



Public Health Security and Bioterrorism Preparedness and Response Act

From Wikipedia, the free encyclopedia

Signed into effect on 12 June 2002, the **Public Health Security and Bioterrorism Preparedness and Response Act**, (PHSBPRA) was signed by the President, the Department of Health and Human Services (DHHS) and the U.S. Department of Agriculture (USDA).

It established procedures for preparation for bioterrorism and public health emergencies. It also created the **National Disaster Medical System**, through which teams of health professionals, such as physicians, pharmacists, paramedics, and nurses, volunteer in emergency situations.

A component of the new rules include security risk assessment of individuals who have access to the **select agents and toxins**. It is intended to establish new requirements for registration of possession, use, and transfer of select agents and toxins that could pose a threat to human, animal, and plant safety and health. Any person who meets the criteria of a "restricted person" as defined in the USA **PATRIOT Act** of 2001, must not be afforded access to these materials.

Public Health Security and Bioterrorism Preparedness and Response Act of 2002



Other short titles	Bioterrorism Preparedness Act of 2001
Long title	An Act to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies.
Enacted by	the 107th United States Congress
Effective	June 12, 2002
Citations	
Public law	107-188
Statutes at Large	116 Stat. 594
Codification	
Titles amended	42: Public Health and Social Welfare
U.S.C. sections amended	Chapter 6A § 201 et seq.
Legislative history	
<ul style="list-style-type: none"> Introduced in the House as H.R. 3448 by Wilbert J. Tauzin, II (R-LA) on December 11, 2001 Passed the House on December 12, 2001 (418–2) Passed the Senate on December 20, 2001 (Passed unanimous consent) Reported by the joint conference committee on May 21, 2002; agreed to by the House on May 22, 2002 (425–1) and by the Senate on May 23, 2002 (98–0) Signed into law by President George W. Bush on June 12, 2002 	

Contents [hide]

- Title I: National Preparedness for Bioterrorism and Other Public Health Emergencies**
 - Subtitle A: National Preparedness and Response Planning, Coordinating, and Reporting**
 - Subtitle B: Strategic National Stockpile; Development of Priority Countermeasures**
 - Subtitle C: Improving State, Local, and Hospital Preparedness for and Response to Bioterrorism and Other Public Health Emergencies**
 - Subtitle D: Emergency Authorities; Additional Provisions**
 - Subtitle E: Additional Provisions**
- Title II: Enhancing Controls on Dangerous Biological Agents and Toxins**
 - Subtitle A: Department of Health and Human Services**
 - Subtitle B: Department of Agriculture**
 - Subtitle C: Interagency Coordination Regarding Overlap Agents and Toxins**
 - Subtitle D: Criminal Penalties Regarding Certain Biological Agents and Toxins**
- Title III: Protecting Safety and Security of Food and Drug Supply**
 - Subtitle A: Protection of Food Supply**
 - Subtitle B: Protection of Drug Supply**
 - Subtitle C: General Provisions Relating to Upgrade of Agricultural Security**
- Title IV: Drinking Water Security and Safety**
- Title V: Additional Provisions**
 - Subtitle A: Prescription Drug User Fees**
 - Subtitle B: Funding Provisions Regarding Food and Drug Administration**
 - Subtitle C: Additional Provisions**
- References**
- Sources**

Title I: National Preparedness for Bioterrorism and Other Public Health Emergencies [edit]

Title I deals with preparation on the federal, state, and local level for bioterrorism and other public health emergencies such as epidemics.

Subtitle A: National Preparedness and Response Planning, Coordinating, and Reporting [edit]

Subtitle A amended the **Public Health Service Act** to add *Title XXVIII: National Preparedness for Bioterrorism and Other Public Health Emergencies*. It directed the DHHS, through the **Secretary of Health and Human Services**, to coordinate a strategy for preparing for and responding to bioterrorism and other public health emergencies, including the preparation of a plan to ensure that the activities of the Secretary regarding bioterrorism and other public health emergencies are coordinated with state and local governments.

