

Minnesota's Statutes and Rules on Emergency Preparedness, Disease Outbreaks, and Volunteer Protections

The information set forth is for information only and does not constitute legal advice.

Intro

This table provides explanations and links to Minnesota statutes relevant to Emergency Preparedness and Response. This table is current through the 2018 Legislative session.

The audience that may benefit from this table are those with Emergency Preparedness and Response responsibilities and public health workers, as well as their legal counsel.

This table covers some of the more important Minnesota state laws. It is not intended to be an exhaustive list. There may be additional federal laws that applies (i.e., PREP Act, PHS Act, etc).

Definitions

Declared Emergency means a national security or peacetime emergency declared by the governor under section 12.31. (MN Stat. 12.03, subd. 1(e).

Disaster means a situation that creates an actual or imminent serious threat to the health and safety of persons, or a situation that has resulted in or is likely to result in catastrophic loss to property or the environment, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss. (MN Stat. 12.03, subd. 2).

Emergency means an unforeseen combination of circumstances that calls for immediate action to prevent a disaster from developing or occurring. (MN Stat. 12.03, subd. 3).

May – means it is in the actor’s discretion whether to exercise the power granted

Must or shall – means the actor is required to act, and does not have the discretion to decide whether to act.

MINNESOTA'S STATUTES AND RULES ON EMERGENCY PREPAREDNESS, DISEASE OUTBREAKS, AND VOLUNTEER PROTECTIONS

Mandate/ Authority	Power	Who	When	Statute, Rule, Ordinance
<p>Health – Commissioner Responsibilities</p>	<p>*In disaster-affected communities, the commissioner may provide for necessary assessment and evaluation of the following:</p> <ul style="list-style-type: none"> • access to health care; • mental health concerns and needs; • infectious disease concerns; • indoor environments of public and nonprofit buildings and facilities including nursing homes and mass care facilities); • food safety, • lodging and shelter; • public swimming pools; • community and other drinking water systems; and • private drinking water supply wells. <p>*The commissioner may take necessary steps to remediate the effects of a disaster to ensure public health is maintained.</p> <p>*To implement the requirements of this section, the commissioner may cooperate with private health care providers and facilities and community health boards or boards of health as defined in <u>section 145A.02</u>, provide grants to assist community health boards or boards of health, use volunteer services of individuals qualified to provide public health services, and enter into cooperative or mutual aid agreements to provide public health services.</p>	<p>Commissioner of Health</p>	<p>During disasters</p>	<p><u>MN Stat. 12A.08</u></p>
<p>Prescribing legend drugs</p>	<p>*May prescribe a legend drug to an individual or by protocol for mass dispensing purposes</p> <p>*May prescribe, dispense, or administer a legend drug to control tuberculosis and other communicable diseases</p>	<p>Commissioner of Health (if a licensed practitioner) or designee</p>	<p>Declared local or state health emergency; local board request (<u>MN Stat. 144.4197</u>); reasons (<u>MN Stat. 144.4198</u>)</p>	<p><u>MN Stat. 151.37, subd. 2(b)</u></p>

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Mandate/ Authority	Power	Who	When	Statute, Rule, Ordinance
Purchase, storage, and distribution of legend drugs	<p>May purchase, store, and distribute:</p> <ul style="list-style-type: none"> *antituberculosis drugs *biologics *vaccines *antitoxins *serums *immunizing agents *antibiotics *antivirals *antidotes *other pharmaceutical agents *and medical supplies. 	Commissioner of Health	In preparation for and in carrying out the duties of emergency management and preparedness to treat and prevent communicable disease; also in carrying out the general duties of the commissioner; and the general duties of MDH under <u>MN Stat. 144.05</u> ; purposes (<u>MN Stat. 144.05</u>)	<u>MN Stat. 151.37, subd. 10</u>
Dispensing Legend Drugs by Nurse, P.A., Med. student, or resident	<p>*May prescribe a legend drug, without reference to a specific patient, by directing a nurse, (s.148.235, subd. 8 and 9), physician assistant, medical student or resident, or pharmacist (s. 151.01, subd. 27), to adhere to a particular practice guideline or protocol when treating patients whose condition falls within such guideline or protocol, and when such guideline or protocol specifies the circumstances under which the legend drug is to be prescribed and administered.</p>	Licensed Practitioner	In the course of professional practice only	<u>MN Stat. 151.37, subd. 2(a)</u>
Emergency Management	<p>*General direction and control of emergency management</p> <p>*May cooperate with the federal government, other states, Canadian provinces, or private agencies in all matters pertaining to emergency management of this state and of the nation</p>	Governor		<u>MN Stat. 12.21, subs. 1, 2</u>

