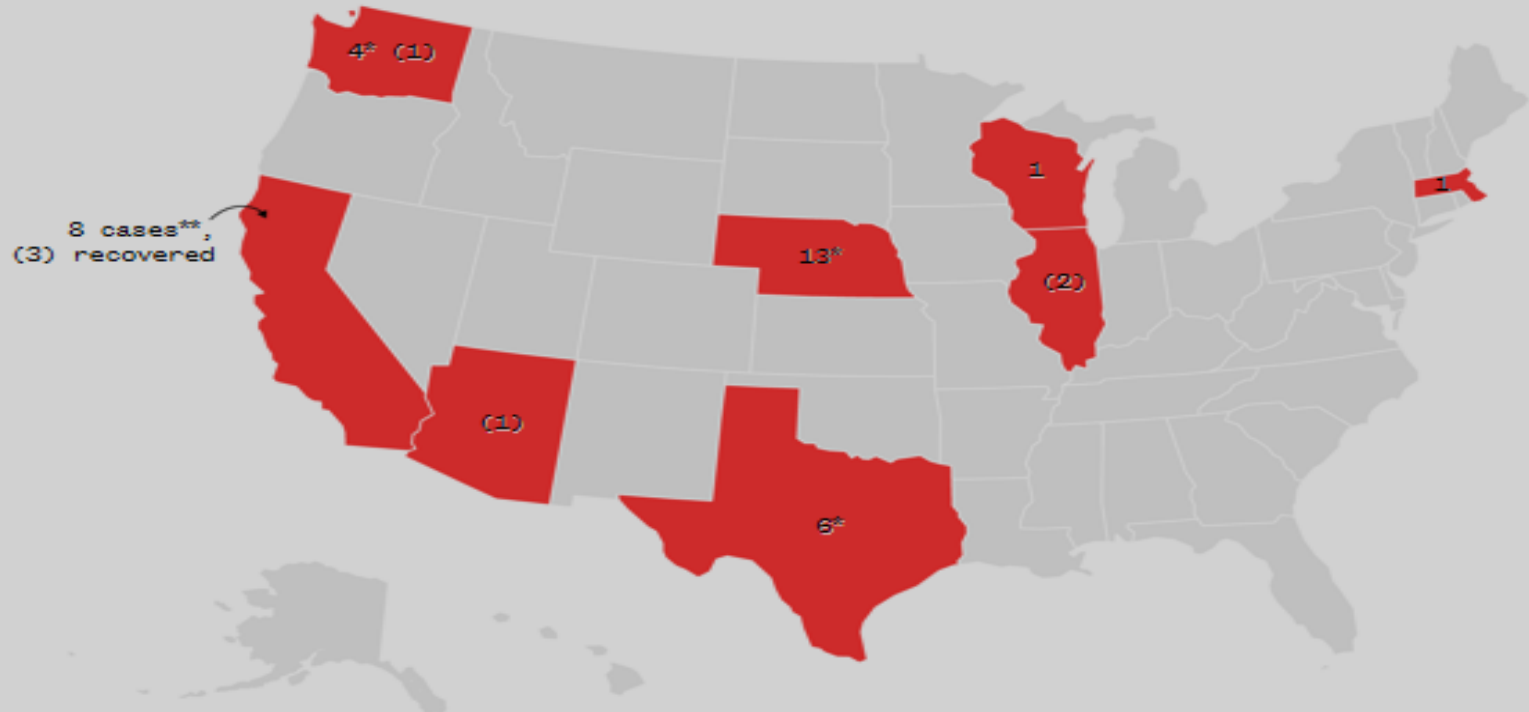


# U.S. Cases of COVID-19

## Confirmed cases of coronavirus in the United States

(○) Recovered

Total Cases: 60



### Notes

Data as of Feb. 26, 8:30 p.m. ET.

The location of 20 confirmed cases is not available. Case numbers in states may change when patients are moved to different locations.

\* All cases are people evacuated from Wuhan, China or the Diamond Princess.

\*\* Some cases are people evacuated from Wuhan, China or the Diamond Princess.