It requires the federal government to provide assistance to state and local governments in the event of bioterrorism or other public health emergency and ensure that state and local governments are prepared to detect and respond to such emergencies, including capability for effective public health surveillance and reporting, appropriate laboratory readiness, properly trained and equipped emergency personnel, protection of workers responding to such an emergency, public health agencies that are prepared to coordinate health services during and after emergencies, and participation in communications networks that can publicly and privately disseminate information in a timely and secure manner.

It requires developing and maintaining medical supplies against biological agents that may be involved in an emergency, ensuring coordination and minimizing duplication of federal, state, and local planning, preparedness, response, and investigation of a public health emergency, and enhancing the readiness of hospitals to respond to public health emergencies.

It establishes an Assistant Secretary for Public Health Emergency Preparedness in the **Department of Health and Human Services** to coordinate efforts on behalf of the Secretary.

It provides for the operation of a **National Disaster Medical System**, which is a coordinated effort to provide health and auxiliary services to respond to the needs of victims of a public health emergency or be present at locations that DHHS has determined is at risk of a public health emergency. It establishes an advance registration system of health professions volunteers for verifying credentials during public health emergencies. The NDMS now has over 5,000 civilian volunteers and 1,800 participating hospitals. 55 of the 80 NFMS groups are **Disaster Medical Assistance Teams**, which respond to public health emergencies in the US and internationally. 10 are **Disaster Mortuary Operational Response Teams**, which are responsible for identification and handling of human remains in mass-casualty situations.

It authorizes the Director of the **Centers for Disease Control and Prevention** to construct and equip new facilities, renovate existing facilities, and upgrade security in order to better combat threats to public health and support public health activities.

It establishes a system of public health alert communications and surveillance networks between federal, state, and local public health officials, health systems, and any other appropriate entities.

It establishes a temporary *National Advisory Committee on Children and Terrorism* and a *Emergency Public Information and Communications Advisory Committee*, which are to submit recommendations to the DHHS.

The DHHS is to develop materials for teaching recognition and identification of potential bioweapons, to develop materials for planning by state and local governments, health care facilities, and emergency personnel to respond to an emergency, to develop programs for testing laboratory and other public health personnel for preparedness, and to disseminate this information.

It authorizes grants and cooperative agreements to provide loans, scholarships, fellowships, or other forms of assistance for training individuals in any category of health professions for which there is a shortage that the Secretary determines are necessary for proper preparation.

It directs the DHHS Secretary to coordinate with the **Secretary of Agriculture**, the **Attorney General**, the **Director of Central Intelligence**, the **Secretary of Defense**, the **Secretary of Energy**, the Administrator of the **Environmental Protection Agency**, the Director of the **Federal Emergency Management Agency**, the **Secretary of Labor**, the **Secretary of Veterans Affairs**, and other federal officials as appropriate to establish a working group on preparedness for bioterrorism and other public health emergencies.

- Main page
 - Contents
 - Current events
 - Random article
 - About Wikipedia
 - Contact us
 - Donate
-
- Contribute
 - Help
 - Learn to edit
 - Community portal
 - Recent changes
 - Upload file
-
- Tools
 - What links here
 - Related changes
 - Special pages
 - Permanent link
 - Page information
 - Cite this page
 - Wikidata item
-
- Print/export
 - Download as PDF
 - Printable version
-
- Languages
 - Español
 - Edit links

It also revises provisions concerning [antimicrobial resistance](#).

This section **needs expansion**.
You can help by [adding to it](#). (March 2017)

Subtitle B: Strategic National Stockpile; Development of Priority Countermeasures [[edit](#)]

Subtitle B directs the Secretary of DHHS, in coordination with the Secretary of Veterans Affairs, to maintain a stockpile of medical supplies for the event of bioterrorism or other public health emergency and directs the Secretary to ensure that a sufficient amount of vaccine against smallpox is available.

It directs the FDA to designate a "priority countermeasure" as a [fast track](#) product pursuant to the [Federal Food, Drug, and Cosmetic Act](#). It requires the FDA to give priority to accelerated countermeasure research and development and requires the FDA to issue a final rule within 90 days allowing reliance on animal trials for countermeasures for public health emergencies. It directs the Secretary to periodically evaluate new technology to improve the ability of public health officials to conduct public health surveillance activities relating to bioterrorism or other public health emergency.