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Mandate/ Authority	Power	Who	When	Statute, Rule, Ordinance
<p>Emergency Management</p>	<p>In performing duties under Ch. 12, the governor may:</p> <ul style="list-style-type: none"> *Make, amend, and rescind the necessary orders to carry out the provisions of Ch. 12 *Ensure that a comprehensive state emergency operations plan and emergency management program are developed and maintained *Take preparatory steps, including partial or full activation of emergency management organizations *Enter into mutual aid arrangements or cooperative agreements with other states, tribal authorities, and Canadian provinces *Delegate administrative authority vested in the governor under Ch. 12 *Cooperate with the federal government in matters pertaining to the emergency management of the state and nation *Formulate and execute plans and rules for the control of traffic *Alter or adjust by executive order the working hours, workdays and work week of all state employees in the executive branch *Authorize the commissioner of education to alter school schedules, curtail school activities, or order schools closed *Transfer the direction, personnel, or functions of state agencies to perform or facilitate response and recovery programs 	<p>Governor</p>	<p>In advance of or during an actual disaster</p>	<p><u>MN Stat. 12.21, subd. 3</u></p>
<p>Emergency Management</p>	<ul style="list-style-type: none"> *Shall coordinate state agency preparedness for and emergency response to emergencies and disasters *Shall develop and maintain comprehensive state and local emergency operations plans and emergency management programs, and ensure that other state emergency plans that may be developed are coordinated and consistent with the comprehensive state emergency operations plan *Shall develop and maintain state and local comprehensive hazard mitigation plans 	<p>Homeland Security & Emergency Management</p>	<p>Emergency Preparedness</p>	<p><u>MN Stat. 12.09, subd. 1, 2, 6, 7</u></p>
<p>Emergency Management</p>	<ul style="list-style-type: none"> *Shall establish and maintain a single state answering point system for use by persons responsible for reporting emergency incidents and conditions to state agencies, and for requesting state or federal assistance 	<p>Division of Emergency Management</p>	<p>During and following an emergency or disaster</p>	<p><u>MN Stat. 12.09, subd. 3</u></p>

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Mandate/ Authority	Power	Who	When	Statute, Rule, Ordinance
Emergency Management	* Shall activate the state and regional emergency operations centers * Shall provide guidance, information, and training sufficient to allow local political subdivisions to request state and federal disaster assistance	Division of Emergency Management	When an emergency or disaster threatens or has occurred	<u>MN Stat. 12.09, subd. 4</u>
Emergency Management	* Shall provide ongoing coordination of a network of state, local, and federal government agencies and private organizations	Division of Emergency Management	During major disasters	<u>MN Stat. 12.09, subd. 9</u>
Emergency Management	* Must maintain and administer an emergency management training curriculum	Division of Emergency Management	Emergency Preparedness	<u>MN Stat. 12.09, subd. 10</u>
Emergency Management	May enter into agreement with FEMA for the maintenance of the Minnesota Natural Disaster Assistance Program and for the administration of federal disaster assistance programs, and may apply for and enter agreements with federal agencies to accept and administer federal financial assistance.	Governor	Emergency Preparedness	<u>MN Stat. 12.221,</u>
Communicable Disease	A physician shall report according to part 4605.7040 or 4605.7044 the information specified in part 4605.7090	Health Care Practitioners	When attending a case, suspected case, carrier, or death from any of the diseases in part 4605.7040	<u>MN Rule 4605.7030, subpart 1</u>
Communicable Disease	All medical laboratories shall provide to the commissioner the results of microbiologic cultures, examinations, immunologic assays for the presence of antigens and antibodies, and any other laboratory tests	Medical Laboratories	Within 1 working day of completion	<u>MN Rule 4605.7030, subpart 3</u>

