



General Assembly

Amendment

January Session, 2021

LCO No. 6072



Offered by:

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.

To: House Bill No. 6672

File No.

Cal. No.

**"AN ACT CONCERNING PUBLIC HEALTH AND CIVIL
PREPAREDNESS EMERGENCIES DECLARED AND RENEWED BY
THE GOVERNOR."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (*Effective from passage*) Notwithstanding any provision of
4 the general statutes, the declaration of a public health emergency issued
5 by the Honorable Governor Ned Lamont on March 10, 2020, and
6 declared and renewed by him on September 1, 2020, and January 26,
7 2021, pursuant to section 19a-131a of the general statutes, is hereby
8 ratified and extended until May 1, 2021. Notwithstanding any provision
9 of the general statutes, any existing executive orders issued by the
10 Governor pursuant to sections 28-9 and 19a-131a of the general statutes
11 that have not expired as of the effective date of this section are hereby
12 ratified and extended until May 1, 2021.

13 Sec. 2. Section 28-1 of the general statutes is amended by adding
14 subdivision (13) as follows (*Effective from passage*):

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

16 Sec. 3. Subsection (a) of section 28-9 of the general statutes is repealed
17 and the following is substituted in lieu thereof (*Effective from passage*):

18 (a) (1) In the event of serious disaster, enemy attack, sabotage or other
19 hostile action or in the event of the imminence thereof, the Governor
20 may proclaim that a state of civil preparedness emergency exists, in
21 which event the Governor may personally take direct operational
22 control of any or all parts of the civil preparedness forces and functions
23 in the state. Any such proclamation shall be effective upon filing with
24 the Secretary of the State and shall have a duration not exceeding more
25 than thirty days if during a regular session of the General Assembly or
26 not exceeding sixty days if the General Assembly is not in regular
27 session. Any such proclamation, or order issued pursuant thereto,
28 issued by the Governor because of a disaster resulting from man-made
29 cause may be disapproved by majority vote of a joint legislative
30 committee consisting of 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, provided at least one
33 of the minority leaders votes for such disapproval. Such disapproval
34 shall not be effective unless filed with the Secretary of the State not later
35 than seventy-two hours after the filing of the Governor's proclamation
36 with the Secretary of the State. As soon as possible after such
37 proclamation, if the General Assembly is not then in session, the
38 Governor shall meet with the president pro tempore of the Senate, the
39 speaker of the House of Representatives, and the majority and minority
40 leaders of both houses of the General Assembly and shall confer with
41 them on the advisability of calling a special session of the General
42 Assembly.

43 (2) Any proclamation issued pursuant to this section may be renewed
44 by the Governor upon its filing with the Secretary of the State and with

45 the clerks of the House of Representatives and Senate. The renewal
46 proclamation shall state the nature of the continuing civil preparedness
47 emergency, the conditions that have brought about the renewal
48 proclamation and the duration of the renewal proclamation, which may
49 not exceed an additional thirty days if during a regular session of the
50 General Assembly or an additional sixty days if the General Assembly
51 is not in regular session. Any such renewal proclamation issued by the
52 Governor shall not be effective unless approved by a two-thirds vote of
53 each house of the General Assembly not later than seventy-two hours
54 after the filing of the Governor's renewal proclamation with the
55 Secretary of the State.

56 Sec. 4. Subdivision (1) of subsection (b) of section 28-9 of the general
57 statutes is repealed and the following is substituted in lieu thereof
58 (*Effective from passage*):

59 (1) Following the Governor's proclamation of a civil preparedness
60 emergency pursuant to subsection (a) of this section, [or declaration of
61 a public health emergency pursuant to section 19a-131a,] the Governor
62 may modify or suspend in whole or in part, by order as hereinafter
63 provided, any statute, regulation or requirement or part thereof
64 whenever the Governor finds such statute, regulation or requirement,
65 or part thereof, is in conflict with the efficient and expeditious execution
66 of civil preparedness functions. [or the protection of the public health.]
67 The Governor shall specify in such order the reason or reasons therefor
68 and any statute, regulation or requirement or part thereof to be modified
69 or suspended and the period, not exceeding six months unless sooner
70 revoked, during which such order shall be enforced. Any such order
71 shall have the full force and effect of law upon the filing of the full text
72 of such order in the office of the Secretary of the State. Any such order
73 may be disapproved by majority vote of a joint legislative committee
74 consisting of the president pro tempore of the Senate, the speaker of the
75 House of Representatives and the majority and minority leaders of both
76 houses of the General Assembly. Such disapproval shall not be effective
77 unless filed with the Secretary of the State not later than seventy-two
78 hours after the filing of the Governor's order with the Secretary of the

79 State. The Secretary of the State shall, not later than four days after
80 receipt of the order, cause such order to be printed and published in full
81 in at least one issue of a newspaper published in each county and having
82 general circulation therein, but failure to publish shall not impair the
83 validity of such order. Any statute, regulation or requirement, or part
84 thereof, inconsistent with such order shall be inoperative for the
85 effective period of such order. Any such order shall be communicated
86 by the Governor at the earliest date to both houses of the General
87 Assembly.