Source: Centers for Disease Control and Prevention

Graphic: Jiaohuan Wu / NBC News

**Jan. 22, 2020:** *“We have it totally under control. It's one person coming in from China. It's going to be just fine.”*

**Jan. 27:** *“Our experts are extraordinary!”*

**Jan. 29:** *Announces formation of the President's Coronavirus Task Force.*

**Feb. 2:** *“We can't have thousands of people coming in who may have this problem.”*

**Feb. 4, 2020:** *“Protecting Americans' health also means fighting infectious diseases. We are coordinating with the Chinese government and working closely together on the coronavirus outbreak . . . My administration will take all necessary steps to safeguard our citizens from this threat.”*



**President Donald Trump**





**Jan. 31, 2020:** HHS Sec. Alex Azar declares national public health emergency





## **HHS Public Health Emergency Powers**



- **Frees up federal resources**
- **Encourages interjurisdictional coordination**
- **Allows waivers of specific federal laws**
- **Authorizes real-time countermeasures through emergency use authorizations**
- **Supports social distancing measures (e.g., travel or border limits, quarantine)**

# Select Congressional Responses

**1/25/20**

Senator Elizabeth Warren releases a plan calling for investments in government's health agencies, hospitals, and health care providers.



**2/6/20**

7 Senators request info on steps to “ensure that veterans and staff can count on VA health care facilities to be fully prepared for prevention, diagnosis, & response efforts.”

**2/13/20**

17 Senators urge HHS to establish clear guidelines for how state/local governments are reimbursed for costs incurred assisting federal responses.

**2/6/20**

2 Senators ask FDA to whether it has the “necessary tools to guarantee the safety and supply of pharmaceuticals, food and medical supplies being imported from China.”

**2/16/20**

Sen. Tom Cotton (R. AR) states that China is lying re: the source of COVID infection, suggesting the possibility that it originated in a high-security biochemical lab in Wuhan.



# Federal Agency Responses





Centers for Disease Control and Prevention

CDC 24/7: Saving Lives, Protecting People™

[Link here](#) for additional,  
varied guidance and  
resources

**2/25/20**

"Americans should brace . . . coronavirus [to] spread to [U.S.] communities . . . It's . . . a question of when. . .

**2/12/20**

CDC director: "At some point in time it is highly probable that we'll have to transition to mitigation" as a public health strategy."

**2/5/20**

Orders quarantine of 4 additional flights.

**1/31/20**

Orders 14-day quarantine of 195 Americans returning from Wuhan at U.S. military base in California.

**1/23/20**

Raised travel alert to highest Level 4.

**1/21/20**

Began entry screening of passengers on direct and connecting flights from Wuhan, China to 3 main ports of entry in the U.S.

**1/20/20**

Activated emergency operations center with Global Migration, Medical Care/ Countermeasures, and Epidemiology/Surveillance Task Forces.





**Jan. 27, 2020**: FDA Announces  
Key Actions to Advance  
Development of Novel Coronavirus  
Medical Countermeasures

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## Emergency Use Authorization of Medical Products and Related Authorities

Guidance for Industry and Other Stakeholders

**Feb. 4, 2020**: FDA grants  
EUA for CDC's COVID-19  
Real-Time PCR Diagnostic  
Panel.

U.S. Department of Health and Human Services  
Food and Drug Administration  
Office of the Commissioner  
Office of the Chief Scientist  
Office of Counterterrorism and Emerging Threats

# State or Local Declared Emergencies





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Opinion

VIEWPOINT

## US Emergency Legal Responses to Novel Coronavirus Balancing Public Health and Civil Liberties

Lawrence O. Gostin, JD  
O'Neill Institute for  
National and Global  
Health Law,  
Georgetown University  
Law Center,  
Washington, DC.

James G. Hodge Jr., JD,  
LLM  
Center for Public  
Health Law and Policy,  
Sandra Day O'Connor  
College of Law, Arizona  
State University,  
Phoenix.



Viewpoint



Audio

**With increasing numbers** of cases of coronavirus disease 2019 (COVID-19) globally and in the United States, Health and Human Services (HHS) Secretary Alex Azar declared a national public health emergency on January 31.<sup>1</sup> The emergency declaration of the HHS authorizes additional resources, enhanced federal powers, interjurisdictional coordination, and waivers of specific regulations. State and local public health emergency declarations are also likely. During crises, government has a special responsibility to thoughtfully balance public health protections and civil liberties.

