



House of Representatives

General Assembly

File No. 571

January Session, 2021

Substitute House Bill No. 5653

House of Representatives, April 22, 2021

The Committee on Government Administration and Elections reported through REP. FOX of the 148th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT AMENDING THE CIVIL PREPAREDNESS AND PUBLIC HEALTH EMERGENCY STATUTES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 28-9 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July 1,*
3 *2021*):

4 (a) In the event of serious disaster, enemy attack, sabotage or other
5 hostile action or in the event of the imminence [thereof] of a serious
6 disaster, enemy attack, sabotage or other hostile action, the Governor
7 may proclaim that a state of civil preparedness emergency exists, in
8 which event the Governor may personally take direct operational
9 control of any or all parts of the civil preparedness forces and functions
10 in the state. Any such proclamation shall be effective upon its filing with
11 the Secretary of the State. Any such proclamation, or order issued
12 pursuant [thereto] to such proclamation, issued by the Governor
13 because of a disaster resulting from man-made cause may be

14 disapproved by majority vote of a joint legislative committee consisting
15 of the president pro tempore of the Senate, the speaker of the House of
16 Representatives and the majority and minority leaders of both houses of
17 the General Assembly, provided at least one of the minority leaders
18 votes for such disapproval. Such disapproval shall not be effective
19 unless filed with the Secretary of the State not later than seventy-two
20 hours after the filing of the Governor's proclamation with the Secretary
21 of the State. As soon as possible after such proclamation, if the General
22 Assembly is not then in session, the Governor shall meet with the
23 president pro tempore of the Senate, the speaker of the House of
24 Representatives, and the majority and minority leaders of both houses
25 of the General Assembly and shall confer with them on the advisability
26 of calling a special session of the General Assembly.

27 Sec. 2. Subdivision (1) of subsection (b) of section 28-9 of the general
28 statutes is repealed and the following is substituted in lieu thereof
29 (*Effective July 1, 2021*):

30 (1) Following the Governor's proclamation of a civil preparedness
31 emergency pursuant to subsection (a) of this section or declaration of a
32 public health emergency pursuant to section 19a-131a, the Governor
33 may modify or suspend in whole or in part, by order as [hereinafter]
34 provided in this section, any statute, regulation or requirement or part
35 thereof whenever the Governor finds such statute, regulation or
36 requirement, or part thereof, is in conflict with the efficient and
37 expeditious execution of civil preparedness functions or the protection
38 of the public health. The Governor shall specify in such order the reason
39 or reasons therefor and any statute, regulation or requirement or part
40 thereof to be modified or suspended and the period, not exceeding six
41 months unless sooner revoked, during which such order shall be
42 enforced. Any such order shall have the full force and effect of law upon
43 the filing of the full text of such order in the office of the Secretary of the
44 State. The Secretary of the State shall, not later than four days after
45 receipt of the order, cause such order to be printed and published in full
46 in at least one issue of a newspaper published in each county and having
47 general circulation therein, but failure to publish shall not impair the

48 validity of such order. Any statute, regulation or requirement, or part
49 thereof, inconsistent with such order shall be inoperative for the
50 effective period of such order. Any such order shall be communicated
51 by the Governor at the earliest date to both houses of the General
52 Assembly.

53 Sec. 3. Section 19a-131a of the general statutes is repealed and the
54 following is substituted in lieu thereof (*Effective July 1, 2021*):

55 (a) In the event of a state-wide or regional public health emergency,
56 the Governor shall make a good faith effort to inform the legislative
57 leaders specified in subsection (b) of this section before declaring that
58 the emergency exists and may do any of the following: (1) Order the
59 commissioner to implement all or a portion of the public health
60 emergency response plan developed pursuant to section 19a-131g; (2)
61 authorize the commissioner to isolate or quarantine persons in
62 accordance with section 19a-131b; (3) order the commissioner to
63 vaccinate persons in accordance with section 19a-131e; (4) apply for and
64 receive federal assistance; or (5) order the commissioner to suspend
65 certain license renewal and inspection functions during the period of the
66 emergency and during the six-month period following the date the
67 emergency is declared to be over.

