

C**Effective:[See Text Amendments]**United States Code Annotated [Currentness](#)

Title 42. The Public Health and Welfare

Chapter 6A. Public Health Service ([Refs & Annos](#))[Subchapter II](#). General Powers and Duties[Part B](#). Federal-State Cooperation**→ § 243. General grant of authority for cooperation**

(a) Enforcement of quarantine regulations; prevention of communicable diseases

The Secretary is authorized to accept from State and local authorities any assistance in the enforcement of quarantine regulations made pursuant to this chapter which such authorities may be able and willing to provide. The Secretary shall also assist States and their political subdivisions in the prevention and suppression of communicable diseases and with respect to other public health matters, shall cooperate with and aid State and local authorities in the enforcement of their quarantine and other health regulations, and shall advise the several States on matters relating to the preservation and improvement of the public health.

(b) Comprehensive and continuing planning; training of personnel for State and local health work; fees

The Secretary shall encourage cooperative activities between the States with respect to comprehensive and continuing planning as to their current and future health needs, the establishment and maintenance of adequate public health services, and otherwise carrying out public health activities. The Secretary is also authorized to train personnel for State and local health work. The Secretary may charge only private entities reasonable fees for the training of their personnel under the preceding sentence.

(c) Development of plan to control epidemics and meet emergencies or problems resulting from disasters; cooperative planning; temporary assistance; reimbursement of United States

(1) The Secretary is authorized to develop (and may take such action as may be necessary to implement) a plan under which personnel, equipment, medical supplies, and other resources of the Service and other agencies under the jurisdiction of the Secretary may be effectively used to control epidemics of any disease or condition and to meet other health emergencies or problems. The Secretary may enter into agreements providing for the cooperative planning between the Service and public and private community health programs and agencies to cope with health problems (including epidemics and health emergencies).

(2) The Secretary may, at the request of the appropriate State or local authority, extend temporary (not in excess of six months) assistance to States or localities in meeting health emergencies of such a nature as to warrant Federal assistance. The Secretary may require such reimbursement of the United States for assistance provided under this paragraph as he may determine to be reasonable under the circumstances. Any reimbursement so paid shall be credited to the applicable appropriation for the Service for the year in which such reimbursement is received.

CREDIT(S)

(July 1, 1944, c. 373, Title III, § 311, 58 Stat. 693; Nov. 3, 1966, Pub.L. 89-749, § 5, 80 Stat. 1190; Dec. 5, 1967, Pub.L. 90-174, § 4, 81 Stat. 536; Oct. 30, 1970, Pub.L. 91-515, Title II, § 282, 84 Stat. 1308; June 23, 1976, [Pub.L. 94-317, Title II, § 202\(b\), \(c\)](#), 90 Stat. 703; Aug. 13, 1981, [Pub.L. 97-35, Title IX, § 902\(c\)](#), 95 Stat. 559; Jan. 4, 1983, [Pub.L. 97-414, § 8\(d\)](#), 96 Stat. 2060; Oct. 7, 1985, [Pub.L. 99-117, § 11\(a\)](#), 99 Stat. 494.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1966 Acts. House Report No. 2271, see 1966 U.S.Code Cong. and Adm.News, p. 3830.

1967 Acts. Senate Report No. 724 and Conference Report No. 974, see 1967 U.S.Code Cong. and Adm.News, p. 2076.

1970 Acts. [House Report No. 91-1297](#) and Conference Report No. 1590, see 1970 U.S.Code Cong. and Adm.News, p. 4678.

1976 Acts. [Senate Report No. 94-330](#), see 1976 U.S.Code Cong. and Adm.News, p. 1234.

1981 Acts. [Senate Report No. 97-139](#) and [House Conference Report No. 97-208](#), see 1981 U.S.Code Cong. and Adm.News, p. 396.

1983 Acts. [House Report No. 97-840](#), see 1982 U.S.Code Cong. and Adm.News, p. 3577.

Amendments

1985 Amendments. Subsec. (c)(1). Pub.L. 99-117, § 11(a)(1)(A), struck out “referred to in section 247b(f) of this title” after “epidemics of any disease or condition”.

Pub.L. 99-117, § 11(a)(1)(B), struck out “involving or resulting from disasters or any such disease” after “health emergencies or problems”.

Pub.L. 99-117, § 11(a)(2), struck out “resulting from disasters or any disease or condition referred to in section 247b(f) of this title” after “(including epidemics and health emergencies)”.

1983 Amendments. Subsec. (c)(2). Pub.L. 97-414 substituted “six months” for “forty-five days” after “not in excess of”.

1981 Amendments. Subsec. (a). Pub.L. 97-35, § 902(c)(1), added applicability to other public health matters, and struck out reference to § 246 of this title.

