

# Massachusetts Pandemic Bill allows Health Authorities to Enter Homes, Detain without Warrant

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In-depth Report: [THE H1N1 SWINE FLU PANDEMIC](#)

A “pandemic response bill” currently making its way through the Massachusetts state legislature would allow authorities to forcefully quarantine citizens in the event of a health emergency, compel health providers to vaccinate citizens, authorize forceful entry into private dwellings and destruction of citizen property and impose fines on citizens for noncompliance.

If citizens refuse to comply with isolation or quarantine orders in the event of a health emergency, they may be imprisoned for up to 30 days and fined \$1,000 per day that the violation continues.

## Massachusetts’ pandemic response bill

[“Pandemic Response Bill” 2028](#) was passed by the Massachusetts state Senate on April 28 and is now awaiting approval in the House.

As stated in the bill, upon declaration by the governor that an emergency exists that is considered detrimental to public health or upon declaration of a state of emergency, a local public health authority, with approval of the commissioner, may exercise the following authorities (emphasis added):

- to *require the owner or occupier of premises to permit entry into and investigation of the premises;*
- to *close, direct, and compel the evacuation of, or to decontaminate or cause to be decontaminated any building or facility, and to allow the reopening of the building or facility when the danger has ended;*
- to decontaminate or cause to be decontaminated, or to *destroy any material;*
- to restrict or *prohibit assemblages of persons;*
- to require a health care facility to provide services or the use of its facility, or to transfer the [management](#) and supervision of the health care facility to the department or to a local public health authority;

- to *control ingress to and egress* from any stricken or threatened public area, and the movement of persons and materials within the area;
- to adopt and *enforce measures to provide for the safe disposal of infectious waste and human remains*, provided that religious, cultural, family, and individual beliefs of the deceased person shall be followed to the extent possible when disposing of human remains, whenever that may be done without endangering the public health;
- to *procure, take immediate possession from any source, store, or distribute any anti-toxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies* located within the commonwealth as may be necessary to respond to the emergency;
- to *require in-state health care providers to assist in the performance of vaccination, treatment, examination, or testing* of any individual as a condition of licensure, authorization, or the ability to continue to function as a health care provider in the commonwealth;
- to waive the commonwealth's licensing requirements for health care professionals with a valid license from another state in the United States or whose professional [training](#) would otherwise qualify them for an appropriate professional license in the commonwealth;
- to allow for the dispensing of controlled substance by appropriate personnel consistent with federal statutes as necessary for the prevention or treatment of illness;
- to authorize the chief medical examiner to appoint and prescribe the duties of such emergency assistant medical examiners as may be required for the proper performance of the duties of office;
- to *collect specimens and perform tests on any animal, living or deceased*;
- to exercise authority under sections [95](#) and [96](#) of chapter 111;
- to *care for any emerging mental health or crisis counseling needs* that individuals may exhibit, with the consent of the individuals

State and local agencies responding to the public health emergency would be required to exercise their powers over transportation routes, communication devices, carriers, public utilities, fuels, food, clothing and shelter, according to the legislation.

[Don't let the fear get to you! Read "How To Overcome The Most Frightening Issues You Will Face This Century"](#)

Local public health authorities will be required to keep records of reports containing the name and location of all people who have been reported, their disease, injury, or health

condition and the name of the person reporting the case. In addition, citizens may be subject to “involuntary transportation.”

Line 341 of the bill states, “Law enforcement authorities, upon order of the commissioner or his agent or at the request of a local public health authority pursuant to such order, shall assist emergency medical technicians or other appropriate medical personnel in the involuntary transportation of such person to the tuberculosis treatment center. No law enforcement authority or medical personnel shall be held criminally or civilly liable as a result of an act or omission carried out in good faith in reliance on said order.”

### **Vaccinate or isolate**

Whenever the commissioner or a public-health authority decides it is necessary to prevent a serious danger to the public health, they are authorized:

(1) to vaccinate or provide precautionary prophylaxis (preventative procedure) to individuals as protection against communicable disease and to prevent the spread of communicable or possible communicable disease, provided that any vaccine to be administered must not be such as is reasonably likely to lead to serious harm to the affected individual; and

(2) to treat individuals exposed to or infected with disease, provided that treatment must not be such as is reasonably likely to lead to serious harm to the affected individual. **An individual who is unable or unwilling to submit to vaccination or treatment shall not be required to submit to such procedures but may be isolated or quarantined** ... if his or her refusal poses a serious danger to public health or results in uncertainty whether he or she has been exposed to or is infected with a disease or condition that poses a serious danger to public health, as determined by the commissioner, or a local public health authority operating within its jurisdiction. (emphasis added)

Under such circumstances, authorities are also allowed to decontaminate individuals and perform physical examinations, tests and specimen collection to determine whether “an individual presents a risk to public health.” If a citizen refuses, he or she may be isolated, quarantined and/or detained “for as long as may be reasonably necessary,” the bill states.