68 (b) (1) Any declaration issued pursuant to this section shall become
69 effective upon its filing with the Secretary of the State and with the
70 clerks of the House of Representatives and Senate. The declaration shall
71 state the nature of the public health emergency, the political
72 subdivisions or geographic area subject to the declaration, the
73 conditions that have brought about the public health emergency, the
74 duration of the public health emergency and the public health authority
75 responding to the emergency. Any such declaration issued by the
76 Governor may be disapproved and nullified by majority vote of a
77 committee consisting of the president pro tempore of the Senate, the
78 speaker of the House of Representatives, the majority and minority
79 leaders of both houses of the General Assembly and the cochairpersons
80 and ranking members of the joint standing committee of the General

81 Assembly having cognizance of matters relating to public health. Such
82 disapproval shall not be effective unless filed with the Secretary of the
83 State not later than seventy-two hours after the filing of the Governor's
84 declaration with the Secretary of the State.

85 (2) Any declaration issued pursuant to this section may be renewed
86 by the Governor upon [its] the filing of the renewal declaration with the
87 Secretary of the State and with the clerks of the House of
88 Representatives and Senate. The renewal declaration shall state the
89 nature of the continuing public health emergency, the political
90 subdivisions or geographic area subject to the renewal, the conditions
91 that have brought about the renewal declaration, the duration of the
92 renewal declaration and the public health authority responding to the
93 public health emergency. Any such renewal declaration issued by the
94 Governor may be disapproved and nullified by majority vote of a
95 committee consisting of the legislative leaders specified in subsection (b)
96 of this section. Such disapproval shall not be effective unless filed with
97 the Secretary of the State not later than seventy-two hours after the filing
98 of the Governor's renewal declaration with the Secretary of the State.

99 (3) The Governor shall declare a public health emergency to be
100 terminated before the duration stated in the declaration, upon a finding,
101 after informing the legislative leaders specified in subsection (b) of this
102 section, that the circumstances that caused such emergency to be
103 declared no longer pose a substantial risk of a significant number of
104 human fatalities or incidents of permanent or long-term disability.

105 (c) The Governor shall ensure that any declaration or order issued
106 pursuant to the provisions of this section [shall be] is (1) published in
107 full at least once in a newspaper having general circulation in each
108 county, (2) provided to news media, and (3) posted on the state Internet
109 web site. Failure to take the actions specified in subdivisions (1) to (3),
110 inclusive, of this subsection shall not impair the validity of such
111 declaration or order.

112 (d) Any individual who, during the course of a public health
113 emergency declared under this section, violates the provisions of any

114 order issued pursuant to sections 19a-131 to 19a-131i, inclusive, or who
 115 intentionally obstructs, resists, hinders or endangers any person who is
 116 authorized to carry out, and who is engaged in an activity that carries
 117 out, any of the provisions of the order, shall be fined not more than one
 118 thousand dollars or imprisoned not more than one year, or both, for
 119 each offense.

120 (e) The commissioner may request the Attorney General to apply to
 121 the Superior Court for an order enforcing the provisions of any order
 122 issued by the commissioner pursuant to sections 19a-131 to 19a-131i,
 123 inclusive, and such other equitable relief as the court deems
 124 appropriate.

125 (f) The commissioner may delegate to an employee of the Department
 126 of Public Health or any local health director, as much of the authority of
 127 the commissioner described in this section as the commissioner
 128 determines appropriate. Such authorized employee or director shall act
 129 as an agent of the commissioner.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | July 1, 2021 | 28-9(a) |
| Sec. 2 | July 1, 2021 | 28-9(b)(1) |
| Sec. 3 | July 1, 2021 | 19a-131a |

GAE *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

This bill, which makes technical changes in statutes concerning public health and civil preparedness emergencies declared by the governor, has no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis

sHB 5653

AN ACT AMENDING THE CIVIL PREPAREDNESS AND PUBLIC HEALTH EMERGENCY STATUTES.

SUMMARY

This bill makes technical changes in statutes concerning public health and civil preparedness emergencies declared by the governor.

EFFECTIVE DATE: July 1, 2021

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 15 Nay 4 (04/05/2021)