



A Tradition of Stewardship  
A Commitment to Service

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**HHSA CONPLAN - ATTACHMENT A  
HEALTH OFFICER AUTHORITIES**

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**NAPA COUNTY HEALTH AND HUMAN SERVICES AGENCY (HHSA)**

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## **1. HEALTH OFFICER AUTHORITIES**

The authority to enforce State statute and County and City orders and ordinances is grounded in the authority of the local Public Health Officer. Specifically, the Public Health Officer may take any preventive measure that may be necessary to protect and preserve the public from any public health hazard during any “state of war emergency,” “state of emergency,” or “local emergency,” as defined by Section 8558 of the Government Code, within his or her jurisdiction.

“Preventive measure” means abatement, correction, removal, or any other protective step that may be taken against any public health hazard that is caused by a disaster and affects the public health. Funds for these measures may be allowed pursuant to Sections 29127 to 29131, inclusive, and 53021 to 53023, inclusive, of the Government Code, and from any other money appropriated by a County Board of Supervisors or a City governing body to carry out the purposes of Section 101040.

The Public Health Officer, upon consent of the County Board of Supervisors or a City governing body, may certify any public health hazard resulting from any disaster condition if certification is required for any Federal or State disaster relief program.

The Public Health Officer shall take measures to control the spread or further occurrence of any contagious, infectious, or communicable disease of which he/she is aware. The Public Health Officer may inspect any place or person when necessary to enforce health regulations.

### **1.1 HEALTH OFFICER CODES**

In 2007, Section 56.10 of the Civil Code was amended; Sections 101080 and 101085 of the Health and Safety Code were amended; and Sections 101080.2 and 120176 were added to the Health and Safety Code, relating to public health.

The Local Pandemic and Emergency Health Preparedness Act of 2006 amended Section 101080 to the Health and Safety Code. The amendment added Health Officer authority to declare a local health emergency in situations of imminent and proximate threat of the introduction of any contagious, infectious, or communicable disease, chemical agent, non-communicable biologic agent, toxin, or radioactive agent. Prior to this amendment, the Health Officer authority to declare a local health emergency was limited to whenever a release, spill, escape, or entry of waste occurs.

The amended section states:

101080: Whenever a release, spill, escape, or entry of waste occurs as described in paragraph (2) of subdivision (b) of Section 101075 and the director or the local health officer reasonably determines that the waste is a hazardous waste or medical waste, or that it may become a hazardous waste or medical waste because of a combination or reaction with other substances or

materials, and the director or local health officer reasonably determines that the release or escape is an immediate threat to the public health, or whenever there is an imminent and proximate threat of the introduction of any contagious, infectious, or communicable disease, chemical agent, noncommunicable biologic agent, toxin, or radioactive agent, the director may declare a health emergency and the local health officer may declare a local health emergency in the jurisdiction or any area thereof affected by the threat to the public health. Whenever a local health emergency is declared by a local health officer pursuant to this section, the local health emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the Board of Supervisors. The Board of Supervisors shall review, at least every 14 days until the local health emergency is terminated, the need for continuing the local health emergency and shall proclaim the termination of the local health emergency at the earliest possible date that conditions warrant the termination.

**Health and Safety Code § 101040:** The Health Officer may take any preventive measure that may be necessary to protect and preserve the public from any public health hazard during any “state of war emergency,” “state of emergency,” or “local emergency,” as defined by Section 8558 of the Government Code, within his or her jurisdiction.

“Preventive measure” means abatement, correction, removal, or any other protective step that may be taken against any public health hazard that is caused by a disaster and affects the public health.

The Health Officer, upon consent of the County Board of Supervisors or a city governing body, may certify any public health hazard resulting from any disaster condition if certification is required for any federal or state disaster relief program.

**§ 120175:** Each health officer knowing or having reason to believe that any case of the diseases made reportable by regulation of the department, or any other contagious, infectious or communicable disease exists, or has recently existed, within the territory under his or her jurisdiction, shall take measures as may be necessary to prevent the spread of the disease or occurrence of additional cases.

**§ 120200:** Each health officer, whenever required by the department (*Ca. Department of Public Health*) shall establish and maintain places of quarantine or isolation that shall be subject to the special directions of the department.