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Mandate/ Authority	Power	Who	When	Statute, Rule, Ordinance
<p>Isolation and Quarantine – Infectious Disease</p>	<p>If the commissioner isolates or quarantines someone, he or she must: Use the least restrictive means to prevent the spread of disease; Confine isolated individuals separately from quarantined individuals; Regularly monitor the health status of I/Q individuals; Isolate quarantined individual if individual becomes infectious; Release individuals as soon as they are known to pose no risk; Address the needs of I/Q individuals systematically and competently (including providing food, shelter, clothing, opportunity to communicate and medical assistance); and Maintain the safety and hygiene of I/Q premises competently.</p> <p>*The commissioner must obtain a written, ex parte order authorizing I/Q from the court before I/Q of an individual or group.</p> <p>*Commissioner may I/Q without first obtaining a written, ex parte notice if a delay would significantly jeopardize the commissioner’s ability to prevent or limit the transmission of a communicable or potentially communicable disease.</p> <p>*The commissioner’s directive is time-limited, and a court process must start immediately.</p>	<p>Commissioner of Health</p>	<p>When an individual or group is identified as having a communicable or potential communicable disease.</p>	<p><u>MN Stat. 144.419-144.4196</u></p>
<p>Mass Dispensing/ Vaccination</p>	<p>The commissioner may authorize any person licensed or otherwise credentialed under chapters 144E, 147 to 148, 150A, 151, 153, or 156, to administer vaccinations or dispense legend drugs if the commissioner determines that such action is necessary to protect the health and safety of the public.</p> <p>*The authorization shall be in writing and shall contain the categories of persons included in the authorization, and any other necessary requirements</p>	<p>Commissioner of Health</p>	<p>Local emergency declared by mayor, county board chair, or legal successor; state emergency declared by governor; and when local boards of health request assistance</p>	<p><u>MN Stat. 144.4197</u></p>

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Mass Dispensing/ Vaccination	The commissioner may designate persons and entities to expedite legend drug dispensing by any of the following methods: * may be distributed and dispensed to a household representative by USPS postal carriers to residences designated by the commissioner, or * may be dispensed or administered via the closed point of dispensing (POD)	Commissioner of Health	When the commissioner has determined that a pandemic influenza, other life-threatening disease, or terrorist, accidental, or natural event requires urgent treatment or prophylactic measures	<u>MN Stat. 144.4198</u>
Local Public Health/ Minnesota Responds Medical Reserve Corps	* Shall participate in planning for emergency use of volunteer health professionals thru the Minnesota Responds Medical Reserve Corps program of the Minnesota Department of Health * Shall collaborate on volunteer planning with other public and private partners * May enter into written mutual aid agreements *When the prevention, mitigation, response to, or recovery from an actual or threatened public health event or emergency exceeds local capacity, shall use available mutual aid agreements	Local Board of Health	Preparing for and responding to public health events and emergencies	<u>MN Stat. 145A.04, subd. 6a</u>
Requests for Health Volunteers (by Local Public Health)	The commissioner may ask Minnesota Responds Medical Reserve Corps volunteers to respond to the request if the commissioner determines deployment of Corps volunteers from outside the requesting jurisdiction is in the public interest.	Commissioner of Health	*When the commissioner receives a request for health volunteers *If the commissioner finds that the state needs health volunteers	<u>MN Stat. 145A.06, subd. 7</u>