### Public Health Risk Assessment

While epidemiological data are evolving, human-to-human transmission of COVID-19 has been documented over an incubation period of 2 to 14 days.<sup>2</sup> Based on available data, the case fatality rate appears lower than that associated with other novel coronaviruses (severe acute respiratory syndrome [SARS] and Middle East respiratory syndrome [MERS]), likely no more than 2%. China has reported the majority of cases and deaths, especially in Wuhan and surrounding Hubei Province. The US population currently is at low risk,

eral powers in response to COVID-19 beyond those used for previous health emergencies such as SARS, H1N1 influenza, and Ebola. The administration premised the exercise of federal powers on the need to avert "cascading public health, economic, national security, and societal consequences."<sup>4</sup>

### Travel Warnings and Recall of Nonessential Personnel

Immediately following the emergency declaration of the HHS, federal agencies implemented travel warnings, entry bans, and border protections. On January 31, the State Department issued its strongest warning ("do not travel") applying to mainland China.<sup>5</sup> Additional warnings may take effect with "little or no advance notice."<sup>6</sup> Nonessential diplomatic, military, and other personnel in affected regions are being called back. Customs and Border Protection agents are actively screening persons for signs of illness at ports of entry, separating those exposed to, or infected with, COVID-19.

### Flights Suspended or Rerouted

Direct flights from China have been rerouted to select US airports for enhanced screening and self-quarantine up to 14 days. Major airlines have temporarily suspended flights to and from China. Even after declaring a public health emergency of international concern, the World Health Organization urged air carriers to resume flights given potential adverse effects on international travel and commerce.

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During crises, government has a special responsibility to thoughtfully balance public health protections and civil liberties.

## Airport Preparedness & Response: Legal Rights, Powers & Duties

[Click on article image to access](#)

### Legal Research Digest 34

#### AIRPORT PUBLIC HEALTH PREPAREDNESS AND RESPONSE: LEGAL RIGHTS, POWERS, AND DUTIES

This digest was prepared under ACRP Project 11-01, "Legal Aspects of Airport Programs," for which the Transportation Research Board (TRB) is the agency coordinating the research. Under Topic 09-01, this digest was prepared by Lella Barraza, Mel and Enid Zuckerman College of Public Health, University of Arizona, Tucson, AZ, and Elizabeth Hall-Lipsy, College of Pharmacy, University of Arizona, Tucson, AZ.

#### Background

There are over 4,000 airports in the country and most of these airports are owned by governments. A 2003 survey conducted by Airports Council International-North America concluded that city ownership accounts for 38 percent, followed by regional airports at 25 percent, single county at 17 percent, and multi-jurisdictional at 9 percent. Primary legal services to these airports are, in most cases, provided by municipal, county, and state attorneys.

Research reports and summaries produced by the Airport Continuing Legal Studies Project and published as ACRP Legal Research Digests are developed to assist these attorneys seeking to deal with the myriad of legal problems encountered during airport development and operations. Such substantive areas as eminent domain, environmental concerns, leasing, contracting, security, insurance, civil rights, and tort liability present cutting-edge legal issues where research is useful and indeed needed. Airport legal research, when conducted through the TRB's legal studies process, either collects primary data that usually are not available elsewhere or performs analysis of existing literature.

#### Foreword

Modern air travel has frequently been cited as a leading cause for the rapid spread of disease within countries and

internationally. Recent outbreaks of SARS, MERS, Ebola, and Zika have focused the debate on a number of issues surrounding air travel, including isolation and quarantine, restrictions on freedom of travel, and screening protocols. A number of issues expose the lack of clarity on the respective powers and duties of airport and airline personnel, governments (including federal, state, and local entities) and public health authorities, and the insufficient communication and coordination among local, state, national and international stakeholders.

Numerous legal issues are associated with these inherent challenges, but through planning and coordination with relevant stakeholders they can be addressed. This digest addresses the legal issues concerning the measures to detect communicable diseases, regulations to control communicable diseases, methods for decontamination, emergency legal preparedness, privacy, and potential sources of liability. This digest provides a checklist that airport attorneys and other staff can use to help prepare, plan, and coordinate with their partners in response to a threat of a communicable disease.

This legal digest provides the background on multimodal or intermodal facilities. The history of the laws, rules, and regulations in this area are provided, as well as case studies to assist airport operators in understanding and navigating the complexity of multimodal developments.

