# TITLE 16

**Health and Safety**

## Regulatory Provisions Concerning Public Health

### CHAPTER 5. Contagious Diseases Generally

**Subchapter I. General Guidelines**

**§ 501. Report of contagious diseases — To Department.**

(a) Local boards of health authorities and physicians in rural districts or other localities where there are no health officials shall report to the Department of Health and Social Services the existence of any case of contagious or infectious diseases which may come under their observation.

(b) Whoever violates this section shall be subject to the penalties provided in § 107 of this title.

19 Del. Laws, c. 642, § 11 (https://legis.delaware.gov/SessionLaws?volume=19&chapter=642); 22 Del. Laws, c. 327, § 6 (https://legis.delaware.gov/SessionLaws?volume=22&chapter=327); Code 1915, § 742; 33 Del. Laws, c. 57, § 4 (https://legis.delaware.gov/SessionLaws?volume=33&chapter=57); 34 Del. Laws, c. 69, § 1 (https://legis.delaware.gov/SessionLaws?volume=34&chapter=69); Code 1935, § 748; 16 Del. C. 1953, § 501; 70 Del. Laws, c. 149, § 73 (https://legis.delaware.gov/SessionLaws?volume=70&chapter=149); 70 Del. Laws, c. 186, § 1 (https://legis.delaware.gov/SessionLaws?volume=70&chapter=186);

**§ 502. Report of contagious diseases — To local boards.**

Every physician or other person having knowledge of any person who is suffering from any disease dangerous to the public health, which the Department of Health and Social Services may require to be reported shall report the same to the local health board or official nearest such physician's or other person's place of residence, giving the name, age, sex and color of the patient and the house or place where the patient may be found.

16 Del. Laws, c. 345, § 17 (https://legis.delaware.gov/SessionLaws?volume=16&chapter=345); 22 Del. Laws, c. 328, § 3 (https://legis.delaware.gov/SessionLaws?volume=22&chapter=328); Code 1915, § 756; 33 Del. Laws, c. 57, § 4 (https://legis.delaware.gov/SessionLaws?volume=33&chapter=57); 34 Del. Laws, c. 69, § 1 (https://legis.delaware.gov/SessionLaws?volume=34&chapter=69); 37 Del. Laws, c. 60, § 1 (https://legis.delaware.gov/SessionLaws?volume=37&chapter=60); Code 1935, § 751; 16 Del. C. 1953, § 502; 70 Del. Laws, c. 149, § 74 (https://legis.delaware.gov/SessionLaws?volume=70&chapter=149); 70 Del Laws, c. 186,, § 1; 84 Del. Laws, c. 42, § 82 (https://legis.delaware.gov/SessionLaws?volume=84&chapter=42);

**§ 503. Unreported contagious disease.**

When complaint is made or there is a reasonable belief of the existence of an infectious or contagious disease in a building or facility which has not been reported as required by § 502 of this title, the Secretary of Health and Social Services or the Secretary's designee shall inspect or cause the relevant building or facility to be inspected and, on discovering that such disease exists, shall immediately make a report as described in § 130 of this title.

16 Del. Laws, c. 345, § 17 (https://legis.delaware.gov/SessionLaws?volume=16&chapter=345); 22 Del. Laws, c. 328, § 3 (https://legis.delaware.gov/SessionLaws?volume=22&chapter=328); Code 1915, § 756; 33 Del. Laws, c. 57, § 4 (https://legis.delaware.gov/SessionLaws?volume=33&chapter=57); 34 Del. Laws, c. 69, § 1 (https://legis.delaware.gov/SessionLaws?volume=34&chapter=69); 37 Del. Laws, c. 60, § 1 (https://legis.delaware.gov/SessionLaws?volume=37&chapter=60); Code 1935, § 751; 16 Del. C. 1953, § 503; 70 Del. Laws, c. 186, § 1 (https://legis.delaware.gov/SessionLaws?volume=70&chapter=186); 73 Del. Laws, c. 355, § 6 (https://legis.delaware.gov/SessionLaws?volume=73&chapter=355);

**§ 504. Notifiable diseases.**

The Division of Public Health may by regulation declare any disease to be a notifiable disease, as that term is used in § 130(b) of this title.

