

Law You Can Use: Consumer Information Column

Ohio Law Requires Reporting of Certain Infectious Diseases

Q.: *From time to time there are reports on television and radio about outbreaks of infectious animal diseases. Are there laws that require the reporting of such outbreaks?*

A.: Yes. The law is one of the tools used in our society to assure that infectious diseases are reported in a timely manner so that the public health can be protected. In Ohio, as in other states, the legislature has passed statutes that require certain categories of infectious disease to be immediately reported to proper authorities.

For example, Ohio law authorizes the state's director of agriculture to designate diseases that are dangerously contagious or infectious. When the director believes that a dangerously contagious or infectious disease is present in any geographical area of the state, he or she has the authority to prohibit or regulate the movement of any animal that might carry the disease into or out of the area. In addition, the director has the authority to quarantine animals in order to investigate and test animals or to prevent contagious or infectious disease from spreading. While it would be extraordinarily unusual, such a quarantine could affect pets as well as farm animals.

Q.: *I know that farm animals are sometimes destroyed if they have contagious diseases. Could my family pet face the same fate?*

A.: Yes. Ohio's director of agriculture may order the destruction of any domestic animal that he or she believes poses a health threat as a result of infectious disease. However, the director generally must have the animal examined before it is destroyed.

Q.: *What about infectious diseases among people? Isn't our private health information confidential?*

A.: While your private health information is confidential, the Ohio Department of Health has broad authority to protect the public health from the spread of infectious disease among individuals. The Department of Health, along with local departments of health, has authority to investigate disease outbreaks and, if necessary, to quarantine individuals in order to stop the spread of infectious disease. Additionally, doctors and hospitals are required under Ohio law to report the discovery of cases of certain types of infectious diseases to the local health department where the case originates. For example, cases of anthrax, botulism, bacterial meningitis, smallpox, measles, human rabies and a number of other diseases must be reported immediately. Not only must doctors and hospitals report confirmed cases, but they must also report suspected cases and positive laboratory results for these diseases. Thus, in some respects, the public's need for safety trumps your right to privacy.

Q.: *What are my responsibilities if I have an infectious disease?*

A.: Some people are surprised to learn that it is against the law to knowingly fail to take reasonable measures to prevent spreading dangerous, contagious diseases. In fact, violation of this law is a second degree misdemeanor.

An individual also can have civil liability for spreading disease. An Ohio court has held that a person who knows, or should know, that he or she is infected with a venereal disease has the duty to abstain from sexual conduct or, at a minimum, to warn those persons with whom he or she expects to have sexual relations of the condition. Failure to do so can make an individual liable for money damages.

Q.: *Where can I get more information?*

A.: Your local health department has a great deal of information regarding its policies and procedures for controlling the spread of infectious disease. You also may want to visit the Ohio Department of Health's Web site at

<http://www.odh.ohio.gov/healthResources/infectiousDiseaseManual.aspx> . To learn about the State of Ohio's Emergency Operations Plan for dealing with incidents of infectious disease, visit

http://www.ema.ohio.gov/Ohio_EOP/2007/esf_8_tab_c.pdf. For information about the federal government's role in fighting infectious disease, visit the federal Center for Disease Control's Web site at <http://emergency.cdc.gov/>.

Law You Can Use is a weekly consumer legal information column provided by the Ohio State Bar Association. This article was prepared by attorney Michael P. Coyne, a partner in the Cleveland firm of Waldheger Coyne, LPA. Articles appearing in this column are intended to provide broad, general information about the law. Before applying this information to a specific legal problem, readers are urged to seek advice from an attorney.