

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 835 (Delegate Shoemaker)
Health and Government Operations

**States of Emergency and Catastrophic Health Emergencies - Renewals -
Authorization by General Assembly or Legislative Policy Committee**

This bill prohibits the Governor from renewing a state of emergency or proclamation of a catastrophic health emergency for more than one additional 30-day period without approval by the General Assembly or the Legislative Policy Committee (LPC). Specifically, the Governor may renew a state of emergency or a proclamation of a catastrophic health emergency for more than one additional 30-day period only (1) if the General Assembly by joint resolution approves the renewal of the state of emergency or proclamation for one or more additional 30-day periods or (2) when the General Assembly is not in session, if LPC approves by majority vote the renewal of the state of emergency or proclamation for one or more additional 30-day periods. The bill also clarifies that a state of emergency continues until it expires, if not otherwise terminated or extended as provided under current law.

Fiscal Summary

State Effect: The bill's changes are generally procedural in nature and do not directly affect State finances, as discussed below.

Local Effect: The bill does not directly affect local government finances or operations, as discussed below.

Small Business Effect: None.

Analysis

Current Law:

Maryland Emergency Management Agency Act

Title 14, Subtitle 1 of the Public Safety Article (Maryland Emergency Management Act) requires the Governor to declare a state of emergency by executive order or proclamation if he or she finds that an emergency has developed or is impending due to any cause. The state of emergency continues until (1) the Governor finds that the threat or danger has passed or the emergency has been dealt with to the extent that emergency conditions no longer exist and (2) terminates the state of emergency by executive order or proclamation. A state of emergency may not continue for longer than 30 days unless renewed by the Governor. The General Assembly may terminate a state of emergency at any time by joint resolution.

After declaring a state of emergency, the Governor may take specified actions if he or she finds them necessary in order to protect the public health, welfare, or safety. Among other things, the Governor may suspend the effect of any statute or rule or regulation of an agency of the State or a political subdivision.

Governor's Health Emergency Powers

Title 14, Subtitle 3A of the Public Safety Article authorizes the Governor to issue a proclamation declaring the existence of a catastrophic health emergency. "Catastrophic health emergency" means a situation in which extensive loss of life or serious disability is threatened imminently because of exposure to a deadly agent, including a viral agent capable of causing extensive loss of life or serious disability.

The Governor must rescind the proclamation whenever the Governor determines that the catastrophic health emergency no longer exists. Unless renewed, the proclamation expires 30 days after issuance. The Governor may renew the proclamation for successive periods of up to 30 days if he or she determines that a catastrophic health emergency continues to exist.

After proclaiming a catastrophic health emergency, the Governor may order the Secretary of Health or other designated official to:

- seize immediately anything needed to respond to the medical consequences of the catastrophic health emergency;

- work collaboratively, to the extent feasible, with health care providers to designate and gain access to a facility needed to respond to the catastrophic health emergency; and
- control, restrict, or regulate the use, sale, dispensing, distribution, or transportation of anything needed to respond to the medical consequences of the catastrophic health emergency by (1) rationing or using quotas; (2) creating and distributing stockpiles; (3) prohibiting shipments; (4) setting prices; or (5) taking other appropriate actions.

If medically necessary and reasonable to treat, prevent, or reduce the spread of the disease or outbreak believed to have been caused by the exposure to a deadly agent, the Governor may order the Secretary of Health or other designated official to:

- require individuals to submit to medical examination or testing;
- require individuals to submit to vaccination or medical treatment unless the vaccination or treatment likely will cause serious harm to the individual;
- establish places of treatment, isolation, and quarantine; or
- require individuals to go and remain in places of isolation or quarantine until the Secretary of Health or other designated official determines that the individuals no longer pose a substantial risk of transmitting the disease or condition to the public.

In addition, the Governor may order the evacuation, closing, or decontamination of any facility. If necessary and reasonable to save lives or prevent exposure to a deadly agent, the Governor may order individuals to remain indoors or refrain from congregating.

State/Local Fiscal Effect: Any change in General Assembly or LPC activities as a result of the bill can be absorbed within existing budgeted resources.

In the event that, under the bill, the General Assembly or LPC does not approve the proposed renewal of a state of emergency or of a proclamation of a catastrophic health emergency, State and local operations and/or finances are potentially affected. Any such impact, however, cannot be reliably predicted, as it depends on the circumstances of the emergency and the timing of when the state of emergency or proclamation would otherwise terminate in the absence of the bill. As discussed above, the General Assembly may, under current law, terminate a declared state of emergency at any time by joint resolution. For purposes of this fiscal and policy note, it is assumed that the bill's changes primarily alter procedures for renewing a state of emergency or proclamation of a catastrophic health emergency and do not directly affect State or local finances or operations.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Governor's Office; Maryland Department of Health; Department of Legislative Services

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