16 Del. Laws, c. 345, § 17 (https://legis.delaware.gov/SessionLaws?volume=16&chapter=345); 22 Del. Laws, c. 328, § 3 (https://legis.delaware.gov/SessionLaws?volume=22&chapter=328); Code 1915, § 756; 33 Del. Laws, c. 57, § 4 (https://legis.delaware.gov/SessionLaws?volume=33&chapter=57); 34 Del. Laws, c. 69, § 1 (https://legis.delaware.gov/SessionLaws?volume=34&chapter=69); 37 Del. Laws, c. 60, § 1 (https://legis.delaware.gov/SessionLaws?volume=37&chapter=60); Code 1935, § 751; 16 Del. C. 1953, § 504; 70 Del. Laws, c. 149, § 76 (https://legis.delaware.gov/SessionLaws?volume=70&chapter=149); 70 Del Laws, c. 186,, § 1; 73 Del. Laws, c. 355, § 7 (https://legis.delaware.gov/SessionLaws?volume=73&chapter=355);

**§ 505. Communicable diseases; regulations; quarantine [Effective until July 17, 2028].**

(a) From the list of notifiable diseases referred to in § 504 of this title, the Director of the Division of Public Health or, if the Director is not a licensed physician or advanced practice registered nurse, a licensed physician or advanced practice registered nurse designated by the Director and employed by the Division, may at any time declare certain diseases to be communicable and may by regulation lay down the procedure which is to be followed by the patient or person suffering therefrom, the parents of the patient, the householder, by the physician attending on the patient or any individual brought into contact with or responsible for the care or maintenance of the patient in order that the transference of the disease to other individual or individuals may be prevented.

(b) The regulation respecting the communicable diseases shall provide for:

(1) Quarantine or isolation of the patient, of any person or persons who have been exposed to the patient and therefore liable to have contracted the disease or of any carrier of the disease;

(2) Placarding by a suitable sign intended to be recognizable by the public, the premises, house, tenement or room in which the person ill of or exposed to the disease, may be;

(3) Any other matter relating to the care of and due to the illness of the patient from such a communicable disease while the patient is living and ill from the disease or to the disposal of the patient's body when dead;

(4) Removal of the patient from and the patient's return to school; and

(5) Any other matter or procedure of interest in the protection of the public.

(c) The powers and duties of the Division under this section are subject to the powers and duties granted other entities in Title 20. Provisions of Title 20 which conflict with provisions of this section shall take precedence over this section.

16 Del. Laws, c. 345, § 18 (https://legis.delaware.gov/SessionLaws?volume=16&chapter=345); 22 Del. Laws, c. 328, § 4 (https://legis.delaware.gov/SessionLaws?volume=22&chapter=328); Code 1915, § 757; 33 Del. Laws, c. 57, § 4 (https://legis.delaware.gov/SessionLaws?volume=33&chapter=57); 34 Del. Laws, c. 69, § 1

(https://legis.delaware.gov/SessionLaws?volume=34&chapter=69); 37 Del. Laws, c. 60, § 2 (https://legis.delaware.gov/SessionLaws?volume=37&chapter=60); Code 1935, § 752; 43 Del. Laws, c. 91, § 1 (https://legis.delaware.gov/SessionLaws?volume=43&chapter=91); 16 Del. C. 1953, § 505; 70 Del. Laws, c. 147, § 6 (https://legis.delaware.gov/SessionLaws?volume=70&chapter=147); 70 Del. Laws, c. 186, § 1 (https://legis.delaware.gov/SessionLaws?volume=70&chapter=186); 73 Del. Laws, c. 355, § 8 (https://legis.delaware.gov/SessionLaws?volume=73&chapter=355); 84 Del. Laws, c. 42, § 83 (https://legis.delaware.gov/SessionLaws?volume=84&chapter=42); 84 Del. Laws, c. 92, § 1 (https://legis.delaware.gov/SessionLaws?volume=84&chapter=92);

**§ 505. Communicable diseases; regulations; quarantine [Effective July 1, 2028].**

(a) From the list of notifiable diseases referred to in § 504 of this title, the Director of the Division of Public Health or the Director's designee may at any time declare certain diseases to be communicable and may by regulation lay down the procedure which is to be followed by the patient or person suffering therefrom, the parents of the patient, the householder, by the physician attending on the patient or any individual brought into contact with or responsible for the care or maintenance of the patient in order that the transference of the disease to other individual or individuals may be prevented.

(b) The regulation respecting the communicable diseases shall provide for:

(1) Quarantine or isolation of the patient, of any person or persons who have been exposed to the patient and therefore liable to have contracted the disease or of any carrier of the disease;

(2) Placarding by a suitable sign intended to be recognizable by the public, the premises, house, tenement or room in which the person ill of or exposed to the disease, may be;

(3) Any other matter relating to the care of and due to the illness of the patient from such a communicable disease while the patient is living and ill from the disease or to the disposal of the patient's body when dead;

(4) Removal of the patient from and the patient's return to school; and

(5) Any other matter or procedure of interest in the protection of the public.

