



Legislative Testimony
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**Written Testimony Supporting
Senate Bill 514, An Act Concerning
the Health Emergency Response Operations Act**

Senator Doyle, Senator Kissel, Representative Tong, and distinguished members of the Judiciary Committee:

My name is David McGuire, and I am executive director of the American Civil Liberties Union of Connecticut (ACLU-CT). I am submitting this testimony in support of Senate Bill 514, An Act Concerning the Health Emergency Response Operations Act.

The ACLU-CT fights to protect the civil liberties of all people. This includes a person's right to be free from imprisonment without reason. Quarantining someone is imprisoning them, meaning they are entitled to due process of law. Though it is the responsibility of the government to ensure public safety when it comes to dangerous diseases, the government must weigh public safety with the individual rights of people who are quarantined, in an effort to ensure that both public health and the Constitution prevail in times of crisis.

During the recent Ebola scare in the United States, multiple Connecticut residents were unconstitutionally quarantined by the state after traveling from Ebola-affected countries. A Yale doctoral student who was asymptomatic was quarantined in her Connecticut home after returning from West Africa. The student was provided with no written notice about the basis of her quarantine and no opportunity to be heard by a decision maker before her Ebola quarantine was instituted by Governor Dannel Malloy and the Connecticut Department of Public Health. Research has found that transmission of Ebola cannot happen from asymptomatic people. Yet the state quarantined, without due process, Liberian immigrants and public health workers who were asymptomatic and had not come into contact with anyone with Ebola symptoms. A year after the Ebola crisis, the Yale Global Health Justice Partnership and the national ACLU released a report critiquing how states handled the public health crisis and suggested

recommendations. The report highlighted Connecticut as having “the most restrictive policy in the nation” in response to the crisis.¹

This bill would help to ensure that people’s due process rights are protected when the state reacts to a health emergency or alleged health emergency. The bill would create a court process with hearings to ensure that the government does not deprive a person of their rights unless there is “a significant risk to the public health and imposition of a [] health order is necessary and the least restrictive means to protect or preserve the public health.” It would allow the person who may be quarantined the right to be heard by the Probate Court before being isolated. The bill also provides for an emergency health order in exigent circumstances, ensuring that the state can act quickly when there is truly a health emergency. The requirement of written notice of health orders would comply with due process rights, and people would be afforded the opportunity to appeal court decisions regarding whether they need to be quarantined. The 20-day limit on final public health orders would not allow someone to be quarantined for more than three weeks without a court reexamining the circumstances, and the ability for a person who is the subject of a health order to “move the court to terminate or modify the public health order if there are changed circumstances” means that someone would not be quarantined for longer than is absolutely necessary. This bill would ensure that the government quarantines or isolates people only in the least restrictive setting possible, meaning that people will not be quarantined or isolated unless there is a true public health risk that requires it.

The bill would also ensure that people who are quarantined or isolated by the state have the right to practice their religious beliefs during their quarantine or isolation. A provision in the bill would require the Department of Public Health commissioner to report annually to the governor, the Public Health Committee, and the Judiciary Committee on the use of quarantining and isolation under the act. This transparency is very important to make sure that these means are only used when absolutely necessary and that the government is not violating people’s rights under the guise of protecting public health. An important piece of this legislation is the requirement that a declaration of a public health emergency “include information to dispel any erroneous beliefs about disease transmission so that quarantined and isolated individuals are not subject to violence or discrimination based on misinformation and fear about the disease.”

¹ American Civil Liberties Union & Yale Global Health Justice Partnership. (2015). *Fear, politics, and Ebola: How quarantines hurt the fight against Ebola and violate the constitution*. New York, NY.

We need to learn from the state's mishandling of the U.S. Ebola scare, so Connecticut responds to future health scares with smart policies based on scientific evidence, public health, and the Constitution, not reactive policies based on misinformation and political grandstanding. Punitive and scientifically baseless approaches violate the law and make us less safe.

We strongly urge the committee to support Senate Bill 514.