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Mandate/ Authority	Power	Who	When	Statute, Rule, Ordinance
<p>Interstate Mutual Aid</p>	<p>*To formulate appropriate interstate mutual aid plans and procedures necessary to implement the Emergency Medical Assistance Compact (EMAC)</p> <p>*Each party state shall be responsible to formulate procedural plans and programs for interstate cooperation in the performance of responsibilities of EMAC</p>	<p>Homeland Security and Emergency Management (HSEM) Director; legally designated state official who is assigned responsibility for emergency management</p>	<p>Governor declared emergency in Minnesota, another state, or another territory.</p>	<p><u>MN Stat. 192.89</u></p>
<p>EMAC – Requesting Assistance</p>	<p>*An authorized representative may request assistance of another party state by contacting the authorized representative of that state</p> <p>*Provisions shall only apply to requests for assistance made by and to authorized representatives</p>	<p>Authorized representative of a party state</p>		<p><u>MN Stat. 192.89, subd. 3(b)</u></p>
<p>Mutual Aid</p>	<p>*May, in collaboration with other public and private agencies within the state, develop mutual aid agreements</p>	<p>Director of each local organization for emergency management</p>		<p><u>MN Stat. 12.27, Subd. 1</u></p>

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<p>Mutual Aid – Minnesota Interstate Emergency Management Assistance Compact Act</p>	<p>*It shall be the responsibility of each party state to formulate procedural plans and programs for interstate cooperation in the performance of the responsibilities listed in this subdivision. *The authorized representative of a party state may request assistance of another party state by contacting the authorized representative of that state. The provisions of this agreement shall only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. *Any party state requested to render mutual aid or conduct exercises and training for mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided that it is understood that the state rendering aid may withhold resources to the extent necessary to provide reasonable protection for such state. *Each party state shall afford to the emergency forces of any party state, while operating within its state limits under the terms and conditions of this compact, the same powers (except that of arrest unless specifically authorized by the receiving state), duties, rights, and privileges as are afforded forces of the state in which they are performing emergency services.</p>			<p><u>MN Stat. 192.89</u></p>
<p>Mutual Aid – Licenses and Permits</p>	<p>*Whenever any person holds a license, certificate, or other permit issued by any state party to the compact evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving party state, such person shall be deemed licensed, certified, or permitted by the state requesting assistance to render aid involving such skill to meet a declared emergency or disaster, subject to such limitations and conditions</p>	<p>Licensed Professionals</p>	<p>As the governor of the requesting state may prescribe by executive order or otherwise.</p>	<p><u>MN Stat. 192.89, subd. 5</u></p>

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Out-of-State License Holders	<p>*A person who holds a license, certificate, or other permit issued by a state of the United States, the District of Columbia, or a province of Canada evidencing the meeting of qualifications for professional, mechanical, or other skills, may render aid involving those skills in this state.</p> <p>*The license, certificate, or other permit of the person, while rendering aid, has the same force and effect as if issued in this state, subject to such limitations and conditions as the governor may prescribe.</p>		During a declared emergency, when such aid is requested by the governor to meet the needs of the emergency	MN Stat. 12.42
Volunteer Protections	*Individuals who volunteer to assist a local political subdivision, who register with that subdivision, and who are under the direction and control of that subdivision are considered an employee of that subdivision for purposes of workers' compensation and tort claim defense and indemnification.		During an emergency or disaster	MN Stat. 12.22, subd. 2(a)
Declaration of Local Emergency	<p>*Local emergency may not be continued for a period in excess of 3 days except by or with the consent of the local governing body.</p> <p>Effect: Invokes necessary portions of the response and recovery aspects of applicable local or inter-jurisdictional disaster plans.</p>	Mayor of a municipality or the chair of a county board of commissioners or their legal successors		MN Stat. 12.29
Community Disaster Assistance	* May apply to the federal government, on behalf of a political subdivision, for a loan, and receive and disburse the proceeds of the approved loan to the applicable political subdivision	Governor	Whenever, at the request of the governor, the president has declared a major disaster to exist in the state	MN Stat. 12.301(a)
Declaration of National Security Emergency	* May declare a national security emergency exists in all or any part of the state when information from the President, Federal Emergency Management Agency (FEMA), Department of Defense (DOD), or the National Warning System indicates the imminence of a national security emergency within the U.S.	Governor	National security emergency, for a period not to exceed 30 days	MN Stat. 12.31, subd. 1