(c) The powers and duties of the Division under this section are subject to the powers and duties granted other entities in Title 20. Provisions of Title 20 which conflict with provisions of this section shall take precedence over this section.

16 Del. Laws, c. 345, § 18 (https://legis.delaware.gov/SessionLaws?volume=16&chapter=345); 22 Del. Laws, c. 328, § 4 (https://legis.delaware.gov/SessionLaws?volume=22&chapter=328); Code 1915, § 757; 33 Del. Laws, c. 57, § 4 (https://legis.delaware.gov/SessionLaws?volume=33&chapter=57); 34 Del. Laws, c. 69, § 1 (https://legis.delaware.gov/SessionLaws?volume=34&chapter=69); 37 Del. Laws, c. 60, § 2 (https://legis.delaware.gov/SessionLaws?volume=37&chapter=60); Code 1935, § 752; 43 Del. Laws, c. 91, § 1 (https://legis.delaware.gov/SessionLaws?volume=43&chapter=91); 16 Del. C. 1953, § 505; 70 Del. Laws, c. 147, § 6 (https://legis.delaware.gov/SessionLaws?volume=70&chapter=147); 70 Del. Laws, c. 186, § 1 (https://legis.delaware.gov/SessionLaws?volume=70&chapter=186); 73 Del. Laws, c. 355, § 8 (https://legis.delaware.gov/SessionLaws?volume=73&chapter=355); 84 Del. Laws, c. 42, § 83 (https://legis.delaware.gov/SessionLaws?volume=84&chapter=42); 84 Del. Laws, c. 92, § 1 (https://legis.delaware.gov/SessionLaws?volume=84&chapter=92); 84 Del. Laws, c. 92, § 9 (https://legis.delaware.gov/SessionLaws?volume=84&chapter=92);

**§ 506. Due process rights of quarantined individuals.**

The Division of Public Health shall afford persons who are quarantined pursuant to § 505 of this title the same due process rights as those afforded to persons who are quarantined pursuant to § 3136 of Title 20.

73 Del. Laws, c. 355, § 9 (https://legis.delaware.gov/SessionLaws?volume=73&chapter=355);

**§ 507. Diphtheria antitoxin and immunizing materials; distribution; regulations; penalty for false certification.**

(a) The State Board of Health may procure and distribute free to any physician for use in this State diphtheria antitoxin and all necessary material for immunizing persons against diphtheria. No such antitoxin shall be furnished until after certification by the physician of the name and address of the person for whom the antitoxin is desired. The name and address of all persons immunized shall be filed with the State Board by the physician who performs the immunization.

(b) The State Board may make such rules and regulations as it deems necessary for the carrying into effect of this section and such rules shall have the force of law.

(c) Whoever makes false certification in order to procure any of the antitoxin referred to in subsection (a) of this section or sells or attempts to sell such antitoxin or immunizing materials shall be fined not less than $5.00 nor more than $50.

(d) The Division of Public Health may contract for hepatitis B vaccinations for immunizing individuals who volunteer for ambulance companies and/or volunteer fire companies. No such vaccination shall be furnished until after certification as to the person for whom the vaccination is desired, including the individual's name, address and that the individual is a member in good standing of a volunteer fire company or of a volunteer ambulance company. The name and address of all persons immunized shall be filed with the Division of Public Health. The Division of Public Health may promulgate reasonable rules and regulations regarding the immunization of volunteer firefighters and individuals who volunteer for ambulance companies.

26 Del. Laws, c. 74 (https://legis.delaware.gov/SessionLaws?volume=26&chapter=74); 27 Del. Laws, c. 86 (https://legis.delaware.gov/SessionLaws?volume=27&chapter=86); Code 1915, § 769; 32 Del. Laws, c. 40, § 1 (https://legis.delaware.gov/SessionLaws?volume=32&chapter=40); 33 Del. Laws, c. 57, § 4 (https://legis.delaware.gov/SessionLaws?volume=33&chapter=57); 34 Del. Laws, c. 69, § 1 (https://legis.delaware.gov/SessionLaws?volume=34&chapter=69); Code 1935, § 775; 16 Del. C. 1953, § 507; 70 Del. Laws, c. 186, § 1 (https://legis.delaware.gov/SessionLaws?volume=70&chapter=186); 70 Del. Laws, c. 562, § 1 (https://legis.delaware.gov/SessionLaws?volume=70&chapter=562);

**§ 508. Tracking of potential or existing public health emergencies.**

The Division of Public Health shall ascertain the existence of cases of an illness or health condition which may be potential causes of a public health emergency; shall investigate all such cases for sources of infection and shall ensure that they are subject to proper control measures; and shall define the distribution of the illness or health condition. To fulfill these duties, the Division of Public Health shall perform the following:

(1) Acting on information developed in accordance with § 130 of this title or other reliable information, the Division shall identify all individuals thought to have been exposed to an illness or health condition which may be a potential cause of a public health emergency.

