



General Assembly

February Session, 2022

## **Substitute Bill No. 5492**



### **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 Section 19a-131a of the general statutes is repealed and the  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 may declare that a public health emergency  
5 exists and shall make a good faith effort to inform the [legislative leaders  
6 specified in subsection (b) of this section] president pro tempore of the  
7 Senate, the speaker of the House of Representatives and the majority  
8 and minority leaders of both houses of the General Assembly before  
9 [declaring that the emergency exists and] making such declaration. Any  
10 declaration issued pursuant to this section shall become effective upon  
11 its filing with both the Secretary of the State and with the clerks of the  
12 House of Representatives and Senate and shall not exceed one hundred  
13 eighty days in duration. The declaration shall state the nature of the  
14 public health emergency, the political subdivisions or geographic area  
15 subject to the declaration, the conditions that have brought about the  
16 public health emergency, the duration of the public health emergency  
17 and the public health authority responding to the emergency. Any such  
18 declaration issued by the Governor may be disapproved and nullified  
19 by majority vote at a meeting of a committee consisting of the president

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

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

42 [(b) (1) Any declaration issued pursuant to this section shall become  
43 effective upon its filing with the Secretary of the State and with the  
44 clerks of the House of Representatives and Senate. The declaration shall  
45 state the nature of the public health emergency, the political  
46 subdivisions or geographic area subject to the declaration, the  
47 conditions that have brought about the public health emergency, the  
48 duration of the public health emergency and the public health authority  
49 responding to the emergency. Any such declaration issued by the  
50 Governor may be disapproved and nullified by majority vote of a  
51 committee consisting of the president pro tempore of the Senate, the  
52 speaker of the House of Representatives, the majority and minority

53 leaders of both houses of the General Assembly and the cochairpersons  
54 and ranking members of the joint standing committee of the General  
55 Assembly having cognizance of matters relating to public health. Such  
56 disapproval shall not be effective unless filed with the Secretary of the  
57 State not later than seventy-two hours after the filing of the Governor's  
58 declaration with the Secretary of the State.]

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

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

101 ~~[(3)]~~ (2) The Governor shall declare a public health emergency to be  
102 terminated before the duration stated in the declaration, upon a finding  
103 [ after informing the legislative leaders specified in subsection (b) 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 provided the Governor informs the committee described in subdivision  
108 (1) of subsection (a) of this section prior to declaring the termination of  
109 such emergency.

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

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

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

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

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

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

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

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

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

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

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

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

216 (3) The Governor shall order and enforce such blackouts and radio  
217 silences as are authorized by the United States Army or its duly

218 designated agency and may take any other precautionary measures  
219 reasonably necessary in the light of the emergency.

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

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

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

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

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

238 (9) Any executive order issued pursuant to this subsection one  
239 hundred days or more after the initial declaration of a civil preparedness  
240 emergency or declaration of a public health emergency pursuant to  
241 section 19a-131a, as amended by this act, may be disapproved by a  
242 majority vote at a meeting of the joint legislative committee described in  
243 subsection (a) of this section. Any disapproval of an executive order by  
244 such committee shall not be effective unless filed with the Secretary of  
245 the State not later than thirty-six hours after the Governor's filing of the  
246 order with the Secretary of the State.

247 (c) (1) Any declaration issued pursuant to this section may be



248 renewed by the Governor upon its filing with both the Secretary of the  
249 State and with the clerks of the House of Representatives and Senate.  
250 Not less than five days prior to filing the renewal of any such declaration  
251 with the Secretary of the State, the Governor shall provide electronic  
252 notice of such renewal to the president pro tempore of the Senate, the  
253 speaker of the House of Representatives, the majority leader of the  
254 Senate, the minority leader of the Senate, the majority leader of the  
255 House of Representatives and the minority leader of the House of  
256 Representatives.

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

267 (3) Any such renewal declaration issued one hundred eighty days or  
268 more after the initial declaration or that would result in a civil  
269 preparedness emergency being declared for more than one hundred  
270 eighty days (A) shall have a duration of not more than ninety days, and  
271 (B) shall cease to be effective unless approved by (i) a majority vote of  
272 each house of the General Assembly by resolution not later than three  
273 business days after the date of filing such renewal declaration with the  
274 Secretary of the State, or (ii) if the president pro tempore of the Senate,  
275 the speaker of the House of Representatives and the majority and  
276 minority leaders of both houses of the General Assembly determine at a  
277 meeting by majority vote that the convening of the General Assembly to  
278 approve such declaration would cause an undue risk to the health or  
279 safety of the members of the General Assembly, would exacerbate the  
280 emergency or is physically impossible, a majority vote at a meeting of

