



General Assembly

February Session, 2022

**Raised Bill No. 5492**

LCO No. 2931



Referred to Committee on GOVERNMENT ADMINISTRATION  
AND ELECTIONS

Introduced by:  
(GAE)

***AN ACT CONCERNING THE PROCESS FOR PUBLIC HEALTH AND  
CIVIL PREPAREDNESS EMERGENCY DECLARATIONS.***

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 Section 19a-131a of the general statutes is repealed and the  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) (1) In the event of a state-wide or regional public health  
4 emergency, the Governor shall make a good faith effort to inform the  
5 [legislative leaders specified in subsection (b) of this section] president  
6 pro tempore of the Senate, the speaker of the House of Representatives  
7 and the majority and minority leaders of both houses of the General  
8 Assembly before declaring that the public health emergency exists.  
9 [and] Any declaration issued pursuant to this section shall become  
10 effective upon its filing with both the Secretary of the State and with the  
11 clerks of the House of Representatives and Senate and shall not exceed  
12 one hundred eighty days in duration. The declaration shall state the  
13 nature of the public health emergency, the political subdivisions or  
14 geographic area subject to the declaration, the conditions that have

15 brought about the public health emergency, the duration of the public  
16 health emergency and the public health authority responding to the  
17 emergency. Any such declaration issued by the Governor may be  
18 disapproved and nullified by majority vote at a meeting of a committee  
19 consisting of the president pro tempore of the Senate, the speaker of the  
20 House of Representatives, the majority and minority leaders of both  
21 houses of the General Assembly and the cochairpersons and ranking  
22 members of the joint standing committee of the General Assembly  
23 having cognizance of matters relating to public health, provided at least  
24 one of the members of the minority party votes for such disapproval.  
25 Such disapproval shall not be effective unless filed with the Secretary of  
26 the State not later than seventy-two hours after the filing of the  
27 Governor's declaration with the Secretary of the State. Any meetings of  
28 such committee held pursuant to this section may be conducted on a  
29 virtual platform that can be viewed by the public.

30 (2) Upon the declaration of a public health emergency, the Governor  
31 may do any of the following: [(1)] (A) Order the commissioner to  
32 implement all or a portion of the public health emergency response plan  
33 developed pursuant to section 19a-131g; [(2)] (B) authorize the  
34 commissioner to isolate or quarantine persons in accordance with  
35 section 19a-131b; [(3)] (C) order the commissioner to vaccinate persons  
36 in accordance with section 19a-131e; [(4)] (D) apply for and receive  
37 federal assistance; or [(5)] (E) order the commissioner to suspend certain  
38 license renewal and inspection functions during the period of the  
39 emergency and during the six-month period following the date the  
40 emergency is declared to be over.

41 [(b) (1) Any declaration issued pursuant to this section shall become  
42 effective upon its filing with the Secretary of the State and with the  
43 clerks of the House of Representatives and Senate. The declaration shall  
44 state the nature of the public health emergency, the political  
45 subdivisions or geographic area subject to the declaration, the  
46 conditions that have brought about the public health emergency, the  
47 duration of the public health emergency and the public health authority  
48 responding to the emergency. Any such declaration issued by the

49 Governor may be disapproved and nullified by majority vote of a  
50 committee consisting of the president pro tempore of the Senate, the  
51 speaker of the House of Representatives, the majority and minority  
52 leaders of both houses of the General Assembly and the cochairpersons  
53 and ranking members of the joint standing committee of the General  
54 Assembly having cognizance of matters relating to public health. Such  
55 disapproval shall not be effective unless filed with the Secretary of the  
56 State not later than seventy-two hours after the filing of the Governor's  
57 declaration with the Secretary of the State.]

58 [(2)] (b) (1) Any declaration issued pursuant to this section may be  
59 renewed by the Governor upon its filing with the Secretary of the State  
60 and with the clerks of the House of Representatives and Senate. Not less  
61 than five days prior to filing the renewal of any such declaration with  
62 the Secretary of the State, the Governor shall provide electronic notice  
63 of such renewal to the president pro tempore of the Senate, the speaker  
64 of the House of Representatives, the majority leader of the Senate, the  
65 minority leader of the Senate, the majority leader of the House of  
66 Representatives and the minority leader of the House of  
67 Representatives. The renewal declaration shall state the nature of the  
68 continuing public health emergency, the political subdivisions or  
69 geographic area subject to the renewal, the conditions that have brought  
70 about the renewal declaration, the duration of the renewal declaration  
71 and the public health authority responding to the public health  
72 emergency. Any such renewal declaration issued by the Governor less  
73 than one hundred eighty days after the initial declaration or that does  
74 not result in a public health emergency being declared for more than  
75 one hundred eighty days may be disapproved and nullified by majority  
76 vote at a meeting of [a committee consisting of the legislative leaders  
77 specified in subsection (b) of this section] the committee described in  
78 subdivision (1) of subsection (a) of this section, provided at least one of  
79 the members of the minority party votes for such disapproval. Such  
80 disapproval shall not be effective unless filed with the Secretary of the  
81 State not later than seventy-two hours after the filing of the Governor's  
82 renewal declaration with the Secretary of the State. Any such renewal

