



General Assembly

January Session, 2021

Committee Bill No. 5653

LCO No. 5533



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

***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. Section 28-1 of the general statutes is amended by adding
2 subdivision (13) as follows (*Effective July 1, 2021*):

3 (NEW) (13) "Serious disaster" does not include any pandemic disease.

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 Subsection (a) of section 28-9 of the general statutes is repealed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

6 (a) In the event of serious disaster, enemy attack, sabotage or other
7 hostile action or in the event of the imminence thereof, the Governor
8 may proclaim that a state of civil preparedness emergency exists, in
9 which event the Governor may personally take direct operational
10 control of any or all parts of the civil preparedness forces and functions
11 in the state for not more than thirty days, which may be extended for
12 one or more additional thirty-day periods by a majority vote of a joint
13 legislative committee consisting of the president pro tempore of the
14 Senate, the speaker of the House of Representatives and the majority

15 and minority leaders of both houses of the General Assembly. Any such
16 proclamation, extension or order shall be effective upon filing with the
17 Secretary of the State, provided no extension shall be effective until the
18 approval of the joint legislative committee has been obtained. Any such
19 proclamation, or order issued pursuant thereto, issued by the Governor
20 because of a disaster resulting from man-made cause may be
21 disapproved by majority vote of [a] such joint legislative committee,
22 [consisting of the president pro tempore of the Senate, the speaker of the
23 House of Representatives and the majority and minority leaders of both
24 houses of the General Assembly,] provided at least one of the minority
25 leaders votes for such disapproval. Such disapproval shall not be
26 effective unless filed with the Secretary of the State not later than
27 seventy-two hours after the filing of the Governor's proclamation or
28 order with the Secretary of the State. As soon as possible after such
29 proclamation, if the General Assembly is not then in session, the
30 Governor shall meet with the president pro tempore of the Senate, the
31 speaker of the House of Representatives, and the majority and minority
32 leaders of both houses of the General Assembly and shall confer with
33 them on the advisability of calling a special session of the General
34 Assembly.

35 Sec. 3. Subdivision (1) of subsection (b) of section 28-9 of the general
36 statutes is repealed and the following is substituted in lieu thereof
37 (*Effective July 1, 2021*):

38 (1) Following the Governor's proclamation of a civil preparedness
39 emergency pursuant to subsection (a) of this section, [or declaration of
40 a public health emergency pursuant to section 19a-131a,] the Governor
41 may modify or suspend in whole or in part, by order as [hereinafter]
42 provided in this section, any statute, regulation or requirement or part
43 thereof whenever the Governor finds such statute, regulation or
44 requirement, or part thereof, is in conflict with the efficient and
45 expeditious execution of civil preparedness functions. [or the protection
46 of the public health.] The Governor shall specify in such order the reason
47 or reasons therefor and any statute, regulation or requirement or part
48 thereof to be modified or suspended and the period, not exceeding six

49 months unless sooner revoked, during which such order shall be
50 enforced. Any such order shall have the full force and effect of law upon
51 the filing of the full text of such order in the office of the Secretary of the
52 State. The Secretary of the State shall, not later than four days after
53 receipt of the order, cause such order to be printed and published in full
54 in at least one issue of a newspaper published in each county and having
55 general circulation therein, but failure to publish shall not impair the
56 validity of such order. Any statute, regulation or requirement, or part
57 thereof, inconsistent with such order shall be inoperative for the
58 effective period of such order. Any such order shall be communicated
59 by the Governor at the earliest date to both houses of the General
60 Assembly.

61 Sec. 4. Section 19a-131a of the general statutes is repealed and the
62 following is substituted in lieu thereof (*Effective July 1, 2021*):

63 (a) In the event of a state-wide or regional public health emergency,
64 the Governor shall make a good faith effort to inform the legislative
65 leaders specified in subsection (b) of this section before declaring that
66 the emergency exists and may do any of the following: (1) Order the
67 commissioner to implement all or a portion of the public health
68 emergency response plan developed pursuant to section 19a-131g; (2)
69 authorize the commissioner to isolate or quarantine persons in
70 accordance with section 19a-131b; (3) order the commissioner to
71 vaccinate persons in accordance with section 19a-131e; (4) apply for and
72 receive federal assistance; [or] (5) order the commissioner to suspend
73 certain license renewal and inspection functions during the period of the
74 emergency and during the six-month period following the date the
75 emergency is declared to be over; or (6) modify or suspend in whole or
76 in part, by executive order, any statute, regulation or requirement or
77 part thereof whenever the Governor finds such statute, regulation or
78 requirement, or part thereof, is in conflict with the efficient and
79 expeditious execution of the protection of the public health. The
80 Governor shall specify in such order the reason or reasons therefor and
81 any statute, regulation or requirement or part thereof to be modified or
82 suspended and the period, not exceeding six months unless sooner