- Reporting of ill passengers
- Measures to detect communicable diseases
- Surveillance
- Non-invasive procedures
- Invasive procedures (with consent)
- Contact tracing
- Isolation & Quarantine





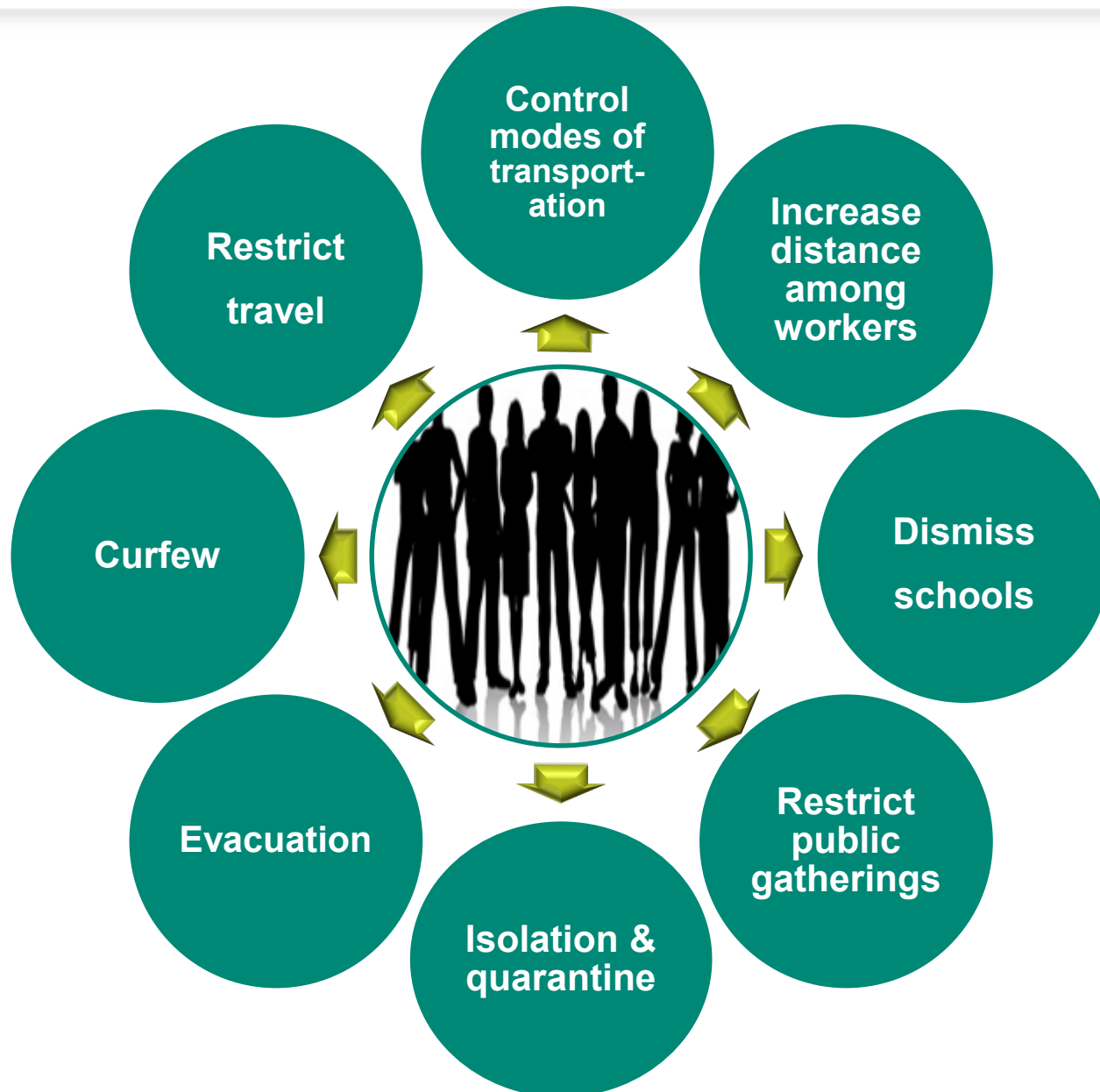
**Ohio**

**Department  
of Health**

**Jan. 24, 2020:** Ohio Department of Health classifies COVID-19 a “Class A” condition for which “confirmed or suspected cases . . . must be reported immediately to the local health district . . . .”).”

Persons required to report include physicians, hospital administrators or others in charge of clinics/institutions/labs providing care or treatment, “**or any individual having knowledge of a person with nCoV.**”

# Social Distancing Measures



**Jan. 24, 2020:** Senator Josh Hawley (R-MO) issues letter to HHS seeking [incoming] travel restrictions; later notes after Congressional briefing “[health officials] don’t think that that’s necessary quite yet.”



