

2020 Second Extraordinary Session

HOUSE BILL NO. 23

BY REPRESENTATIVE MCFARLAND

EMERGENCY PREPAREDNESS: Provides relative to public health emergencies (Items #28 and 41)

1 AN ACT

2 To amend and reenact R.S. 29:768(B), relative to public health emergencies; to provide  
3 relative to the termination of a declaration of public health emergency; to provide  
4 relative to legislative authority to terminate a declaration of public health emergency;  
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 29:768(B) is hereby amended and reenacted to read as follows:

8 §768. Termination of declaration of public health emergency

9 \* \* \*

10 B. The legislature, in consultation with the public health authority, by a  
11 petition signed by a majority of the surviving members of either house, may  
12 terminate or modify any proclamation or executive order related to a state of public  
13 health emergency at any time. This petition ~~terminating the public health emergency~~  
14 may establish the terms of any such termination or modification, as well as establish  
15 a period during which no other declaration of public health emergency may be issued  
16 based on the same circumstances as the terminated or modified declaration.  
17 Thereupon, the governor shall issue an executive order or proclamation ending or  
18 modifying any proclamation or executive order related to the state of public health  
19 or emergency, in accordance with the terms established by the legislature.

1           Section 2. This Act shall become effective upon signature by the governor or, if not  
2 signed by the governor, upon expiration of the time for bills to become law without signature  
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
5 effective on the day following such approval.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 23 Original

2020 Second Extraordinary Session

McFarland

**Abstract:** Allows the legislature to modify declarations of public health emergency and requires the governor to issue a proclamation or executive order indicative of such legislative modification.

Present law provides that the state of public health emergency shall continue until the governor finds that the threat of danger has passed or the disaster or emergency has been dealt with to the extent that the emergency conditions no longer exist and terminates the state of public health emergency by executive order or proclamation.

Present law provides that a majority of the surviving members of either house of the legislature may terminate a state of public health emergency at any time.

Present law further provides that the petition terminating the state of public health emergency may establish a period during which no other declaration of emergency or disaster may be issued and that the governor shall issue an executive order or proclamation ending the state of disaster or emergency.

Proposed law amends present law to also allow the legislature to modify a declaration of a state of public health emergency.

Proposed law requires that the governor shall issue an executive order or proclamation when a declaration of a state of public health emergency has been modified or terminated.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 29:768(B))