

Quarantine and isolation remain the cornerstone of public health work. For decades public health has used quarantine and isolation as a tool to control the spread of communicable diseases. The local health departments continue to have the authority and responsibility to issue quarantine and/or isolation orders when appropriate and necessary. **Local health departments are encouraged to consult with their local legal counsel regarding this information and specific scenarios.**

#### Health Department Authority for Quarantine, Ohio Revised Code

R.C. 3707.08 says:

*When a person known to have been exposed to a communicable disease declared quarantinable by the board of health of a city or general health district or the department of health is reported within its jurisdiction, the board shall at once restrict such person to his place of residence or other suitable place, prohibit entrance to or exit from such place without the board's written permission in such manner as to prevent effective contact with individuals not so exposed, and enforce such restrictive measures as are prescribed by the department.*

*When a person has, or is suspected of having, a communicable disease for which isolation is required by the board or the department, the board shall at once cause such person to be separated from susceptible persons in such places and under such circumstances as will prevent the conveyance of the infectious agents to susceptible persons, prohibit entrance to or exit from such places without the board's written permission, and enforce such restrictive measures as are prescribed by the department.*

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*No person isolated or quarantined by a board shall leave the premises to which he has been restricted without the written permission of such board until released from isolation or quarantine by it in accordance with the rules and regulations of the department.*

R.C. 3707.11, which became effective on June 23, 2021, affirms the local health department's authority to issue an order of quarantine or isolation.

*A board of health of a city or general health district, or the authority having the duties of a board of health under section 3709.05 of the Revised Code, may only issue a quarantine or isolation order under this chapter that applies to individuals who have been medically diagnosed with the disease that is the subject of the order or individuals who have come in direct contact<sup>1</sup> with someone who has been medically diagnosed<sup>2</sup> with the disease that is the subject of the order.*

R.C. 3707.16 makes clear that quarantine persons are not permitted to attend public gatherings, with a specific mention of schools.

*No person isolated or quarantined for a communicable disease declared by the board of health of a city or general health district or the department of health to require isolation or quarantine shall attend any public, private, or parochial school or college, Sunday school, church, or any other public gathering, until released from isolation or quarantine by the board. All school principals, Sunday school superintendents, or other persons in charge of such schools or other gatherings shall exclude any such person until he presents a written permit of the board to attend.*

R.C. 3707.34 provides a procedure for a board of health to give the authority to its health commissioner to issue quarantine and isolation orders when convening a full board meeting would be impracticable or doing so would compromise the public health.

*(A) The health commissioner appointed by a board of health of a general or city health district may act on behalf of the board in administering the provision of sections 3707.04 to 3707.32 of the Revised Code regarding quarantine and isolation if the commissioner acts pursuant to a policy the board adopts as described in division (B) of this section and either of the following applies:*

*(1) Circumstances render a meeting of the board impractical or impossible.*

*(2) Delaying action until a meeting of the board compromises the public health.*

*(B) Each board of health shall adopt a policy, subject to the approval of the district advisory council or city council for city health districts not governed by an advisory council, specifying the actions that a health commissioner may take pursuant to this section. Any action a health commissioner takes in accordance with the board's policy is deemed an action taken by the board unless the board votes to nullify the commissioner's action.*

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<sup>1</sup>Direct contact is discussed and addressed in the accompanying guidance.

<sup>2</sup>Medical diagnosis means the process of identifying a condition or disease by its signs and symptoms. Medical diagnoses are made by licensed professionals operating within their scope of practice or from a positive test authorized for use by the Food and Drug Administration.