After the briefing, NIH’s Dr. Anthony Fauci responded: “It’s not something that I think we’re even considering.”



**Jan. 31, 2020:** Trump Administration bans foreign national travel for those who have been in China within the last 14 days and pose a risk.



# Quarantine & Isolation

## Quarantine

Separation from others of people who are exposed to a contagious condition prior to knowing if they may be ill or contagious



## Isolation

Separation from others of people known to be infected with a contagious condition





# Federal Quarantines



Source: <https://www.pbs.org/newshour/health/cdc-issues-quarantine-orders-to-prevent-spread-of-novel-coronavirus>

Jan. 31, 2020: CDC Director Robert Redfield orders a 14-day quarantine of nearly 200 persons arriving at a U.S. military base in California 2 days prior on an evacuation flight from Wuhan, China.

As of February 10, 2020, 4 additional flights amassing more than 800 Americans are under quarantine at 4 military bases.



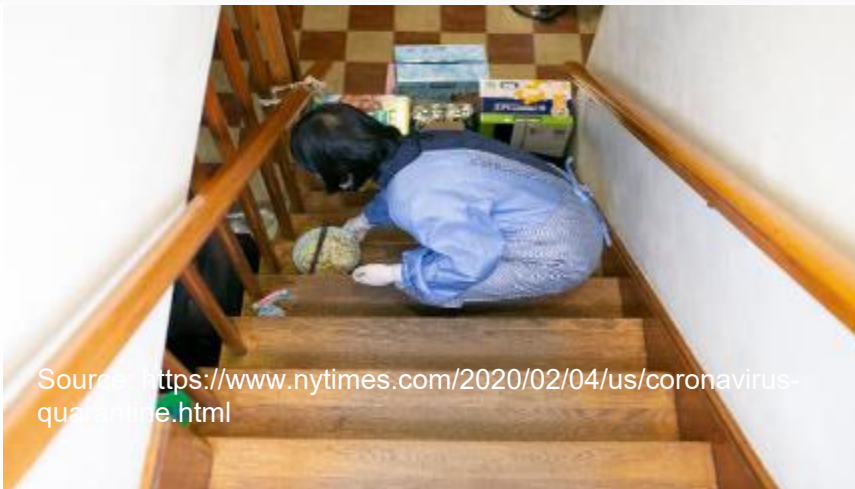
Source: <https://news.sky.com/story/coronavirus-why-did-542-people-fall-ill-during-the-diamond-princess-quarantine-11937541>

Feb. 17, 2020: CDC quarantines 2 flights of over 300 Americans returning from the Diamond Princess cruise ship (in Yokohama, Japan) at Travis and Lackland Airforce Bases.

Feb. 19, 2020: U.S. Daegu Army Base in South Korea imposes a self-quarantine of U.S. troop members attending a local church linked to COVID-19 infections.



# State or Local Quarantines



Source: <https://www.nytimes.com/2020/02/04/us/coronavirus-quarantine.html>



Source: <https://www.latimes.com/california/story/2020-02-19/county-supervisors-affirm-coronavirus-driven-emergency-declaration>

- Jan. 23, 2020: Texas Health officials require at home-isolation of Texas A&M student.
- Jan. 26, 2020: AZ Department of Health Services requires home isolation of ASU student.
- Feb. 4, 2020: VA Department of Health required 4 students to self-monitor at home for 14 days with daily check-ins.
- Feb. 14, 2020: According to the CA Department of Health, more than 5,400 Californians have been asked to self-quarantine.
- Feb. 11, 2020: GA state health officials require nearly 200 Georgia residents to self-monitor at home for two weeks.
- Feb. 19, 2020: New York's Westchester County requires home quarantines of 26 people.



**Feb. 24, 2020**- Federal District Court Judge Josephine L. Staton retained temporary restraining order from 2/21/20 to block the transfer of individuals exposed to or infected with COVID-19 to the City of Costa Mesa, CA

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# Acknowledgements

- Special thanks to **Claudia M. Reeves** and **Erica N. White** at the Network - Western Region Office for their research and assistance
- **Ask the Network** concerning questions or comments relating to this information or ongoing COVID-19 legal preparedness and response efforts
- **james.hodge.1@asu.edu** | @jghodgejr