It directs the DHHS, in consultation with the Attorney General and the Secretary of Defense, to provide assistance for security to facilities or people involved in countermeasures for bioterrorism and public health emergencies.

It directs the President to make [potassium iodide](#) tablets available to state and local governments through the [national stockpile](#) to provide protection for people living near a nuclear power plant, and requests that the [National Academy of Sciences](#) conduct a study to determine the most effective and safe way to distribute and administer potassium iodide tablets on a mass scale.

Subtitle C: Improving State, Local, and Hospital Preparedness for and Response to Bioterrorism and Other Public Health Emergencies [[edit](#)]

Subtitle C makes funds available for national security with respect to bioterrorism and other public health emergencies. Eligible activities include developing coordinated local plans for responding to emergencies, addressing deficiencies in public health needs, purchasing or upgrading equipment to prepare for emergencies, conducting exercises to test emergency response activities, developing trauma and burn center care plans for emergency medical services, improving public health laboratories, training public health and health care personnel, developing systems by which information can be communicated, addressing the safety needs of children and vulnerable populations, ensuring safety of workers, preparing for contamination prevention efforts and for triage and transport in emergencies, training health care professionals to recognize and treat mental health consequences, enhancing training of health care professionals to provide appropriate care for large numbers of individuals, enhancing training to protect the health and safety of personnel responding to an attack, improving preparations for emergency response activities, and improving the ability of existing telemedicine programs to provide information, as part of the emergency public health response to bioterrorism or other public health emergencies.

Subtitle D: Emergency Authorities; Additional Provisions [[edit](#)]

Subtitle D affords flexibility regarding procedures in emergency situations. It provides extensions for certain reporting deadlines during a public health emergency and expands the authority of the Secretary, in consultation with the Surgeon General to specify communicable diseases that are subject to [individual detention orders](#).

It amends title XI of the [Social Security Act](#) to add provisions with the purpose of ensuring that during an emergency, sufficient health care items and services are available to meet the needs of individuals on welfare, and health care providers furnishing such items and services in good faith, but that are unable to comply with one or more specified requirements may be reimbursed for such items and services and exempted from sanctions for noncompliance.

Subtitle E: Additional Provisions [[edit](#)]

Subtitle E includes several provisions.

It amends the [Robert T. Stafford Disaster Relief and Emergency Assistance Act](#) to require information to be efficiently distributed to the public.

The Secretary of Energy and the Administrator of the National Nuclear Security Administration is to expand research relevant to rapid detection and identification of pathogens likely to be used in a bioterrorism attack, and the Secretary, acting through the Director of the [National Institute for Occupational Safety and Health](#), is to expand research on the health and safety of workers who are at risk for bioterrorism threats.

The Secretary of Veterans Affairs is to enhance the readiness of VA medical centers to protect patients and staff from chemical or biological attack or to respond to an attack.

The [Community Access to Emergency Defibrillation Act](#) of 2002 directs the Secretary to award grants to States, political subdivisions of States, Indian tribes, and tribal organizations to develop and implement public access defibrillation programs. Authorizes appropriations.^[1]

Title II: Enhancing Controls on Dangerous Biological Agents and Toxins [[edit](#)]

Title II deals with the security of dangerous biological agents and toxins used in research and development.

Subtitle A: Department of Health and Human Services [[edit](#)]

Subtitle A amends the [Public Health Service Act](#) to enhance control of certain [biological agents and toxins](#) (select agents). DHHS is to establish and maintain a list of agents that may pose a threat to public health and safety, provide regulation of transfers, provide for enforcement of standards for their possession and use, require registration of their possession, use, and transfer, and creates security requirements for people possessing select agents commensurate with the risk the agent poses to public health and safety, and authorizes DHHS to inspect for compliance with regulations. All people in possession of select agents are to notify DHHS of possession.