83 declaration issued one hundred eighty days or more after the initial  
84 declaration or that would result in a public health emergency being  
85 declared for more than one hundred eighty days (A) shall have a  
86 duration of not more than ninety days, and (B) shall cease to be effective  
87 unless approved by (i) a majority vote of each house of the General  
88 Assembly by resolution not later than seventy-two hours after the date  
89 of filing such renewal declaration with the Secretary of the State, or (ii)  
90 if the president pro tempore of the Senate, the speaker of the House of  
91 Representatives and the majority and minority leaders of both houses of  
92 the General Assembly determine at a meeting by majority vote that the  
93 convening of the General Assembly to approve such declaration would  
94 cause an undue risk to the health or safety of the members of the General  
95 Assembly, would exacerbate the emergency or is physically impossible,  
96 a majority vote of the committee described in subdivision (1) of  
97 subsection (a) of this section. Any meeting held by the leaders specified  
98 in subparagraph (B) of this subdivision may be conducted on a virtual  
99 platform that can be viewed by the public.

100 ~~[(3)]~~ (2) The Governor shall declare a public health emergency to be  
101 terminated before the duration stated in the declaration, upon a finding,  
102 after informing the [legislative leaders specified in subsection (b) of this  
103 section] committee described in subdivision (1) of subsection (a) of this  
104 section, that the circumstances that caused such emergency to be  
105 declared no longer pose a substantial risk of a significant number of  
106 human fatalities or incidents of permanent or long-term disability.

107 (3) Any executive order issued pursuant to a declaration of public  
108 health emergency under this section shall not exceed the duration of the  
109 declaration under which it has been issued and shall be filed with the  
110 Secretary of the State and the clerks of the House of Representatives and  
111 Senate. Any such executive order issued one hundred eighty days or  
112 more after the initial emergency declaration may be disapproved by a  
113 majority vote at a meeting of a committee consisting of the president pro  
114 tempore of the Senate, the speaker of the House of Representatives and  
115 the majority and minority leaders of both houses of the General  
116 Assembly, which meeting may be conducted on a virtual platform that

117 can be viewed by the public. Any disapproval of an executive order by  
118 such committee shall not be effective unless filed with the Secretary of  
119 the State not later than thirty-six hours after the Governor's filing of the  
120 order with the Secretary of the State.

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

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

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

141 (f) The commissioner may delegate to an employee of the Department  
142 of Public Health or any local health director, as much of the authority of  
143 the commissioner described in this section as the commissioner  
144 determines appropriate. Such authorized employee or director shall act  
145 as an agent of the commissioner.

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

148 (a) In the event of serious disaster, enemy attack, sabotage or other  
149 hostile action or in the event of the imminence thereof, the Governor  
150 may [proclaim] declare that a state of civil preparedness emergency  
151 exists. [, in which event] Prior to making such declaration, the Governor  
152 shall make a good faith effort to inform the president pro tempore of the  
153 Senate, the speaker of the House of Representatives, the majority and  
154 minority leaders of both houses of the General Assembly of the  
155 anticipated declaration. Pursuant to such declaration, the Governor may  
156 personally take direct operational control of any or all parts of the civil  
157 preparedness forces and functions in the state. Any such [proclamation]  
158 declaration shall be effective upon its filing with both the Secretary of  
159 the State and the clerks of the House of Representatives and Senate and  
160 shall not exceed one hundred days in duration. Any such  
161 [proclamation] declaration, or order issued pursuant thereto, [issued by  
162 the Governor because of a disaster resulting from man-made cause] may  
163 be disapproved by majority vote at a meeting of a joint legislative  
164 committee consisting of the president pro tempore of the Senate, the  
165 speaker of the House of Representatives and the majority and minority  
166 leaders of both houses of the General Assembly, provided at least one  
167 of the minority leaders votes for such disapproval. Such disapproval  
168 shall not be effective unless filed with the Secretary of the State not later  
169 than seventy-two hours after the filing of the Governor's [proclamation]  
170 declaration with the Secretary of the State. Any meetings of such  
171 committee held pursuant to this section may be conducted on a virtual  
172 platform that can be viewed by the public. As soon as possible after such  
173 [proclamation] declaration, if the General Assembly is not then in  
174 session, the Governor shall meet with the president pro tempore of the  
175 Senate, the speaker of the House of Representatives, and the majority  
176 and minority leaders of both houses of the General Assembly and shall  
177 confer with them on the advisability of calling a special session of the  
178 General Assembly.

