



General Assembly

January Session, 2021

**Committee Bill No. 5759**

LCO No. 5098



Referred to Committee on COMMERCE

Introduced by:  
(CE)

***AN ACT REQUIRING NOTICE BEFORE THE IMPLEMENTATION OF ANY DECLARATION, PROCLAMATION OR ORDER THAT AFFECTS BUSINESSES.***

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

1 Section 1. Section 19a-131a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) In the event of a state-wide or regional public health emergency,  
4 the Governor shall make a good faith effort to inform the legislative  
5 leaders specified in subsection (b) of this section before declaring that  
6 the emergency exists and may do any of the following: (1) Order the  
7 commissioner to implement all or a portion of the public health  
8 emergency response plan developed pursuant to section 19a-131g; (2)  
9 authorize the commissioner to isolate or quarantine persons in  
10 accordance with section 19a-131b; (3) order the commissioner to  
11 vaccinate persons in accordance with section 19a-131e; (4) apply for and  
12 receive federal assistance; or (5) order the commissioner to suspend  
13 certain license renewal and inspection functions during the period of the  
14 emergency and during the six-month period following the date the  
15 emergency is declared to be over.

16 (b) (1) Any declaration issued pursuant to this section shall become  
17 effective upon its filing with the Secretary of the State and with the  
18 clerks of the House of Representatives and Senate. The declaration shall  
19 state the nature of the public health emergency, the political  
20 subdivisions or geographic area subject to the declaration, the  
21 conditions that have brought about the public health emergency, the  
22 duration of the public health emergency and the public health authority  
23 responding to the emergency. Any such declaration issued by the  
24 Governor may be disapproved and nullified by majority vote of a  
25 committee consisting of the president pro tempore of the Senate, the  
26 speaker of the House of Representatives, the majority and minority  
27 leaders of both houses of the General Assembly and the cochairpersons  
28 and ranking members of the joint standing committee of the General  
29 Assembly having cognizance of matters relating to public health. Such  
30 disapproval shall not be effective unless filed with the Secretary of the  
31 State not later than seventy-two hours after the filing of the Governor's  
32 declaration with the Secretary of the State.

33 (2) Any declaration issued pursuant to this section may be renewed  
34 by the Governor upon its filing with the Secretary of the State and with  
35 the clerks of the House of Representatives and Senate. The renewal  
36 declaration shall state the nature of the continuing public health  
37 emergency, the political subdivisions or geographic area subject to the  
38 renewal, the conditions that have brought about the renewal  
39 declaration, the duration of the renewal declaration and the public  
40 health authority responding to the public health emergency. Any such  
41 renewal declaration issued by the Governor may be disapproved and  
42 nullified by majority vote of a committee consisting of the legislative  
43 leaders specified in subsection (b) of this section. Such disapproval shall  
44 not be effective unless filed with the Secretary of the State not later than  
45 seventy-two hours after the filing of the Governor's renewal declaration  
46 with the Secretary of the State.

47 (3) The Governor shall declare a public health emergency to be  
48 terminated before the duration stated in the declaration, upon a finding,

49 after informing the legislative leaders specified in subsection (b) of this  
50 section, that the circumstances that caused such emergency to be  
51 declared no longer pose a substantial risk of a significant number of  
52 human fatalities or incidents of permanent or long-term disability.

53 (c) The Governor shall ensure that any declaration or order issued  
54 pursuant to the provisions of this section shall be (1) published in full at  
55 least once in a newspaper having general circulation in each county, (2)  
56 provided to news media, and (3) posted on the state Internet web site.  
57 Failure to take the actions specified in subdivisions (1) to (3), inclusive,  
58 of this subsection shall not impair the validity of such declaration or  
59 order.

60 (d) The Governor shall provide not less than five days' notice before  
61 issuing or renewing any declaration or issuing or modifying any order  
62 pursuant to sections 19a-131 to 19a-131i, inclusive, that restricts any  
63 business's ability to operate or capacity to do business, in whole or in  
64 part. Such notice shall be: (1) Published in full at least once in a  
65 newspaper having general circulation in each county, (2) provided to  
66 news media, and (3) posted on the state Internet web site. Failure to take  
67 the actions specified in subdivisions (1) to (3), inclusive, of this  
68 subsection shall not impair the validity of such declaration or order.

69 ~~[(d)]~~ (e) Any individual who, during the course of a public health  
70 emergency declared under this section, violates the provisions of any  
71 order issued pursuant to sections 19a-131 to 19a-131i, inclusive, or who  
72 intentionally obstructs, resists, hinders or endangers any person who is  
73 authorized to carry out, and who is engaged in an activity that carries  
74 out, any of the provisions of the order shall be fined not more than one  
75 thousand dollars or imprisoned not more than one year, or both, for  
76 each offense.

77 ~~[(e)]~~ (f) The commissioner may request the Attorney General to apply  
78 to the Superior Court for an order enforcing the provisions of any order  
79 issued by the commissioner pursuant to sections 19a-131 to 19a-131i,  
80 inclusive, and such other equitable relief as the court deems

81 appropriate.

82 [(f)] (g) The commissioner may delegate to an employee of the  
83 Department of Public Health or any local health director, as much of the  
84 authority of the commissioner described in this section as the  
85 commissioner determines appropriate. Such authorized employee or  
86 director shall act as an agent of the commissioner.

