SLS 202ES-104

2020 Second Extraordinary Session

SENATE CONCURRENT RESOLUTION NO. 8

BY SENATOR FESI

PUBLIC HEALTH. Suspends certain provisions relative to the definition of public health emergency for the purposes of the Louisiana Health Emergency Powers Act. (Item #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 R.S. 29:762(12)(a)(ii) and (b)(iii), relative to the definition
4	of public health emergency for the purposes of the Louisiana Health Emergency
5	Powers Act.
6	WHEREAS, the first presumptive case relating to the COVID-19 pandemic in
7	Louisiana was announced on March 9, 2020, and on March 11, 2020, the governor issued
8	the first proclamation of a public health emergency in Louisiana, Proclamation Number 25
9	JBE 2020; and
10	WHEREAS, the proclamation cited the Louisiana Health Emergency Powers Act,
11	R.S. 29:760, et seq., which grants the governor emergency powers to deal with public health
12	emergencies, including an occurrence or imminent threat of an illness or health condition
13	that is believed to be caused by the appearance of a novel or previously controlled or
14	eradicated infectious agent or biological toxin; and
15	WHEREAS, the proclamation also stated a finding that COVID-19 may pose a high
16	probability of widespread exposure and a significant risk of substantial future harm to a large
17	number of Louisiana residents; and

Page 1 of 3 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

SLS 202ES-104

ORIGINAL SCR NO. 8

- 1 WHEREAS, subsequent executive proclamations have extended the declaration of 2 a public health emergency and provided for various business restrictions and social gathering 3 limitations; and 4 WHEREAS, the COVID-19 pandemic and the resulting economic repercussions have 5 negatively affected many people's mental health and created new barriers for people already suffering from mental illness and substance use disorders; and 6 7 WHEREAS, in a Kaiser Family Foundation Tracking Poll conducted in mid-July, 8 fifty-three percent of adults in the United States reported that their mental health has been 9 negatively impacted due to worry and stress over COVID-19 which is significantly higher 10 than the thirty-two percent reported in March; and 11 WHEREAS, research links social isolation and loneliness to poor mental health, and 12 data from late March shows that forty-seven percent of people who were sheltering in place 13 reported negative mental health effects resulting from worry or stress related to coronavirus 14 as compared to only thirty-seven percent among those not sheltering-in-place; and 15 WHEREAS, research shows that job or income-related loss is associated with 16 increased depression, anxiety, distress, and low self-esteem and may lead to higher rates of substance use disorder and suicide; and 17 18 WHEREAS, according to the United States Centers for Disease Control (CDC), 19 based on data received by the CDC through August 8, 2020, the survival rate associated with 20 COVID-19 is 99.997% for individuals up to nineteen years old; 99.98% for individuals 21 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 22 23 WHEREAS, Louisiana residents may be suffering from quarantine fatigue and are 24 ready to end the economic and social consequences of the COVID-19 restrictions so they can 25 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, 26 27 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 28
- regarding the spread of the virus.

Page 2 of 3 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	THEREFORE, BE IT RESOLVED that the Legislature of Louisiana hereby suspends
L	THEREFORE, BETT RESOLVED that the Legislature of Louisiana hereby suspend

2 the provisions of R.S. 29:762(12)(a)(ii) and (b)(iii).

- 3 BE IT FURTHER RESOLVED that this suspension shall become effective upon
- 4 adoption of this Resolution and shall extend through the sixtieth day after final adjournment
- 5 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

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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. 29:760 et seq.) provides for the Louisiana Health Emergency Powers Act.

<u>Present law</u> (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.

<u>Present law</u> (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))

Page 3 of 3

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