### 2020 Second Extraordinary Session

#### HOUSE CONCURRENT RESOLUTION NO. 12

### BY REPRESENTATIVE MIGUEZ

# HEALTH/LDH: Suspends laws authorizing the La. Department of Health to enforce any restriction imposed on a business or individual through a gubernatorial proclamation during a state of public health emergency (Items #2 and #28)

1	A CONCURRENT RESOLUTION
2	To suspend until sixty days after final adjournment of the 2021 Regular Session of the
3	Legislature of Louisiana the enforcement authority of the secretary of the Louisiana
4	Department of Health pursuant to R.S. 29:721 et seq. and 760 et seq. and any powers
5	delegated to the state health officer of the Louisiana Department of Health pursuant
6	to R.S. 40:4, 5, or 6 as they apply to violations of COVID-19-related restrictions.
7	WHEREAS, the governor has issued several proclamations imposing restrictions on
8	persons and businesses during the COVID-19 public health emergency, including those
9	restrictions in Proclamation Number 117 JBE 2020; and
10	WHEREAS, in these proclamations the secretary and state health officer of the
11	Louisiana Department of Health are authorized and directed to take any and all actions
12	authorized therein in response to COVID-19; and
13	WHEREAS, the purpose of this Resolution is to prohibit the secretary and state
14	health officer of the Louisiana Department of Health from enforcing restrictions by means
15	including, but not limited to, conducting of inspections and responding to complaints
16	regarding the governor's proclamation and the Open Safely program; and
17	WHEREAS, this Resolution does not seek to limit the secretary's or the state health
18	officer's enforcement powers in any other context.
19	THEREFORE, BE IT RESOLVED that the Legislature of Louisiana hereby suspends
20	the provisions of R.S. 29:721 et seq. and 760 et seq. granting enforcement powers to the

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- 1 secretary of the Louisiana Department of Health as they apply to violations of COVID-19-
- 2 related restrictions.

3	BE IT FURTHER RESOLVED that the Legislature of Louisiana hereby suspends
4	the provisions of R.S. 40:4, 5, and 6 pursuant to which any powers are delegated to the state
5	health officer of the Louisiana Department of Health to enforce COVID-19-related
6	restrictions.
7	BE IT FURTHER RESOLVED that this suspension shall become effective upon
8	adoption of this Resolution and shall extend through the sixtieth day after final adjournment
9	of the 2021 Regular Session of the Legislature of Louisiana.

## 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)]

HCR 12 Original 2020 Second Extraordinary Session Miguez

Suspends the provisions of <u>present law</u> providing for enforcement powers of the secretary and state public health officer of the Louisiana Department of Health as they apply to violations of COVID-19-related restrictions.

Effective through the 60th day following final adjournment of the 2021 R.S.

(Suspends R.S. 29:721-739 and 760-775 and R.S. 40:4, 5, and 6)