Law enforcement authorities are authorized to “**arrest without warrant** any person whom the officer has probable cause to believe has violated an order for isolation or quarantine and shall use reasonable diligence to enforce such order. Any person who knowingly violates an order for isolation or quarantine shall be punished by **imprisonment of not more than 30 days** and may be subject to a civil fine of not more than **\$1,000 per day that the violation continues.**” (emphasis added)

### **Other state quarantine orders**



Iowa’s Facility Quarantine Order

[As WND reported](#), a blank document from the Iowa Department of Public Health has been discovered online, designed to be filled in with the name of an H1N1 virus victim who is required to relocate from his or her home to a quarantine facility.

The form, which began appearing Aug 31 in e-mails and on the Internet, has concerned a confused public already [swimming](#) in conflicting reports about the severity of the swine flu and intrusive government measures that many fear may be taken if the disease becomes a pandemic.

The Iowa document, which WND confirmed with state officials is authentic, has done little to calm the public's fears.

"The Iowa Department of Public Health has determined that you have had contact with a person with Novel Influenza A H1N1," the form reads. "The Department has determined that it is necessary to quarantine your movement to a specific facility to prevent further spread of this disease.

"The Department has determined that quarantine in your home and other less restrictive alternatives are not acceptable," the document continues, before listing mandatory provisions of compliance with [relocation](#) to a quarantine facility.

According to the CDC, the following states have implemented legal actions in response to the H1N1 virus:

**Florida** - the [Florida](#) surgeon general suspended distribution permit requirements Florida statutes to allow wholesale distribution of Tamiflu and Relenza. The state has also distributed a series of blank quarantine order forms, including a [voluntary home quarantine agreement](#), a [quarantine to residence order](#), a [quarantine to residence order \(non-compliance\)](#), a [quarantine to facility order](#), [quarantine detention order](#), [quarantine of facility order](#), [building quarantine closure order](#) and [area quarantine closure order](#).

**Iowa** - In addition to the facility quarantine order listed above, Iowa has also made available forms for [voluntary home confinement](#), [home quarantine](#) and [home isolation](#).

**Massachusetts** - Massachusetts lists [its own procedures for isolation and quarantine](#).

**North Carolina** - The North Carolina Department of Health and Human Services released [a draft isolation order](#) that would provide for imprisonment for up to two years and pretrial detention without bail for any citizen who fails to comply with an isolation order.

**Washington** - Washington grants authority to local health officers to [issue emergency detention orders](#) causing citizens to be immediately and involuntarily isolated or quarantined for up to 10 days.

In addition, governors and health commissioners in the following states have declared a state of emergency since April following concerns about the H1N1 virus: California, Florida, Iowa, Maine, Maryland, Massachusetts, Nebraska, New York, Ohio, Texas, Virginia and Wisconsin.

### **Next step: Mandatory swine flu vaccines?**

According to the White House, "Since the novel 2009-H1N1 flu virus emerged in the United States during the third week of April, the president has received regular briefings and asked his Cabinet to spare no effort in addressing this national security challenge."

The White House also lists as a priority, “Preparing for a voluntary, but strongly recommended, H1N1 flu shot program to be available to all Americans that wish to participate over a period of time.”

Barbara Loe Fischer, president of the [National Vaccine Information Center](#), referenced the controversial Massachusetts bill in her commentary, “[Swine flu vaccine: Will we have a choice?](#)”

Fischer said, “Public health doctors have persuaded legislators to pass pandemic influenza legislation that will allow state officials to enter homes and businesses without the consent of occupants, to investigate and quarantine individuals without their consent, to require licensed health-care providers to give citizens vaccines and to ban the free assembly of citizens in the state.”

She said World Health Organization doctors “immediately went into high gear” within days of identifying the new swine flu virus emerging out of Mexico and declared a public-health emergency. Now, Fischer says, the CDC is taking the opportunity to exercise unprecedented power.