It authorizes exemptions for clinical or diagnostic laboratories and other institutions who possess select agents that are contained in specimens for diagnosis, verification, or proficiency testing, provided that the identification of such agents is reported to DHHS and other authorities, and such agents or toxins are transferred or destroyed in a safe manner set forth by regulation. It authorizes exemptions for products that contain select agents and are cleared, unless DHHS determines that applying additional regulation to a specific product is necessary. It authorizes exemptions for an investigational product that contains a select agent when the product is being used in an investigation authorized under any federal act and the DHHS determines that applying additional regulation to such product is not necessary.

Subtitle B: Department of Agriculture [[edit](#)]

The [Agricultural Bioterrorism Protection Act of 2002](#) directs the Secretary of Agriculture to establish and maintain a list of select agents that the Secretary determines has the potential to pose a threat to animal or plant health. Regulations should be established for transfers, registration and maintenance of a database of listed toxins, and security of persons possessing select agents. It requires information on registered persons to be submitted to the attorney general to determine if they are within any restricted categories. It requires prompt notification of the Secretary and law enforcement agencies of the theft or loss of listed agents and toxins.

A "restricted person" is a person who fits any of the following criteria:

- is under indictment for a crime punishable by imprisonment for a term exceeding 1 year
- has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year
- is a fugitive from justice
- is an unlawful user of any controlled substance (as defined in section 102 of the [Controlled Substances Act](#) (21 U.S.C. 802))
- is an alien illegally or unlawfully in the United States
- has been adjudicated as a mental defective or has been committed to any mental institution
- is an alien who is a national of Cuba, Iran, Iraq, Libya, North Korea, Sudan or Syria, or any other country to which the Secretary of State has made a determination that such country has provided support for acts of international terrorism
- has been discharged from the Armed Services of the United States under dishonorable conditions

As in Subtitle A, there are exemptions for clinical and diagnostic laboratories, products, investigational use, agricultural emergencies, and public health emergencies.

It sets forth rules governing disclosure of information, penalties for violators, and reporting requirements.

Subtitle C: Interagency Coordination Regarding Overlap Agents and Toxins [[edit](#)]

This states that the Secretary of Agriculture and the Secretary of Health and Human Services are to coordinate activities regarding overlapping agents and toxins.