(2) The Division shall counsel and interview such individuals as appropriate to assist in the positive identification of exposed individuals and develop information relating to the source and spread of the illness or health condition. Such information includes the name and address (including city and county) of any person from whom the illness or health condition may have been contracted and to whom the illness or health condition may have spread.

(3) The Division may close, evacuate or decontaminate any facility or decontaminate or destroy any material when the Division reasonably believes that it is more likely than not that such facility or material may seriously endanger the public health. However, to the extent practicable and consistent with the protection of public health, prior to the destruction of any material pursuant to this paragraph, the Division shall institute appropriate civil proceedings against the material to be destroyed in accordance with the existing laws and rules of the Superior Court or any rules that may be developed by the Superior Court. Additionally, a person whose property is destroyed pursuant to this paragraph is entitled to seek compensation pursuant to the procedures and restrictions of § 3145 of Title 20.

(4) An order of the Division given to effectuate the purposes of this section shall be enforceable immediately.

(5) Whenever any agency of the State learns of a case of a reportable illness or health condition, an unusual cluster, or a suspicious event, it shall immediately notify the Division.

(6) Whenever the Division learns of a case of a reportable illness or health condition, an unusual cluster, or a suspicious event that it reasonably believes has the potential to be caused by bioterrorism, it must immediately notify the public safety authority and federal health and public safety authorities.

(7) Definitions from § 3132 of Title 20 shall apply to this section.

73 Del. Laws, c. 355, § 10 (https://legis.delaware.gov/SessionLaws?volume=73&chapter=355);

**§ 509. Vaccination for meningococcal disease.**

(a) The purpose of this section is to prevent the contraction and spread of bacterial meningococcal disease among students in postsecondary educational institutions. The intent of this section is that postsecondary educational institutions and students who wish to enroll in postsecondary educational institutions follow the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention in preventing meningococcal disease.

(b) As used in this section, “campus housing” means any space, in a building, over which a postsecondary educational institution has control and is intended for postsecondary educational institution students, where group sleeping accommodations are provided in 1 room, or in a series of closely associated rooms, for persons not members of the same family group, including dormitories and sorority or fraternity houses.

(c) This section applies to all of the following:

(1) A postsecondary educational institution that has campus housing.

(2) A student who has accepted admission and intends to enroll in a postsecondary educational institution that has campus housing.

(d) A student who wishes to enroll in a post-secondary educational institution shall submit to the postsecondary educational institution documentation confirming that, within the 5 years prior to the date of enrollment, the student received vaccination against meningococcal disease. The student:

(1) Shall submit the documentation prior to enrollment.

(2) May submit the documentation in any of the following methods:

a. As a written statement signed by the health-care professional who administered the vaccination.

b. Within the medical records the student submits to the post-secondary educational institution for admission or enrollment purposes.

c. In any other manner that the postsecondary educational institution requires.

(e) A postsecondary educational institution shall deny enrollment to any student who has not received vaccination against meningococcal disease or been granted an exemption under subsection (f) of this section.

(f) A student seeking an exemption from the requirements of subsection (d) of this section shall submit a written request for exemption to the postsecondary educational institution. A postsecondary educational institution:

(1) May develop its own policies and procedures regarding requests for exemption, including under what circumstances the postsecondary educational institution will grant a student’s request for exemption.

(2) Shall include in its policies and procedures under paragraph (f)(1) of this section the requirement that, if a student who submits a request for exemption is a minor, the student’s parent or guardian shall sign the request for exemption.

(3) May develop its own policies and procedures to grant students additional time to submit vaccination documentation, as long as the policies and procedures require that the documentation is submitted within the first semester of enrollment.

(g) A postsecondary educational institution shall:

(1) Provide information about meningococcal disease to all students who have accepted admission, after the student has paid an initial deposit toward tuition. Such information shall include notice of both of the following:

a. The availability and benefits of vaccination against meningococcal disease.

b. The requirement under subsection (d) of this section that a student receive vaccination against meningococcal disease within 5 years prior to the student's enrollment in the postsecondary educational institution.

(2) Develop procedures for facilitating, receiving, and recording student responses to the information provided about meningococcal disease and the requirement for vaccination against meningococcal disease, including a student's vaccination record.