88 Sec. 5. Section 19a-131a of the general statutes is repealed and the
89 following is substituted in lieu thereof (*Effective from passage*):

90 (a) In the event of a state-wide or regional public health emergency,
91 the Governor shall make a good faith effort to inform the legislative
92 leaders specified in subsection (b) of this section before declaring that
93 the emergency exists and may do any of the following: (1) Order the
94 commissioner to implement all or a portion of the public health
95 emergency response plan developed pursuant to section 19a-131g; (2)
96 authorize the commissioner to isolate or quarantine persons in
97 accordance with section 19a-131b; (3) order the commissioner to
98 vaccinate persons in accordance with section 19a-131e; (4) apply for and
99 receive federal assistance; [or] (5) order the commissioner to suspend
100 certain license renewal and inspection functions during the period of the
101 emergency and during the six-month period following the date the
102 emergency is declared to be over; or (6) modify or suspend in whole or
103 in part, by executive order, any statute, regulation or requirement or
104 part thereof whenever the Governor finds such statute, regulation or
105 requirement, or part thereof, is in conflict with the efficient and
106 expeditious execution of the protection of the public health. The
107 Governor shall specify in such order the reason or reasons therefor and
108 any statute, regulation or requirement or part thereof to be modified or
109 suspended and the period, not exceeding six months unless sooner
110 revoked, during which such order shall be enforced. Any such order
111 shall have the full force and effect of law upon the filing of the full text
112 of such order in the office of the Secretary of the State. The Secretary of

113 the State shall, not later than four days after receipt of the order, cause
114 such order to be printed and published in full in at least one issue of a
115 newspaper published in each county and having general circulation in
116 each county, but failure to publish shall not impair the validity of such
117 order. Any statute, regulation or requirement, or part thereof,
118 inconsistent with such order shall be inoperative for the effective period
119 of such order. Any such order shall be communicated by the Governor
120 at the earliest date to both houses of the General Assembly.

121 (b) (1) Any declaration issued pursuant to this section shall become
122 effective upon its filing with the Secretary of the State and with the
123 clerks of the House of Representatives and Senate. The declaration shall
124 state the nature of the public health emergency, the political
125 subdivisions or geographic area subject to the declaration, the
126 conditions that have brought about the public health emergency, the
127 duration of the public health emergency, which may not exceed thirty
128 days if during a regular session of the General Assembly or sixty days if
129 the General Assembly is not in regular session, and the public health
130 authority responding to the emergency. Any such initial declaration
131 issued by the Governor may be disapproved and nullified by a two-
132 thirds vote of each house of the General Assembly, provided such
133 disapproval is filed with the Secretary of the State not later than seventy-
134 two hours after the filing of the Governor's declaration with the
135 Secretary of the State. Any [such declaration] order issued by the
136 Governor pursuant to subdivision (6) of subsection (a) of this section
137 may be disapproved and nullified by majority vote of a committee
138 consisting of the president pro tempore of the Senate, the speaker of the
139 House of Representatives, the majority and minority leaders of both
140 houses of the General Assembly and the cochairpersons and ranking
141 members of the joint standing committee of the General Assembly
142 having cognizance of matters relating to public health. Such disapproval
143 by the committee shall not be effective unless filed with the Secretary of
144 the State not later than seventy-two hours after the filing of the
145 Governor's [declaration] order with the Secretary of the State.

146 (2) Any declaration issued pursuant to this section may be renewed

147 by the Governor upon its filing with the Secretary of the State and with
148 the clerks of the House of Representatives and Senate. The renewal
149 declaration shall state the nature of the continuing public health
150 emergency, the political subdivisions or geographic area subject to the
151 renewal, the conditions that have brought about the renewal
152 declaration, the duration of the renewal declaration, which may not
153 exceed an additional thirty days if during a regular session of the
154 General Assembly or an additional sixty days if the General Assembly
155 is not in regular session, and the public health authority responding to
156 the public health emergency. Any such renewal declaration issued by
157 the Governor [may be disapproved and nullified by majority vote of a
158 committee consisting of the legislative leaders specified in subsection (b)
159 of this section. Such disapproval shall not be effective unless filed with
160 the Secretary of the State] shall not be effective unless approved by a
161 two-thirds vote of each house of the General Assembly not later than
162 seventy-two hours after the filing of the Governor's renewal declaration
163 with the Secretary of the State.

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

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

177 (d) Any individual who, during the course of a public health
178 emergency declared under this section, violates the provisions of any
179 order issued pursuant to sections 19a-131 to 19a-131i, inclusive, or who

180 intentionally obstructs, resists, hinders or endangers any person who is
181 authorized to carry out, and who is engaged in an activity that carries
182 out, any of the provisions of the order shall be fined not more than one
183 thousand dollars or imprisoned not more than one year, or both, for
184 each offense.

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

190 (f) The commissioner may delegate to an employee of the Department
191 of Public Health or any local health director, as much of the authority of
192 the commissioner described in this section as the commissioner
193 determines appropriate. Such authorized employee or director shall act
194 as an agent of the commissioner.

195 *Sec. 6. (Effective from passage)* (a) The Governor shall submit a copy of
196 all existing executive orders issued by the Governor pursuant to sections
197 28-9 and 19a-131a of the general statutes that have not expired as of the
198 effective date of this section to a joint legislative committee consisting of
199 the president pro tempore of the Senate, the speaker of the House of
200 Representatives and the minority leaders of both houses of the General
201 Assembly, or their designees.

202 (b) Such joint committee shall, in consultation with the Governor, (1)
203 review the executive orders submitted under subsection (a) of this
204 section, (2) make recommendations concerning which such orders
205 should be ratified, codified in the general statutes or allowed to expire,
206 and (3) not later than April 15, 2021, report such recommendations to
207 the General Assembly, in accordance with the provisions of section 11-
208 4a of the general statutes.

209 (c) Not later than April 21, 2021, both houses of the General Assembly
210 shall vote to approve or reject the recommendations submitted pursuant
211 to section (b) of this section, which shall be by a vote of at least two-

212 thirds of each house of the General Assembly."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	28-1
Sec. 3	<i>from passage</i>	28-9(a)
Sec. 4	<i>from passage</i>	28-9(b)(1)
Sec. 5	<i>from passage</i>	19a-131a
Sec. 6	<i>from passage</i>	New section