83 revoked, during which such order shall be enforced. Any such order
84 shall have the full force and effect of law upon the filing of the full text
85 of such order in the office of the Secretary of the State. The Secretary of
86 the State shall, not later than four days after receipt of the order, cause
87 such order to be printed and published in full in at least one issue of a
88 newspaper published in each county and having general circulation in
89 each county, but failure to publish shall not impair the validity of such
90 order. Any statute, regulation or requirement, or part thereof,
91 inconsistent with such order shall be inoperative for the effective period
92 of such order. Any such order shall be communicated by the Governor
93 at the earliest date to both houses of the General Assembly.

94 (b) (1) Any declaration issued pursuant to this section shall become
95 effective upon its filing with the Secretary of the State and with the
96 clerks of the House of Representatives and Senate. The declaration shall
97 state the nature of the public health emergency, the political
98 subdivisions or geographic area subject to the declaration, the
99 conditions that have brought about the public health emergency, the
100 duration of the public health emergency and the public health authority
101 responding to the emergency. Any such declaration issued by the
102 Governor may be disapproved and nullified by majority vote of a
103 committee consisting of the president pro tempore of the Senate, the
104 speaker of the House of Representatives, the majority and minority
105 leaders of both houses of the General Assembly and the cochairpersons
106 and ranking members of the joint standing committee of the General
107 Assembly having cognizance of matters relating to public health. Such
108 disapproval shall not be effective unless filed with the Secretary of the
109 State not later than seventy-two hours after the filing of the Governor's
110 declaration with the Secretary of the State.

111 (2) Any declaration issued pursuant to this section may be renewed
112 by the Governor upon its filing with the Secretary of the State and with
113 the clerks of the House of Representatives and Senate. The renewal
114 declaration shall state the nature of the continuing public health
115 emergency, the political subdivisions or geographic area subject to the
116 renewal, the conditions that have brought about the renewal

117 declaration, the duration of the renewal declaration and the public
118 health authority responding to the public health emergency. Any such
119 renewal declaration issued by the Governor may be disapproved and
120 nullified by majority vote of a committee consisting of the legislative
121 leaders specified in subsection (b) of this section. Such disapproval shall
122 not be effective unless filed with the Secretary of the State not later than
123 seventy-two hours after the filing of the Governor's renewal declaration
124 with the Secretary of the State.

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

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

138 (d) Any individual who, during the course of a public health
139 emergency declared under this section, violates the provisions of any
140 order issued pursuant to sections 19a-131 to 19a-131i, inclusive, or who
141 intentionally obstructs, resists, hinders or endangers any person who is
142 authorized to carry out, and who is engaged in an activity that carries
143 out, any of the provisions of the order shall be fined not more than one
144 thousand dollars or imprisoned not more than one year, or both, for
145 each offense.

146 (e) The commissioner may request the Attorney General to apply to
147 the Superior Court for an order enforcing the provisions of any order
148 issued by the commissioner pursuant to sections 19a-131 to 19a-131i,
149 inclusive, and such other equitable relief as the court deems

150 appropriate.

151 (f) The commissioner may delegate to an employee of the Department
152 of Public Health or any local health director, as much of the authority of
153 the commissioner described in this section as the commissioner
154 determines appropriate. Such authorized employee or director shall act
155 as an agent of the commissioner.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2021</i>	28-1
Sec. 2	<i>July 1, 2021</i>	28-9(a)
Sec. 3	<i>July 1, 2021</i>	28-9(b)(1)
Sec. 4	<i>July 1, 2021</i>	19a-131a

Statement of Purpose:

To update our civil preparedness and public health emergency statutes and executive order emergency powers to reflect emerging threats, and to retain a legislative role in defining the duration of such powers.

[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.]

Co-Sponsors: REP. CANDELORA, 86th Dist.; REP. DEVLIN, 134th Dist.
REP. O'DEA, 125th Dist.; REP. PERILLO, 113th Dist.
REP. REBIMBAS, 70th Dist.; REP. ZUPKUS, 89th Dist.
REP. FISHBEIN, 90th Dist.; REP. ZAWISTOWSKI, 61st Dist.
REP. BOLINSKY, 106th Dist.; REP. LABRIOLA, 131st Dist.
REP. MASTROFRANCESCO, 80th Dist.; REP. DUBITSKY, 47th
Dist.

H.B. 5653