**§ 120210:** Whenever in the judgment of the department it is necessary for the protection or preservation of the public health, each health officer shall, when directed by the department, do the following:

- (a) Quarantine or isolate and disinfect persons, animals, houses or rooms, in accordance with general and specific instructions of the department.
- (b) Destroy bedding, carpets, household goods, furnishings, materials, clothing, or animals, when ordinary means of disinfection are considered unsafe, and when the property is, in the judgment of

## ANNEX H - ATTACHMENT A: HEALTH OFFICER AUTHORITIES

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the department, an imminent menace to the public health.

When the property is destroyed pursuant to this section, the governing body of the locality where the destruction occurs may make adequate provision for compensation in proper cases for those injured thereby.

**§ 120215:** Upon receiving information of the existence of contagious, infectious, or communicable disease for which the department may from time to time declare the need for strict isolation or quarantine, each health officer shall:

(a) Ensure the adequate isolation of each case, and appropriate quarantine of the contacts and premises.

(b) Follow local rules and regulations, and all general and special rules, regulations, and orders of the department, in carrying out the quarantine or isolation.

**California Penal Code, § 409.5:** (a) Whenever a menace to the public health or safety is created by a calamity including a flood, storm, fire, earthquake, explosion, accident, or other disaster, officers of the Department of the California Highway Patrol, police departments, marshal's office or sheriff's office, any officer or employee of the Department of Forestry and Fire protection designated a peace officer by subdivision (g) of Section 830.2, any officer or employee of the Department of Parks and Recreation designated a peace officer by subdivision (f) of Section 830.2, any officer or employee of the Department of Fish and Game designated a peace officer under subdivision (e) of Section 830.2, and any publicly employed full-time lifeguard or publicly employed full-time marine safety officer while acting in a supervisory position in the performance of his or her official duties, may close the area where the menace exists for the duration thereof by means of ropes, markers, or guards to any and all persons not authorized by the lifeguard or officer to enter or remain within the enclosed area. If the calamity creates an immediate menace to the public health, the local health officer may close the area where the menace exists pursuant to the conditions set forth in this section.

### Declarations

**California Government Code, § 8558 (c):** defines "Local Emergency" means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, complications resulting from the Year 2000 Problem, or other conditions, other than conditions resulting from a labor controversy, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.

**California Government Code, §8630:** (a) A local emergency may be proclaimed only by the governing body of a city, county, or city and county, or by an official designated by ordinance adopted by that governing body.

101080. Whenever a release, spill, escape, or entry of waste occurs as described in paragraph (2) of subdivision (b) of Section 101075 and the director or the local health officer reasonably determines that the waste is a hazardous waste or medical waste, or that it may become a hazardous waste or medical waste because of a combination or reaction with other substances or materials, and the director or local health officer reasonably determines that the release or escape is an immediate threat to the public health, or whenever there is an imminent and proximate threat of the introduction of any contagious, infectious, or communicable disease, chemical agent, noncommunicable biologic agent, toxin, or radioactive agent, the director may declare a health emergency and the local health officer may declare a local health emergency in the jurisdiction or any area thereof affected by the threat to the public health. Whenever a local health emergency is declared by a local health officer pursuant to this section, the local health emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the board of supervisors. The board of supervisors shall review, at least every 14 days until the local health emergency is terminated, the need for continuing the local health emergency and shall proclaim the termination of the local health emergency at the earliest possible date that conditions warrant the termination.

## **1.2 PUBLIC HEALTH OFFICER SUCCESSION**

The role of the County Public Health Officer is critical to the management of a bioterrorism event, disaster, or other public health emergency. In any emergency or disaster, Public Health Officer Succession is as follows:

1. Public Health Officer, Napa County Public Health Division
2. Psychiatric Medical Director, Mental Health Division
3. Public Health Officer from another California jurisdiction provided in response to a mutual aid request.

If a designated individual is unavailable, authority will pass to the next individual on the list. "Unavailable" is defined as:

The designated person is incapable of carrying out the assigned duties by reason of death, disability, or distance from/response time to the operations facility.

The designated individual retains all assigned obligations, duties, and responsibilities until officially relieved by an individual higher on the list of succession.