87 Sec. 2. Section 28-9 of the general statutes is repealed and the  
88 following is substituted in lieu thereof (*Effective from passage*):

89 (a) In the event of serious disaster, enemy attack, sabotage or other  
90 hostile action or in the event of the imminence thereof, the Governor  
91 may proclaim that a state of civil preparedness emergency exists, in  
92 which event the Governor may personally take direct operational  
93 control of any or all parts of the civil preparedness forces and functions  
94 in the state. Any such proclamation shall be effective upon filing with  
95 the Secretary of the State. Any such proclamation, or order issued  
96 pursuant thereto, issued by the Governor because of a disaster resulting  
97 from man-made cause may be disapproved by majority vote of a joint  
98 legislative committee consisting of the president pro tempore of the  
99 Senate, the speaker of the House of Representatives and the majority  
100 and minority leaders of both houses of the General Assembly, provided  
101 at least one of the minority leaders votes for such disapproval. Such  
102 disapproval shall not be effective unless filed with the Secretary of the  
103 State not later than seventy-two hours after the filing of the Governor's  
104 proclamation with the Secretary of the State. As soon as possible after  
105 such proclamation, if the General Assembly is not then in session, the  
106 Governor shall meet with the president pro tempore of the Senate, the  
107 speaker of the House of Representatives, and the majority and minority  
108 leaders of both houses of the General Assembly and shall confer with  
109 them on the advisability of calling a special session of the General  
110 Assembly.

111 (b) Upon such proclamation, the following provisions of this section  
112 and the provisions of section 28-11 shall immediately become effective

113 and shall continue in effect until the Governor proclaims the end of the  
114 civil preparedness emergency:

115 (1) Following the Governor's proclamation of a civil preparedness  
116 emergency pursuant to subsection (a) of this section or declaration of a  
117 public health emergency pursuant to section 19a-131a, as amended by  
118 this act, the Governor may modify or suspend in whole or in part, by  
119 order as hereinafter provided, any statute, regulation or requirement or  
120 part thereof whenever the Governor finds such statute, regulation or  
121 requirement, or part thereof, is in conflict with the efficient and  
122 expeditious execution of civil preparedness functions or the protection  
123 of the public health. The Governor shall specify in such order the reason  
124 or reasons therefor and any statute, regulation or requirement or part  
125 thereof to be modified or suspended and the period, not exceeding six  
126 months unless sooner revoked, during which such order shall be  
127 enforced. Any such order shall have the full force and effect of law upon  
128 the filing of the full text of such order in the office of the Secretary of the  
129 State. The Secretary of the State shall, not later than four days after  
130 receipt of the order, cause such order to be printed and published in full  
131 in at least one issue of a newspaper published in each county and having  
132 general circulation therein, but failure to publish shall not impair the  
133 validity of such order. Any statute, regulation or requirement, or part  
134 thereof, inconsistent with such order shall be inoperative for the  
135 effective period of such order. Any such order shall be communicated  
136 by the Governor at the earliest date to both houses of the General  
137 Assembly.

138 (2) The Governor may order into action all or any part of the  
139 department or local or joint organizations for civil preparedness mobile  
140 support units or any other civil preparedness forces.

141 (3) The Governor shall order and enforce such blackouts and radio  
142 silences as are authorized by the United States Army or its duly  
143 designated agency and may take any other precautionary measures  
144 reasonably necessary in the light of the emergency.

145 (4) The Governor may designate such vehicles and persons as shall  
146 be permitted to move and the routes which they shall follow.

147 (5) The Governor shall take appropriate measures for protecting the  
148 health and safety of inmates of state institutions and children in schools.

149 (6) The Governor may order the evacuation of all or part of the  
150 population of stricken or threatened areas and may take such steps as  
151 are necessary for the receipt and care of such evacuees.

152 (7) The Governor may take such other steps as are reasonably  
153 necessary in the light of the emergency to protect the health, safety and  
154 welfare of the people of the state, to prevent or minimize loss or  
155 destruction of property and to minimize the effects of hostile action.

156 (8) In order to insure the automatic and effective operation of civil  
157 preparedness in the event of enemy attack, sabotage or other hostile  
158 action, or in the event of the imminence thereof, the Governor may, at  
159 the Governor's discretion, at any time prior to actual development of  
160 such conditions, issue such proclamations and executive orders as the  
161 Governor deems necessary, such proclamations and orders to become  
162 effective only under such conditions.

163 (c) The Governor shall provide not less than five days' notice before  
164 any proclamation of a civil preparedness emergency pursuant to  
165 subsection (a) of this section or issuing or modifying any order pursuant  
166 to this section or sections 28-9a and 28-11, that restricts any business'  
167 ability to operate or capacity to do business, in whole or in part. Such  
168 notice shall be: (1) Published in full at least once in a newspaper having  
169 general circulation in each county, (2) provided to news media, and (3)  
170 posted on the state Internet web site. Failure to take the actions specified  
171 in subdivisions (1) to (3), inclusive, of this subsection shall not impair  
172 the validity of such declaration or order.

This act shall take effect as follows and shall amend the following sections:
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Section 1	<i>from passage</i>	19a-131a
Sec. 2	<i>from passage</i>	28-9

**Statement of Purpose:**

To provide businesses with five days' notice before issuing any declaration, proclamation or order that restricts a business's ability to operate or capacity to do business.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

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REP. O'DEA, 125th Dist.; REP. PERILLO, 113th Dist.  
REP. REBIMBAS, 70th Dist.; REP. ZUPKUS, 89th Dist.  
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H.B. 5759