

42 U.S. Code § 264 - Regulations to control communicable diseases

U.S. Code Notes

(a) PROMULGATION AND ENFORCEMENT BY SURGEON GENERAL

The [Surgeon General](#), with the approval of the [Secretary](#), is authorized to make and enforce such [regulations](#) as in his judgment are necessary to prevent the introduction, transmission, or spread of communicable diseases from foreign countries into the States or possessions, or from one State or possession into any other State or possession. For purposes of carrying out and enforcing such [regulations](#), the [Surgeon General](#) may provide for such inspection, fumigation, disinfection, sanitation, pest extermination, destruction of animals or articles found to be so infected or contaminated as to be sources of dangerous infection to human beings, and other measures, as in his judgment may be necessary.

(b) APPREHENSION, DETENTION, OR CONDITIONAL RELEASE OF INDIVIDUALS

Regulations prescribed under this section shall not provide for the apprehension, detention, or conditional release of individuals except for the purpose of preventing the introduction, transmission, or spread of such communicable diseases as may be specified from time to time in Executive orders of the President upon the recommendation of the [Secretary](#), in consultation with the [Surgeon General](#),^[1].

(c) APPLICATION OF REGULATIONS TO PERSONS ENTERING FROM FOREIGN COUNTRIES

Except as provided in subsection (d), [regulations](#) prescribed under this section, insofar as they provide for the apprehension, detention, examination, or conditional release of individuals, shall be applicable only to individuals coming into a State or possession from a foreign country or a possession.

(d) APPREHENSION AND EXAMINATION OF PERSONS REASONABLY BELIEVED TO BE INFECTED

(1) [Regulations](#) prescribed under this section may provide for the apprehension and examination of any individual reasonably believed to be infected with a communicable disease in a [qualifying stage](#) and (A) to be moving or about to move from a State to another State; or (B) to be a probable source of infection to individuals who, while infected with such disease in a [qualifying stage](#), will be moving from a

State to another State. Such [regulations](#) may provide that if upon examination any such individual is found to be infected, he may be detained for such time and in such manner as may be reasonably necessary. For purposes of this subsection, the term "State" includes, in addition to the several States, only the District of Columbia.

(2) For purposes of this subsection, the term "[qualifying stage](#)", with respect to a communicable disease, means that such disease—

(A) is in a communicable stage; or

(B) is in a precommunicable stage, if the disease would be likely to cause a public health emergency if transmitted to other individuals.

(e) PREEMPTION

Nothing in this section or [section 266 of this title](#), or the [regulations](#) promulgated under such sections, may be construed as superseding any provision under State law (including [regulations](#) and including provisions established by political subdivisions of States), except to the extent that such a provision conflicts with an exercise of Federal authority under this section or [section 266 of this title](#).

(July 1, 1944, ch. 373, title III, § 361, [58 Stat. 703](#); 1953 Reorg. Plan No. 1, §§ 5, 8, eff. Apr. 11, 1953, [18 F.R. 2053](#), [67 Stat. 631](#); [Pub. L. 86-624, § 29\(c\)](#), July 12, 1960, [74 Stat. 419](#); [Pub. L. 94-317, title III, § 301\(b\)\(1\)](#), June 23, 1976, [90 Stat. 707](#); [Pub. L. 107-188, title I, § 142\(a\)\(1\)](#), (2), (b)(1), (c), June 12, 2002, [116 Stat. 626](#), 627.)