Organizations	Federal administrative	DHS	DHS Chemical and Biological Defense Division · DHS Office of Health Affairs (National Biosurveillance Integration Center, BioWatch) · National Biodefense Analysis and Countermeasures Center · National Bio and Agro-Defense Facility · National Bioforensic Analysis Center
		DNI	National Counterproliferation Center (Advisory Committee on Bioterrorism)
		DHHS	Office of the Assistant Secretary for Preparedness and Response · Division of Select Agents and Toxins (CDC) · National Science Advisory Board for Biosecurity
		DoD	Assistant SECDEF for NCB Defense Programs · Defense Threat Reduction Agency · Global Emerging Infections Surveillance and Response System · Joint Program Executive Office of Chemical and Biological Defense (JPEO-CBD) · National Center for Medical Intelligence
	Federal research	Trans-departmental	National Interagency Confederation for Biological Research (National Interagency Biodefense Campus, Fort Detrick) · Integrated National Biodefense Medical Countermeasures Portfolio (DHHS/DoD)
		Military	U.S. Army Medical Research Institute of Infectious Diseases · Defense Advanced Research Projects Agency · Edgewood Chemical Biological Center · Dugway Proving Ground
		Civilian	Galveston National Laboratory (UTMB/NIAID) · Integrated Research Facility (HHS/NIAID) · Biomedical Advanced Research and Development Authority (HHS) · Homeland Security Research Program (EPA/DHS) · Plum Island Animal Disease Center (USDA) · Foreign Disease Weed Science Research Unit (USDA)
	Response	Local	Local Health Departments
		State	State Health Departments · Nebraska Biocontainment Patient Care Unit
		Federal	National Medical Response Team/National Pharmacy Response Team (NDMS, HHS) · Chemical Biological Incident Response Force (USMC) · Epidemic Intelligence Service (CDC) · Aeromedical Biological Containment System (CDC) · Bioterror Rapid Response and Advanced Technology Laboratory (CDC)
Non-governmental	Academic centers and think tanks	Johns Hopkins Center for Health Security (formerly Center for Biosecurity) · Henry L. Stimson Center · Center for Advancing Microbial Risk Assessment · Center for Biodefense and Emerging Pathogens (Brown University) · Middle-Atlantic Regional Center of Excellence for Biodefense and Emerging Infectious Diseases Research · Center for Biodefense Immune Modeling (University of Rochester) · Johns Hopkins Center for Civilian Biodefense Strategies · National Center for Biodefense and Infectious Diseases (NCBID; George Mason Univ.)	
	Government contractors	Battelle Memorial Institute · SRI International · Idaho Technology · Phoenix Air	
Programs and projects	Threat reduction	Nunn–Lugar Cooperative Threat Reduction Program, including the Cooperative Biological Engagement Program (DoD) · Project Bacchus · Project Clear Vision · Project Jefferson	
	Biosurveillance	National Biosurveillance Strategy · Laboratory Response Network (CDC) · BioWatch (EPA, CDC) · Global Bio-Surveillance Technology Initiative (GBTI) , Bio-Surveillance Management Office (BMO) (part of JPEO-CBD) · ESSENCE (DoD) · RODS (Civilian)	
	Biosecurity/Biosurety	Select Agent Program (CDC) · Personnel Reliability Program (DoD)	
	Medical intelligence	National Intelligence Assessments on Infectious Diseases	
	Disaster response	National Response Framework of the National Strategy for Homeland Security (DHS; including NIMS and ICS) · National Disaster Medical System (DHHS) · Strategic National Stockpile (CDC, DHS)	
Technology and equipment	Protection	MOPP · NBC suit · Respirators	
	Detection	Cell CANARY · Biological Materials MASINT · Autonomous Pathogen Detection System · Joint Biological Agent Identification and Diagnostic System (JBAIDS)	
	Biocontainment	Biosafety level · Biosafety cabinet · Positive pressure personnel suit	
Law	Treaties	Geneva Protocol (1925, 1975) · Statement on Chemical and Biological Defense Policies and Programs (1969) · Biological Weapons Convention (1972)	
	Legislation	Biological Weapons Anti-Terrorism Act of 1989 · Executive Order 13139 (1999) · Patriot Act (2001) · Public Health Security and Bioterrorism Preparedness Response Act (2002) · Agricultural Bioterrorism Protection Act of 2002 · Project Bioshield Act (2004) · Biodefense and Pandemic Vaccine and Drug Development Act of 2005 · Public Readiness and Emergency Preparedness Act (2005) · Pandemic and All Hazards Preparedness Act (2006) · Pandemic and All-Hazards Preparedness Reauthorization Act of 2013	
International representation		Global Health Security Initiative · Global Partnership Against the Spread of Weapons and Materials of Mass Destruction · United Nations Security Council Resolution 1540 (2004)	
History	Past biological incidents	1984 Rajneeshee bioterror attack · 1989 California medfly attack · 2001 anthrax attacks · Wood Green ricin plot (2002) · 2003 ricin letters · 2013 ricin letters	
	Defunct organizations and programs	United States Army Medical Unit · United States biological weapons program · Sunshine Project · Aeromedical Isolation Team (DoD)	
Related topics		Agro-terrorism · Biodefense · Biosecurity in the United States · Biological agent · Biological hazard · Biological warfare (BW) · Biosurveillance · Bioterrorism · CBRN defense · Decontamination · Entomological warfare · Isolation (health care) · Select agent · Smallpox virus retention debate	

Categories: Acts of the 107th United States Congress | Terrorism laws in the United States

This page was last edited on 15 August 2020, at 21:09 (UTC).

Text is available under the Creative Commons Attribution-ShareAlike License; additional terms may apply. By using this site, you agree to the Terms of Use and Privacy Policy. Wikipedia® is a registered trademark of the Wikimedia Foundation, Inc., a non-profit organization.

Privacy policy About Wikipedia Disclaimers Contact Wikipedia Mobile view Developers Statistics Cookie statement

