

Legislative Analysis



PANDEMIC FLU RESPONSE PLAN

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5630 as enrolled
Public Act 163 of 2006
Sponsor: Rep. Leslie Mortimer

House Bill 5631 as enrolled
Public Act 157 of 2006
Sponsor: Rep. Richard Ball
House Committee: Health Policy
Senate Committee: Health Policy

First Analysis (2-15-07)

BRIEF SUMMARY: The bills would require the Department of Community Health, assisted by the Department of Agriculture, to establish and maintain a Pandemic Influenza Plan.

FISCAL IMPACT: House Bills 5630 and 5631 have fiscal implications for the Departments of Community Health and Agriculture. The functions required by the bills are currently being performed by DCH and Agriculture. The Department of Community Health's pandemic influenza planning efforts are currently supported with federal Public Health Bioterrorism Preparedness and Response grant funds. House Bills 5630 and 5631 require ongoing tasks related to planning and coordination, which may require state funding in the future if the federal grant funding declines.

The FY 2005-06 DCH budget included federal public health bioterrorism preparedness funding of \$31.1 million, of which a portion is for preparedness planning and interagency collaboration under the grant guidelines. Some grant funds are directed by DCH to the Department of Agriculture for epidemiology and laboratory support. Further, Michigan received an additional \$2.9 million federal grant for influenza planning, which was included in supplemental appropriations for FY 2005-06.

THE APPARENT PROBLEM:

During the 20th century, influenza pandemics occurred in 1918, 1957, and 1968. The most serious of these, in 1918, killed more than 675,000 people in the United States and more than 50 million worldwide.

An influenza pandemic occurs when a new influenza A virus, to which humans have little or no immunity, emerges and spreads from person-to-person all over the world. Under such conditions, countries might be able to delay the arrival of the virus through measures such as travel restrictions and border closures, but they cannot prevent it.

It is difficult to predict when a pandemic will occur. Consequently, it is wise to plan for the social and economic disruptions to communities.

Currently, government officials and health workers from many nations are worried about a strain of the influenza virus generally found in birds (H5N1). Since 2003, H5N1 cases have been reported in humans, primarily in Asia, who had contact with infected poultry. Over half of the people infected with this virus died. While there has been no sustained human-to-human transmission of the virus, some fear that H5N1 could evolve into a strain easily transmitted between human beings and thus spur a pandemic.

To help ensure that the State of Michigan is prepared for this type of public health crisis, it has been recommended that the Department of Community Health (DCH), and, as appropriate, the Michigan Department of Agriculture (MDA), formulate a pandemic influenza plan and update it periodically.

THE CONTENT OF THE BILLS:

The bills would amend the Public Health Code to require the Department of Community Health, assisted by the Department of Agriculture, to establish and maintain a Pandemic Influenza Plan. A brief description of each bill follows.

House Bill 5630 would amend the Public Health Code (MCL 333.5112) to require that in developing the pandemic flu plan, the Department of Community Health consult with the U. S. Department of Health and Human Services and the federal Centers for Disease Control and Prevention, to ensure that the plan is consistent with the national preparedness efforts. Further, the department, in consultation with the state Department of Agriculture and also with local health departments, would be required to review and update the plan at least annually, and make it (and the updates) available to the public through its website.

The bill requires that beginning one year after the effective date of the legislation and annually thereafter, the Department of Community Health prepare a report about the plan, including an assessment of its effectiveness and the state's preparedness for an influenza outbreak. The report would be presented to the appropriate standing committees and Appropriations subcommittees of the Senate and House of Representatives that primarily address public health issues.

House Bill 5631 would amend the Public Health Code (MCL 333.2253) to require the state Department of Agriculture to cooperate with and assist the director of the Department of Community Health if an epidemic involved avian influenza or another virus or disease that is or could be spread by contact with animals.

BACKGROUND INFORMATION:

Some of the information in this analysis was derived from the Senate Fiscal Agency's analysis of the bills dated 5-12-06.

For further information about the coordinated response to a possible influenza pandemic, visit the federal government website at <http://www.pandemicflu.gov>

Also see the Michigan Department of Community Health website at www.michigan.gov/mdch. Go to *Physical Health and Prevention*, then *Prevention*, then *Influenza*.

ARGUMENTS:

For:

The legislation promotes interagency cooperation before and during times of crisis. Currently under the Public Health Code, if the director of the Department of Community Health determines that control of an epidemic is necessary to protect the public health, he or she may prohibit, by emergency order, the gathering of people for any purpose, and may establish procedures to be followed during the epidemic to ensure continuation of essential public health services and enforcement of health laws.

Under House Bill 5631, if an epidemic involved avian influenza or another virus or disease that could be spread by contact with animals, the Michigan Department of Agriculture would have to cooperate with and assist the DCH director in the response to the epidemic. Additionally, upon the health director's request, the agriculture director would have to assist in any review or update of the pandemic influenza plan.

For:

Due to the potential disastrous impact of an influenza pandemic—on both the social and economic well-being of individuals and communities—and particularly in light of the threat posed by the avian flu spreading in Asia, it is critical that a coordinated response plan be in place. Officials with the World Health Organization, as well as the federal government, are monitoring avian flu cases and working to improve preparedness, should the disease rise to the level of a global crisis. States and local health departments have an essential role in designing and implementing a pandemic influenza plan, since many response activities would be carried out at those levels. While the Department of Community Health has had a pandemic influenza plan in place for several years, the bills would codify the department's current efforts, helping to ensure that the state is prepared to mitigate the potentially devastating effects of a pandemic.

Against:

The reporting requirements included in House Bill 5630 would likely create additional administrative costs for the Department of Community Health.

Response:

Over the past 12 months, the Department of Community Health, in conjunction with the Departments of Agriculture and Natural Resources, and with federal agencies, has updated Michigan's pandemic influenza response plan. The cost of formulating and maintaining this response plan has been largely underwritten by federal grant funds. The State of Michigan recently received an additional grant of about \$3 million from the federal government designed to accelerate state pandemic influenza planning efforts.

Legislative Analyst: J. Hunault

Fiscal Analyst: Susan Frey

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.