SENATE CONCURRENT RESOLUTION NO. 8
BY SENATOR FESI

A CONCURRENT RESOLUTION
To suspend until sixty days after final adjournment of the 2021 Regular Session of the Legislature of Louisiana R.S. 29:762(12)(a)(ii) and (b)(iii), relative to the definition of public health emergency for the purposes of the Louisiana Health Emergency Powers Act.

WHEREAS, the first presumptive case relating to the COVID-19 pandemic in Louisiana was announced on March 9, 2020, and on March 11, 2020, the governor issued the first proclamation of a public health emergency in Louisiana, Proclamation Number 25 JBE 2020; and

WHEREAS, the proclamation cited the Louisiana Health Emergency Powers Act, R.S. 29:760, et seq., which grants the governor emergency powers to deal with public health emergencies, including an occurrence or imminent threat of an illness or health condition that is believed to be caused by the appearance of a novel or previously controlled or eradicated infectious agent or biological toxin; and

WHEREAS, the proclamation also stated a finding that COVID-19 may pose a high probability of widespread exposure and a significant risk of substantial future harm to a large number of Louisiana residents; and
WHEREAS, subsequent executive proclamations have extended the declaration of
a public health emergency and provided for various business restrictions and social gathering
limitations; and
WHEREAS, the COVID-19 pandemic and the resulting economic repercussions have
negatively affected many people's mental health and created new barriers for people already
suffering from mental illness and substance use disorders; and
WHEREAS, in a Kaiser Family Foundation Tracking Poll conducted in mid-July,
fifty-three percent of adults in the United States reported that their mental health has been
negatively impacted due to worry and stress over COVID-19 which is significantly higher
than the thirty-two percent reported in March; and
WHEREAS, research links social isolation and loneliness to poor mental health, and
data from late March shows that forty-seven percent of people who were sheltering in place
reported negative mental health effects resulting from worry or stress related to coronavirus
as compared to only thirty-seven percent among those not sheltering-in-place; and
WHEREAS, research shows that job or income-related loss is associated with
increased depression, anxiety, distress, and low self-esteem and may lead to higher rates of
substance use disorder and suicide; and
WHEREAS, according to the United States Centers for Disease Control (CDC),
based on data received by the CDC through August 8, 2020, the survival rate associated with
COVID-19 is 99.997% for individuals up to nineteen years old; 99.98% for individuals
between twenty and forty-nine years old; 99.5% for individuals between fifty and sixty-nine
years old; and 94.6% for individuals who are seventy years of age or older; and
WHEREAS, Louisiana residents may be suffering from quarantine fatigue and are
ready to end the economic and social consequences of the COVID-19 restrictions so they can
freely choose to send their children to school, worship in church, enjoy live music concerts,
patronize alcoholic beverage establishments, dine at restaurants, attend social gatherings,
participate in athletic events, and decide whether to wear a mask; and
WHEREAS, Louisiana residents are also free to remain home if they have concerns
regarding the spread of the virus.
THEREFORE, BE IT RESOLVED that the Legislature of Louisiana hereby suspends the provisions of R.S. 29:762(12)(a)(ii) and (b)(iii).

BE IT FURTHER RESOLVED that this suspension shall become effective upon adoption of this Resolution and shall extend through the sixtieth day after final adjournment of the 2021 Regular Session of the Legislature of Louisiana.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Brandi Cannon.

DIGEST

SCR 8 Original 2020 Second Extraordinary Session Fesi

Effective through the 60th day after final adjournment of the 2021 Regular Session, suspends R.S. 29:762(12)(a)(ii) and (b)(iii) which provide relative to the definition of public health emergency for the purposes of the Louisiana Health Emergency Powers Act.


Present law (R.S. 29:766(A)) provides for a state of public health emergency to be declared by executive order or proclamation of the governor, following consultation with the public health authority, if he finds a public health emergency has occurred or the threat thereof is imminent.

Present law (R.S. 29:762(12)) defines a "public health emergency" as an occurrence or imminent threat of an illness or health condition that meets both of the following criteria:

(1) Is believed to be caused by any of the following:
   (a) Bioterrorism.
   (b) The appearance of a novel or previously controlled or eradicated infectious agent or biological toxin.
   (c) A disaster, including but not limited to natural disasters such as hurricane, tornado, storm, flood, high winds, and other weather related events, forest and marsh fires, and man-made disasters, including but not limited to, nuclear power plant incidents or nuclear attack, hazardous materials incidents, accidental release or chemical attack, oil spills, explosion, civil disturbances, public calamity, hostile military action, and other events related thereto.

(2) Poses a high probability of any of the following harms:
   (a) A large number of deaths in the affected population.
   (b) A large number of serious or long-term disabilities in the affected population.
   (c) Widespread exposure to an infectious or toxic agent that poses a significant risk of substantial future harm to a large number of people in the affected population.

(Suspends R.S. 29:762(12)(a)(ii) and (b)(iii))