(3) Determine the appropriate office and position within the office of the postsecondary educational institution to receive, record, maintain, make determinations about, and notify students regarding the outcome of their requests for exemption.

73 Del. Laws, c. 72, § 1 (https://legis.delaware.gov/SessionLaws?volume=73&chapter=72); 80 Del. Laws, c. 312, § 1 (https://legis.delaware.gov/SessionLaws?volume=80&chapter=312);

**§ 510. Immunizations containing mercury.**

(a) A vaccine containing mercury may not be made available to a medical provider in this State for administration to children under 8 years of age or to pregnant women, or to both. A vaccine containing mercury may not be administered to a child who is under 8 years of age or to a pregnant woman, or to both, notwithstanding the expiration date of the vaccine.

(b) Subsection (a) of this section does not apply if:

(1) The Director is informed by a person authorized to sell or to administer a vaccine that a mercury-free vaccine against a specific disease is not available to a child under 8 years of age or to a pregnant woman, or to both, in a medically necessary period of time, and the Director determines that an FDA-approved, mercury-free vaccine is not manufactured or cannot be obtained from other medical providers, manufacturers, distributors, agencies, jurisdictions, or by any other means within the medically necessary period of time; or

(2) The Director determines that an emergency or epidemic exists necessitating the vaccination of groups of individuals within the State, including children under 8 years of age or pregnant women, or both, and an FDA-approved mercury-free vaccine is not manufactured, or the quantity is insufficient and additional mercury-free vaccine cannot be obtained from other medical providers, manufacturers, distributors, agencies, jurisdictions, or by any other means within the medically necessary period of time; or

(3) The Director determines that a shortage of vaccine exists which could threaten the health of groups of individuals within the State, including children under 8 years of age or pregnant women, or both, and additional mercury-free vaccine cannot be obtained from other medical providers, manufacturers, distributors, agencies, jurisdictions, or by any other means within the medically necessary period of time.

(c) A determination made pursuant to subsection (b) of this section is enforceable for a timeperiod specified by the Director. The Director shall rescind the timeperiod when the Director determines that a sufficient amount of the FDA-approved, mercury-free vaccine is available.

(d) (1) If the Director determines that subsection (a) of this section does not apply pursuant to subsection (b) of this section, the Division shall report the determination within 72 hours by a posting on the Division of Public Health website. If paragraph (b)(1) of this section applies, the Division shall report the specific disease, the vaccine, the time-period for which the vaccine containing mercury is approved, and the number of individuals under 8 years of age or pregnant receiving the vaccine containing mercury.

(2) If paragraph (b)(2) or (b)(3) of this section applies, the Division shall report the specific disease, the vaccine, and the timeperiod for which the vaccine containing mercury is approved.

(3) The Division shall issue and disseminate for public review an annual report listing all determinations made pursuant to this section, without revealing the identity of any persons denied or given a vaccine.

(e) A vaccine containing mercury may not be administered to a child under 8 years of age until a parent or legal guardian of the child has been informed by the person administering the vaccine that the vaccine contains mercury, that the person administering the vaccine believes the vaccine to be medically necessary, and that the Director of Public Health or the Director's designee has made a formal determination that the vaccine may be administered due to the existence of any of the circumstances described in subsection (b) of this section. If the parent or legal guardian of a child cannot be reached in the period of time deemed medically necessary by the person administering the vaccine, the parent or guardian must be notified in writing at the earliest possible time that the vaccine administered contained mercury, that the person administering the vaccine believed the vaccine to be medically necessary, and that the Director of Public Health or the Director's designee made a formal determination that the vaccine may be administered due to the existence of any of the circumstances described in subsection (b) of this section.

(f) A vaccine containing mercury may not be administered to a pregnant woman until she has been informed by the person administering the vaccine that it contains mercury, that the person administering the vaccine believes the vaccine to be medically necessary, and that the Director of Public Health or the Director's designee has made a formal determination that the vaccine may be administered due to the existence of any of the circumstances described in subsection (b) of this section.

75 Del. Laws, c. 144, §§ 1-3 (https://legis.delaware.gov/SessionLaws?volume=75&chapter=144); 70 Del. Laws, c. 186, § 1 (https://legis.delaware.gov/SessionLaws?volume=70&chapter=186); 76 Del. Laws, c. 132, § 1 (https://legis.delaware.gov/SessionLaws?volume=76&chapter=132); 76 Del. Laws, c. 229, § 1 (https://legis.delaware.gov/SessionLaws?volume=76&chapter=229);

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