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Declaration of Peacetime Emergency	<p>*Governor may declare a peacetime emergency only when an act of nature, a technological failure or malfunction, a terrorist incident, an industrial accident, a hazardous materials accident, or a civil disturbance endangers life and property and local government resources are inadequate to handle the situation</p> <p>*Governor must immediately notify the majority and minority, leaders of the Senate, and the speaker and majority and minority leaders of the House</p>	Governor	Peacetime emergency; must not be continued for more than 5 days unless extended by resolution of the Executive Council up to 30 days	<u>MN Stat. 12.31, subd. 2</u>
Governor's Orders and Rules	<p>*Shall have the full force and effect of law</p> <p>*Any agency or local rule or ordinance inconsistent with the provisions of Ch. 12 or with any order or rule having the force and effect of law issued under the authority of Ch. 12 is suspended during the period of time and to the extent that the emergency exists</p>	Governor	During a national security emergency, peacetime emergency, or energy supply emergency	<u>MN Stat. 12.32</u>
Assistance Between Political Subdivisions	<p>*May authorize and direct the police, fire-fighting, health, or other force of a political subdivision to go to the assistance of another political subdivision, and to take and use the personnel, equipment, and supplies of the sending political subdivision as the governor may direct</p>	Governor	Imminent emergency	<u>MN Stat. 12.33</u>
Local Assistance Between Political Subdivisions	<p>*May request the assistance of another political subdivision</p> <p>*The statute specifies liability, workers' compensation, and reimbursement duties</p>	A political subdivision	Emergency situation	<u>MN Stat. 12.331</u>
Emergency Powers	<p>May:</p> <p>*Require any person (except members of the federal or state military forces and officers of the state or a political subdivision) to perform services for emergency management purposes</p> <p>*Commandeer, for emergency management purposes, any motor vehicles, tools, appliances, medical supplies, or other personal property or facilities</p> <p>*Must promptly pay just compensation to owners of commandeered property for its use and all damages done to the property while used for emergency management purposes</p>	Governor, the state director, or a member of a class of members of a state or local emergency management organization designated by the governor	During a national security or peacetime emergency, when necessary to save life, property, or the environment	<u>MN Stat. 12.34</u>

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Specialized Emergency Response Team	* Shall activate a specialized emergency response team if the state director determines activation of a team for deployment to any political subdivision is in the public interest	State director of the Division of Homeland Security and Emergency Management	In response to an emergency or disaster	<u>MN Stat. 12.351</u>
Governor's Powers to Fast Provide Emergency Aid	Notwithstanding any other law, may enter into contracts and incur obligations necessary to combat a disaster	Governor	During an emergency or disaster	<u>MN Stat. 12.36</u>
Local Powers to Fast Provide Emergency Aid	Notwithstanding any statutory or charter provision to the contrary may enter into contracts and incur obligations necessary to combat a disaster	Political Subdivision	During an emergency or disaster	<u>MN Stat. 12.37</u>
Emergency Suspension of Emergency Medical Service (EMS) Requirements	Certain EMS requirements are suspended: *Throughout the state during a national security emergency declared under Ch. 12 *In the geographic areas of the state affected during a peacetime emergency declared under Ch. 12 *In the geographic areas of the state affected during a local emergency declared under Ch. 12	Licensed Ambulance Services	Emergency declarations issued	<u>MN Stat. 144E.266</u>

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