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Emily Tarsell, HB 17 – FAV or FWA – HGO

Health and Government Operations Chair and Committee Members,

While we might agree that there are, as J. Corbett put it, “reasonable situations in which a reasonably acting government could reasonably use reasonable procedures to make people act reasonably,” our concern is that we have witnessed government overreach and violations of the public trust time and time again. Model legislation called the “Model State Emergency Health Powers Act” (MSEHPA) was funded by the CDC in 2001. This document has been adopted into law with modifications by 40 states, including Maryland, as a framework for dealing with crises. But with the current Covid 19 crisis, it would appear that the Governor has exercised executive powers overreach and modifications of the framework are sorely needed.

Maryland Constitution currently states “The Governor may renew the proclamation for successive periods, each not to exceed 30 days, if the Governor determines that a catastrophic health emergency continues to exist”. However the Governor has been able to extend the emergency declaration by Executive Order for now over nine months without having to make his case before the General Assembly to justify the continued exercising of emergency powers and executive orders.

I urge the HGO Committee and the Maryland General Assembly to vote favorably on HB 17 or minimally to use it as a framework for revisions in the Maryland Constitution in the interests of reasonable government and rule by, for and of the people.

Thank you.

Emily Tarsell, LCPC