
OLR Bill Analysis

sHB 5759

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

SUMMARY

This bill requires the governor, to the extent possible, to provide at least five days' notice before proclaiming a public health or civil preparedness emergency or issuing an order pursuant to such emergencies that restricts any business's ability to operate or capacity to do business, in whole or in part. It also appears to require the governor to give this notice, when possible, before the public health commissioner issues or modifies an order under a public health emergency that restricts any business's ability to operate or capacity to do business, in whole or in part. (Presumably, the commissioner would notify the governor of the intention to issue such an order.)

Under the bill, the notice must be (1) published in full at least once in a newspaper having general circulation in each county; (2) provided to news media; and (3) posted on the state website. However, the failure to take these actions does not impair the declaration's or order's validity.

By law, the governor may declare a public health emergency in the event of a statewide or regional public health emergency. He may declare a civil preparedness emergency in the event or imminent occurrence of a serious disaster, enemy attack, sabotage, or other hostile action.

Under both emergencies, the governor may, among other things, (1) issue orders modifying or suspending statutes, regulations, or requirements he finds to be in conflict with executing civil preparedness functions or protecting public health and (2) take certain property when there is a shortage or disaster making the action

necessary to protect the public (CGS §§ 28-9(b)(1) and 28-11). Under a civil preparedness emergency, he may, among other things, additionally take such other steps as are reasonably necessary in light of the emergency to protect the state population's health, safety, and welfare (CGS § 28-9(b)(7)).

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Commerce Committee

Joint Favorable Substitute

Yea 23 Nay 0 (03/22/2021)