



General Assembly

Substitute Bill No. 5759

January Session, 2021



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 Section 19a-131a of the general statutes is repealed and the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

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

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

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

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 Section 28-9 of the general statutes is repealed and the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

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

112 (b) Upon such proclamation, the following provisions of this section
113 and the provisions of section 28-11 shall immediately become effective
114 and shall continue in effect until the Governor proclaims the end of the
115 civil preparedness emergency:

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

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

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

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

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

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

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

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

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

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

CE *Joint Favorable Subst.*