|  |
| --- |
| **Statutory Authority – State of Emergency** |
| **HEALTH DEPARTMENT** |
| 68-1-201 and -204 | The commissioner of health, appointed by the governor, has the power to declare quarantine whenever he or she determines the welfare of the public requires it. The commissioner has the authority to prescribe rules and regulations deemed proper for the prevention of epidemic diseases in the state. In the event of an emergency or disaster that involves the outbreaks of disease that present a danger of an epidemic, the commissioner shall make appropriate recommendations to the governor for actions under this title and title 58, chapter 2, to allocate all available heath care resources in the affected areas for immediate and long-term health care needs of the affected populations. |
| 68-2-609 | The county health officer is empowered to order the quarantine of any place or person if the county health officer finds that such control is necessary to protect the public health from an epidemic. The county health officer is also empowered to close public buildings when necessary. |
| 68-2-603(e) | If the county does not have a county health officer, the commissioner of health is required to appoint a physician to provide medical direction, including exercising the quarantine authority in TCA 68-2-609 (above). |
| 68-1-203 | Any person who willfully disregards or evades quarantine, or violates any rule or regulation made in attempting to prevent the spread of any epidemic disease commits a Class B misdemeanor. |
| **COUNTY MAYOR** |
| 58-8-104 | The county mayor can declare a state of emergency and act under TCA 58-2-110 (below). The county mayor may evacuate all or any portion of the unincorporated areas of the county (also gives municipal mayors the same authority for incorporated areas). |
| 58-2-110 | Once a local state of emergency has been declared under TCA 58-8-104 (above), the mayor is given the authority to suspend the performance of public work and take whatever prudent action is necessary to ensure the health, safety, and welfare of the community.  The local state of emergency under this statute is limited to 7 days, but it may be extended in 7-day increments. |
| 58-2-120 | Any person violating any order, rule or regulation promulgated pursuant to a declaration of a state of emergency commits a Class A misdemeanor. |
| **COUNTY COMMISSION** |
| 5-1-118 | The County Powers Law allows counties to abate nuisances. By referencing the powers enumerated in TCA 6-2-201(22) and (23), the county can: “Define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, businesses, occupations, callings, trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the municipality, and exercise general police powers; [and] Prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained.” The county would need to adopt the County Powers Law by 2/3 vote of the county commission in order to exercise these powers, and any nuisance regulations adopted pursuant to this law also need to be passed by 2/3 vote. |