Abstract

The Centers for Disease Control (CDC) has commissioned the Model State Emergency Health Powers Act (MSEHPA) to help states establish a legal framework for a fast and effective response to bioterrorism. The broad nature of the powers that would be granted by MSEHPA lead to questions about the proper balance between individual civil rights and the needs of society.

MSEHPA infringes on individual civil rights to a greater extent than necessary to provide an adequate response to bioterrorism, without improving access to or quality of patient care. Individual liberties must be balanced with society’s needs. Civil rights should be protected to the greatest extent possible, not only because our society expects it, but because people will cooperate more fully with measures they perceive as being respectful of those rights. Therefore, any laws, regulations, or procedures enacted should protect civil rights to a greater extent than MSEHPA provisions allow. States should reject MSEHPA, and should develop their own detailed plan for the implementation of public health measures and the protection of civil rights during catastrophic events.