

20200593D

HOUSE BILL NO. 5025

Offered August 18, 2020

Prefiled August 17, 2020

A BILL to amend and reenact §§ 32.1-13, 32.1-20, 32.1-42, and 44-146.17 of the Code of Virginia, relating to Emergency Services and Disaster Law; executive orders or order of the Board or Commissioner of Health; communicable diseases of public health threat; limitation on scope.

Patrons—Cole, M.L., Batten, Poindexter and Walker; Senator: Reeves

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-13, 32.1-20, 32.1-42, and 44-146.17 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-13. Emergency orders and regulations.

The Board may make separate orders and regulations to meet any emergency, not provided for by general regulations, for the purpose of suppressing nuisances dangerous to the public health and communicable, contagious, and infectious diseases and other dangers to the public life and health. *However, no order or regulation of the Board relating to a communicable disease of public health threat may impose any restriction on an individual who is not (i) known or suspected to be infected with such communicable disease of public health threat or (ii) known to have been exposed to an individual who is known or suspected to be infected with such communicable disease of public health threat.*

§ 32.1-20. Vested with authority of Board.

The Commissioner shall be vested with all the authority of the Board when it is not in session, subject to such rules and regulations as may be prescribed by the Board. *Any order or regulation of the Commissioner relating to a communicable disease of public health threat shall comply with the requirements of § 32.1-13.*

§ 32.1-42. Emergency rules and regulations.

The Board of Health may promulgate regulations and orders to meet any emergency or to prevent a potential emergency caused by a disease dangerous to public health, including, but not limited to, procedures specifically responding to any disease listed pursuant to § 32.1-35 that is determined to be caused by an agent or substance used as a weapon or any communicable disease of public health threat that is involved in an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of this chapter. *However, no order or regulation of the Board relating to a communicable disease of public health threat may impose any restriction on an individual who is not (i) known or suspected to be infected with such communicable disease of public health threat or (ii) known to have been exposed to an individual who is known or suspected to be infected with such communicable disease of public health threat.*

§ 44-146.17. Powers and duties of Governor.

The Governor shall be Director of Emergency Management. He shall take such action from time to time as is necessary for the adequate promotion and coordination of state and local emergency services activities relating to the safety and welfare of the Commonwealth in time of disasters.

The Governor shall have, in addition to his powers hereinafter or elsewhere prescribed by law, the following powers and duties:

(1) To proclaim and publish such rules and regulations and to issue such orders as may, in his judgment, be necessary to accomplish the purposes of this chapter including, but not limited to such measures as are in his judgment required to control, restrict, allocate or regulate the use, sale, production and distribution of food, fuel, clothing and other commodities, materials, goods, services and resources under any state or federal emergency services programs.

He may adopt and implement the Commonwealth of Virginia Emergency Operations Plan, which provides for state-level emergency operations in response to any type of disaster or large-scale emergency affecting Virginia and that provides the needed framework within which more detailed emergency plans and procedures can be developed and maintained by state agencies, local governments and other organizations.

He may direct and compel evacuation of all or part of the populace from any stricken or threatened area if this action is deemed necessary for the preservation of life, implement emergency mitigation, preparedness, response or recovery actions; prescribe routes, modes of transportation and destination in connection with evacuation; and control ingress and egress at an emergency area, including the movement of persons within the area and the occupancy of premises therein.

59 Executive orders, to include those declaring a state of emergency and directing evacuation, shall have
60 the force and effect of law and the violation thereof shall be punishable as a Class 1 misdemeanor in
61 every case where the executive order declares that its violation shall have such force and effect.

62 Such executive orders declaring a state of emergency may address exceptional circumstances that
63 exist relating to an order of quarantine or an order of isolation concerning a communicable disease of
64 public health threat that is issued by the State Health Commissioner for an affected area of the
65 Commonwealth pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of Title 32.1.

66 *No executive order relating to a communicable disease of public health threat may impose any*
67 *restriction on an individual who is not (i) known or suspected to be infected with such communicable*
68 *disease of public health threat or (ii) known to have been exposed to an individual who is known or*
69 *suspected to be infected with such communicable disease of public health threat.*

70 Except as to emergency plans issued to prescribe actions to be taken in the event of disasters and
71 emergencies, no rule, regulation, or order issued under this section shall have any effect beyond June 30
72 next following the next adjournment of the regular session of the General Assembly but the same or a
73 similar rule, regulation, or order may thereafter be issued again if not contrary to law;

74 (2) To appoint a State Coordinator of Emergency Management and authorize the appointment or
75 employment of other personnel as is necessary to carry out the provisions of this chapter, and to
76 remove, in his discretion, any and all persons serving hereunder;

77 (3) To procure supplies and equipment, to institute training and public information programs relative
78 to emergency management and to take other preparatory steps including the partial or full mobilization
79 of emergency management organizations in advance of actual disaster, to insure the furnishing of
80 adequately trained and equipped forces in time of need;

81 (4) To make such studies and surveys of industries, resources, and facilities in the Commonwealth as
82 may be necessary to ascertain the capabilities of the Commonwealth and to plan for the most efficient
83 emergency use thereof;

84 (5) On behalf of the Commonwealth enter into mutual aid arrangements with other states and to
85 coordinate mutual aid plans between political subdivisions of the Commonwealth. After a state of
86 emergency is declared in another state and the Governor receives a written request for assistance from
87 the executive authority of that state, the Governor may authorize the use in the other state of personnel,
88 equipment, supplies, and materials of the Commonwealth, or of a political subdivision, with the consent
89 of the chief executive officer or governing body of the political subdivision;

90 (6) To delegate any administrative authority vested in him under this chapter, and to provide for the
91 further delegation of any such authority, as needed;

92 (7) Whenever, in the opinion of the Governor, the safety and welfare of the people of the
93 Commonwealth require the exercise of emergency measures due to a threatened or actual disaster, he
94 may declare a state of emergency to exist;

95 (8) To request a major disaster declaration from the President, thereby certifying the need for federal
96 disaster assistance and ensuring the expenditure of a reasonable amount of funds of the Commonwealth,
97 its local governments, or other agencies for alleviating the damage, loss, hardship, or suffering resulting
98 from the disaster;

99 (9) To provide incident command system guidelines for state agencies and local emergency response
100 organizations; and

101 (10) Whenever, in the opinion of the Governor or his designee, an employee of a state or local
102 public safety agency responding to a disaster has suffered an extreme personal or family hardship in the
103 affected area, such as the destruction of a personal residence or the existence of living conditions that
104 imperil the health and safety of an immediate family member of the employee, the Governor may direct
105 the Comptroller of the Commonwealth to issue warrants not to exceed \$2,500 per month, for up to three
106 calendar months, to the employee to assist the employee with the hardship.