**Public Health Emergency Declaration**

The Secretary of the Department of Health and Human Services (HHS) may, under section 319 of the Public Health Service (PHS) Act, determine that: a) a disease or disorder presents a public health emergency (PHE); or b) that a public health emergency, including significant outbreaks of infectious disease or bioterrorist attacks, otherwise exists.

Duration and Notification: The declaration lasts for the duration of the emergency or 90 days, but may be extended by the Secretary. Congress must be notified of the declaration within 48 hours, and relevant agencies, including the Department of Homeland Security, Department of Justice, and Federal Bureau of Investigation, must be kept informed.

Prior to issuing the declaration, the Secretary should consult with public health officials as necessary.

Following a section 319 declaration, the Secretary can:

* Take appropriate actions in response to the emergency consistent with other authorities, including: making grants; entering into contracts; and conducting and supporting investigations into the cause, treatment, or prevention of the disease or disorder. Upon request of the recipient of any such award and subject to corresponding reductions in payments, the Secretary may also provide supplies, equipment, and services, and detail employees of the Department to the recipient to aid the recipient in carrying out the award.

…

**Determination that a Public Health Emergency Exists**

As a result of confirmed cases of 2019 Novel Coronavirus (2019-nCoV), on this date and after consultation with public health officials as necessary, I, Alex M. Azar II, Secretary of Health and Human Services, pursuant to the authority vested in me under section 319 of the Public Health Service Act, do hereby determine that a public health emergency exists and has existed since January 27, 2020, nationwide.

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| 01/31/2020\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date |                          | /s/\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Alex M. Azar II |

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**Section 361 of the Public Health Service Act** (**42 U.S. Code** § **264**)

**(a)Promulgation and enforcement by Surgeon General**

The [Surgeon General](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=42-USC-1701087509-1342391137&term_occur=999&term_src=), with the approval of the[Secretary,](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=42-USC-1264422296-1342391138&term_occur=999&term_src=) is authorized to make and enforce such[regulations](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=42-USC-847345143-1342391139&term_occur=999&term_src=)as in his judgment are necessary to prevent the introduction, transmission, or spread of communicable diseases from foreign countries into the States or possessions, or from one State or possession into any other State or possession. For purposes of carrying out and enforcing such[regulations,](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=42-USC-847345143-1342391139&term_occur=999&term_src=title:42:chapter:6A:subchapter:II:part:G:section:264) the [Surgeon General](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=42-USC-1701087509-1342391137&term_occur=999&term_src=) may provide for such inspection, fumigation, disinfection, sanitation, pest extermination, destruction of animals or articles found to be so infected or contaminated as to be sources of dangerous infection to human beings, and other measures, as in his judgment may be necessary.

**(b)Apprehension, detention, or conditional release of individuals**

Regulations prescribed under this section shall not provide for the apprehension, detention, or conditional release of individuals except for the purpose of preventing the introduction, transmission, or spread of such communicable diseases as may be specified from time to time in Executive orders of the President upon the recommendation of the [Secretary](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=42-USC-1264422296-1342391138&term_occur=999&term_src=), in consultation with the [Surgeon General](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=42-USC-1701087509-1342391137&term_occur=999&term_src=),[[1]](https://www.law.cornell.edu/uscode/text/42/264%22%20%5Cl%20%22fn002111).

**(c)Application of regulations to persons entering from foreign countries**

Except as provided in subsection (d), [regulations](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=42-USC-847345143-1342391139&term_occur=999&term_src=title:42:chapter:6A:subchapter:II:part:G:section:264) prescribed under this section, insofar as they provide for the apprehension, detention, examination, or conditional release of individuals, shall be applicable only to individuals coming into a State or possession from a foreign country or a possession.

**(d)Apprehension and examination of persons reasonably believed to be infected**

**(1)** [Regulations](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=42-USC-847345143-1342391139&term_occur=999&term_src=title:42:chapter:6A:subchapter:II:part:G:section:264) prescribed under this section may provide for the apprehension and examination of any individual reasonably believed to be infected with a communicable disease in a [qualifying stage](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=42-USC-1052269421-1722243096&term_occur=999&term_src=title:42:chapter:6A:subchapter:II:part:G:section:264) and (A) to be moving or about to move from a State to another State; or (B) to be a probable source of infection to individuals who, while infected with such disease in a [qualifying stage](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=42-USC-1052269421-1722243096&term_occur=999&term_src=title:42:chapter:6A:subchapter:II:part:G:section:264), will be moving from a State to another State. Such[regulations](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=42-USC-847345143-1342391139&term_occur=999&term_src=)may provide that if upon examination any such individual is found to be infected, he may be detained for such time and in such manner as may be reasonably necessary. For purposes of this subsection, the term “State” includes, in addition to the several States, only the District of Columbia.

**(2)**For purposes of this subsection, the term “[qualifying stage](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=42-USC-1052269421-1722243096&term_occur=999&term_src=title:42:chapter:6A:subchapter:II:part:G:section:264)”, with respect to a communicable disease, means that such disease—

**(A)** is in a communicable stage; or

**(B)** is in a precommunicable stage, if the disease would be likely to cause a public health emergency if transmitted to other individuals.

**(e)Preemption**

Nothing in this section or [section 266 of this title](https://www.law.cornell.edu/uscode/text/42/266), or the regulations promulgated under such sections, may be construed as superseding any provision under State law (including[regulations](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=42-USC-847345143-1342391139&term_occur=999&term_src=)and including provisions established by political subdivisions of States), except to the extent that such a provision conflicts with an exercise of Federal authority under this section or [section 266 of this title](https://www.law.cornell.edu/uscode/text/42/266).