179 (b) Upon such [proclamation] declaration, the following provisions  
180 of this section and the provisions of section 28-11 shall immediately  
181 become effective and shall continue in effect until the Governor

182 [proclaims] declares the end of the civil preparedness emergency:

183 (1) Following the Governor's [proclamation] declaration of a civil  
184 preparedness emergency pursuant to subsection (a) of this section or  
185 declaration of a public health emergency pursuant to section 19a-131a,  
186 as amended by this act, the Governor may modify or suspend in whole  
187 or in part, by order as [hereinafter] provided in this section, any statute,  
188 regulation or requirement or part thereof whenever the Governor finds  
189 such statute, regulation or requirement, or part thereof, is in conflict  
190 with the efficient and expeditious execution of civil preparedness  
191 functions or the protection of the public health. The Governor shall  
192 specify in such order the reason or reasons therefor and any statute,  
193 regulation or requirement or part thereof to be modified or suspended  
194 and the period, not exceeding [six months] the duration of the civil  
195 preparedness or public health emergency unless sooner revoked,  
196 during which such order shall be enforced. Any such order shall have  
197 the full force and effect of law upon the filing of the full text of such  
198 order in the office of the Secretary of the State and such order shall also  
199 be filed with the clerks of the House of Representatives and Senate. The  
200 Secretary of the State shall, not later than four days after receipt of the  
201 order, cause such order to be printed and published in full in at least one  
202 issue of a newspaper published in each county and having general  
203 circulation therein, but failure to publish shall not impair the validity of  
204 such order. Any statute, regulation or requirement, or part thereof,  
205 inconsistent with such order shall be inoperative for the effective period  
206 of such order. [Any such order shall be communicated by the Governor  
207 at the earliest date to both houses of the General Assembly.]

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

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

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

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

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

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

226 (8) In order to insure the automatic and effective operation of civil  
227 preparedness in the event of enemy attack, sabotage or other hostile  
228 action, or in the event of the imminence thereof, the Governor may, at  
229 the Governor's discretion, at any time prior to actual development of  
230 such conditions, issue such proclamations and executive orders as the  
231 Governor deems necessary, such proclamations and orders to become  
232 effective only under such conditions.

233 (9) Any executive order issued pursuant to this subsection one  
234 hundred days or more after the initial declaration of a civil preparedness  
235 emergency or declaration of a public health emergency may be  
236 disapproved by a majority vote at a meeting of the joint legislative  
237 committee described in subsection (a) of this section. Any disapproval  
238 of an executive order by such committee shall not be effective unless  
239 filed with the Secretary of the State not later than thirty-six hours after  
240 the Governor's filing of the order with the Secretary of the State.

241 (c) (1) Any declaration issued pursuant to this section may be  
242 renewed by the Governor upon its filing with both the Secretary of the  
243 State and with the clerks of the House of Representatives and Senate.  
244 Not less than five days prior to filing the renewal of any such declaration  
245 with the Secretary of the State, the Governor shall provide electronic



246 notice of such renewal to the president pro tempore of the Senate, the  
247 speaker of the House of Representatives, the majority leader of the  
248 Senate, the minority leader of the Senate, the majority leader of the  
249 House of Representatives and the minority leader of the House of  
250 Representatives.

251 (2) Any such renewal declaration issued by the Governor less than  
252 one hundred eighty days after the initial declaration or that does not  
253 result in a civil preparedness emergency being declared for more than  
254 one hundred eighty days may be disapproved and nullified by majority  
255 vote at a meeting of the joint legislative committee described in  
256 subsection (a) of this section, provided at least one of the members of  
257 the minority party votes for such disapproval. Such disapproval shall  
258 not be effective unless filed with the Secretary of the State not later than  
259 seventy-two hours after the filing of the Governor's renewal declaration  
260 with the Secretary of the State.

261 (3) Any such renewal declaration issued one hundred eighty days or  
262 more after the initial declaration or that would result in a civil  
263 preparedness emergency being declared for more than one hundred  
264 eighty days (A) shall have a duration of not more than ninety days, and  
265 (B) shall cease to be effective unless approved by (i) a majority vote of  
266 each house of the General Assembly by resolution not later than three  
267 business days after the date of filing such renewal declaration with the  
268 Secretary of the State, or (ii) if the president pro tempore of the Senate,  
269 the speaker of the House of Representatives and the majority and  
270 minority leaders of both houses of the General Assembly determine at a  
271 meeting by majority vote that the convening of the General Assembly to  
272 approve such declaration would cause an undue risk to the health or  
273 safety of the members of the General Assembly, would exacerbate the  
274 emergency or is physically impossible, a majority vote at a meeting of  
275 the joint legislative committee described in subsection (a) of this section.  
276 Any meeting held by the leaders specified in subparagraph (B) of this  
277 subdivision may be conducted on a virtual platform that can be viewed  
278 by the public.

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

**Statement of Purpose:**

To modify the process of public health and civil preparedness emergency declarations, including by requiring legislative approval for renewal declarations issued one hundred eighty days or more after the initial declaration, permitting the legislative disapproval of executive orders issued one hundred eighty days or more after the initial declaration and permitting the legislative disapproval of any declaration of civil preparedness emergency regardless of cause.

*[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.]*