Subsec. (b). Pub.L. 97-35, § 902(c)(2), substituted “public health activities” for “the purposes of section 246 of this title”.

1976 Amendments. Subsec. (b). Pub.L. 94-317, § 202(c), added provision authorizing Secretary to charge only private entities reasonable fees for the training of their personnel.

Subsec. (c). Pub.L. 94-317, § 202(b), made changes in phraseology and restructured provisions into pars. (1) and (2) and, in par. (1), as so restructured, added provisions authorizing Secretary to develop a plan utilizing Public Health Service personnel, equipment, medical supplies and other resources to control epidemics of any disease referred to in § 247b of this title.

1970 Amendments. Subsecs. (a), (b). Pub.L. 91-515 substituted “Secretary” for “Surgeon General” wherever appearing therein.

1967 Amendments. Subsec. (c). Pub.L. 90-174 added subsec. (c).

1966 Amendments. Pub.L. 89-749 designated existing provisions as subsec. (a), added subsec. (b), and amended subsec. (b) to permit the Surgeon General to train personnel for State and local health work.

Effective and Applicability Provisions

1981 Acts. Amendment by Pub.L. 97-35 effective Oct. 1, 1981, see section 902(h) of Pub.L. 97-35, set out as a note under section 300aaa-12 of this title.

1966 Acts. Section 5(a) of Pub.L. 89-749 provided in part that subsec. (b) of this section shall be effective July 1, 1966.

Section 5(b) of Pub.L. 89-749 provided in part that the amendment of subsec. (b) of this section, permitting the Surgeon General to train personnel for State and local health work, shall be effective July 1, 1967.

Food Allergens in the Food Code

Pub.L. 108-282, Title II, § 209, Aug. 2, 2004, 118 Stat. 910, provided that: “The Secretary of Health and Human Services shall, in the Conference for Food Protection, as part of its efforts to encourage cooperative activities between the States under section 311 of the Public Health Service Act (42 U.S.C. 243) [this section], pursue revision of the Food Code to provide guidelines for preparing allergen-free foods in food establishments, including in restaurants, grocery store delicatessens and bakeries, and elementary and secondary school cafeterias. The Secretary shall consider guidelines and recommendations developed by public and private entities for public and private food establishments for preparing allergen-free foods in pursuing this revision.”

Definition of “Secretary”

Term “Secretary” used in subsec. (c) of this section as meaning the Secretary of Health and Human Services, see section 15 of Pub.L. 90-174, set out as a note under § 201 of this title.

Fiscal Year Transition Period July 1, 1976, Through September 30, 1976, Deemed Fiscal Year

Fiscal year transition period of July 1, 1976, through Sept. 30, 1976, deemed fiscal year for purposes of subsec. (c) of this section, see § 201(17) of Pub.L. 94-274, Apr. 21, 1976, 90 Stat. 392, set out as a note under section 343 of Title 7, Agriculture.

Training of Private Persons Subject to Reimbursement or Advances to Fiscal Years' Appropriations

Pub.L. 103-333, Title II, Sept. 30, 1994, 108 Stat. 2550, provided in part that: “[F]or fiscal year 1995 and subsequent fiscal years training of private persons shall be made subject to reimbursement or advances to this appropriation for not in excess of the full cost of such training.”

CROSS REFERENCES

Non duplication of appropriations, air pollution prevention, see [42 USCA § 7610](#).

CODE OF FEDERAL REGULATIONS

Control of communicable diseases, see [21 CFR § 1240.3 et seq.](#)

Delegations of authority, see 21 CFR § 5.10 et seq.

Interstate conveyance sanitation, see [21 CFR § 1250.3 et seq.](#)

RESEARCH REFERENCES

Encyclopedias

[Am. Jur. 2d Health § 15](#), Public Health Functions.

[Am. Jur. 2d Health § 60](#), Quarantine, Generally.

Treatises and Practice Aids

[West's Federal Administrative Practice § 3802](#), Significant Food, Drug and Cosmetic Laws.

NOTES OF DECISIONS

Relocation assistance [1](#)

[1](#). Relocation assistance

Under subsec. (c)(2) of this section, the Public Health Service may provide relocation assistance to residents living near Love canal for a period not to exceed 45 days [now six months] for purposes of assessing and dealing with the health emergency in that area. 1980 (Counsel-Inf. Op.) 4B Op.O.L.C. 638.

42 U.S.C.A. § 243, 42 USCA § 243

Current through P.L. 112-3 (excluding P.L. 111-296, 111-314, 111-320, 111-350, 111-377, and 111-383) approved 2-25-11

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