“Whenever the CDC now declares a public-health emergency, that declaration allows the Food and Drug Administration to permit emergency-use authorization for drug [companies](#) to fast-track creation of experimental drugs and vaccines that do not have to be tested as thoroughly as vaccines that go through the normal FDA-licensing process.

“In this case, Congress responded to the public health emergency declaration by giving a group of drug companies \$1 billion to fast-track experimental swine flu vaccines that may include whole, live or killed, or genetically engineered human and animal viruses, chemicals and potentially reactive oil-based adjuvants that manipulate the immune system to boost the vaccine’s potency. People who already have sensitive immune systems, such as those with allergy and autoimmune disorders, may be at special risk.”

Furthermore, Fischer said 80 percent of all flu-like illness in a normal flu season is not caused by type A and B strains of influenza contained in annual flu shots.

While Fischer argues that citizens should be given the opportunity to voluntarily submit to flu vaccinations, she said, “Vaccine-acquired immunity is temporary while immunity gained after recovering from influenza is longer lasting.”

She said people born before 1957 may be naturally protected and at lower risk of being infected because they have long-lasting antibodies working against the virus and helping them resist infection.

“Will health officials allow our children and grandchildren to get the same kind of natural, longer-lasting protective antibodies to type A and B influenza, including the new swine flu?” she asked. “It looks like few choices will be allowed.”

### **Cure more deadly than disease?**

Although White House science advisers have warned that up to 90,000 Americans might die from H1N1 during the coming flu season, the head of the CDC responded by telling the public to ignore such a high morality estimate, saying the current H1N1 couldn’t kill that

many people without mutating.

Use of a similar swine flu vaccine in the United States in 1976 resulted in 25 people suffering from severe paralysis and dying from respiratory failure after being injected with the vaccine - more than the number of lives claimed from the virus itself.

Additionally, the vaccine is said to contain thimerosal, a preservative ingredient composed of mercury that has been linked to autism in young children.

[The FDA states](#), "Thimerosal has been removed from or reduced to trace amounts in all vaccines routinely recommended for children 6 years of age and younger, with the exception of inactivated influenza vaccine."

Thimerosal has also been linked to Guillain-Barre syndrome, or GBS - a serious disorder that occurs when the body's immune system mistakenly attacks the nervous system and may result in death.

In 1976, health officials found nearly 500 cases of GBS, and the vaccine was withdrawn 10 weeks after the link with GBS was suspected. Following the 1976 vaccination against swine flu in the U.S., a retrospective study found a likely eight-fold increase in the incidence of GBS.

Now that the nation is preparing for another round of H1N1 flu shots, the Oregonian reported that the federal government is urging neurologists to keep a close watch for new cases of GBS.

In a study conducted at the University of Hong Kong, the British Medical Journal reported that less than half of 8,500 doctors and nurses in public hospitals will accept vaccination against the swine flu - even following increases in the World Health Organization's pandemic alert level.

The study revealed, "The major barriers identified were fear of side effects and doubts about efficacy."

According to the following London report, investigative journalist Wayne Madsen revealed that even scientists who helped develop a vaccine for small pox are saying they will not take the vaccine and urging friends and family to refrain from taking the injection as well:

Nonetheless, federal authorities are preparing to launch a nationwide campaign to convince Americans to get the swine flu vaccine, the San Francisco Chronicle reported. Government officials have expressed concern that public demand for immunization will not be high enough.

"Many parents (in focus groups) expressed a lot of concerns about 2009 H1N1 vaccine. Those concerns were centered around the fact that it was new and it was being developed quickly," said Kris Sheedy, a communications director with the National Center for Immunization and Respiratory Diseases. "There were comments such as 'this is new and I don't want my child to be a guinea pig.'"

According to the San Francisco Chronicle, the government will spend "about \$16 million on

outreach to convince people of the need to get the swine flu vaccine.”

[As WND reported](#), alarmist language over possible outbreaks of swine flu as well as a series of moves by the federal government are fueling fears federal agents will soon be forcing citizens to be vaccinated – prompting the Constitution Party to launch a pre-emptive defense against any such effort.

Fischer warned that Americans must become educated about vaccination, influenza, vaccine risks and public health laws in their states.

“Every pharmaceutical drug, including vaccines, carries a risk. And those risks are greater for some than others,” she said. “In this time of fear, we can’t let that fear take away our freedom to make voluntary health decisions. The human right to informed consent to medical risk taking gives citizens the power to make sure that the cure is not more dangerous than the disease.”

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