

22101934D

HOUSE BILL NO. 777

Offered January 12, 2022

Prefiled January 11, 2022

A *BILL to amend and reenact §§ 32.1-13, 32.1-20, 32.1-42, and 44-146.17, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to Emergency Services and Disaster Law; Commissioner of Health; emergency orders and regulations; limitations; civil penalty.*

Patrons—LaRock, Walker, Wiley and Williams; Senator: Chase

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-13, 32.1-20, 32.1-42, and 44-146.17, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 32.1-13. Emergency orders and regulations; civil penalty.

A. 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.

B. Notwithstanding any other provision of law, the Board shall not make any order or regulation pursuant to this section unless, on the basis of the evidence available to the Board, (i) such order or regulation is necessary to suppress a nuisance dangerous to the public health or a communicable, contagious, or infectious disease or other danger to the public life and health; (ii) no alternatives to the proposed order or regulation that are reasonable in light of the impact on quality of life and economic well-being exist; and (iii) the provisions of such order or regulation are narrowly tailored to address the nuisance dangerous to the public health or a communicable, contagious, or infectious disease or other danger to the public life and health. Evidence considered by the Board in making such order or regulation shall be made part of the record of such decision. Any order or regulation adopted pursuant to this section shall comply with the requirements of § 57-2.02.

C. An order or regulation made by the Board pursuant to subsection B shall be valid for a period not to exceed 15 days. The Board may extend an order or regulation made pursuant to subsection B one time, for a period not to exceed 15 days, if (i) the Board provides notice of its intent to extend the order or regulation and holds at least one public hearing, which shall include opportunity for public comment, prior to such extension and (ii) on the basis of the evidence available to the Board, (a) such order or regulation is necessary to suppress a nuisance dangerous to the public health or a communicable, contagious, or infectious disease or other danger to the public life and health; (b) no alternatives to the proposed order or regulation that are reasonable in light of the impact on quality of life and economic well-being exist; and (c) the provisions of such order or regulation are narrowly tailored to address the nuisance dangerous to the public health or a communicable, contagious, or infectious disease or other danger to the public life and health. Evidence considered by the Board in extending such order or regulation shall be made part of the record of such decision.

D. Any order that (i) limits the number of individuals who may gather together in person, in public or private, or (ii) categorizes individuals on the basis of their relationship to or association with such individuals and limits the categories of individuals with whom an individual who is not known or reasonably suspected to have been exposed to or infected with a communicable disease of public health threat may associate shall be deemed to negatively impact the quality of life and economic well-being of residents of the Commonwealth.

E. Any person who violates an order or regulation made pursuant to this section is subject to a civil penalty of no more than \$100 per violation. Such civil penalty shall be collected by the Commissioner and is payable to the Literary Fund. In no case shall any person be assessed a total of more than \$1,000 in penalties for violations of the same order or regulation.

§ 32.1-20. Vested with authority of Board.

A. 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.

B. Any order or regulation made by the Commissioner pursuant to this section shall be subject to 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

59 caused by an agent or substance used as a weapon or any communicable disease of public health threat
60 that is involved in an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05
61 et seq.) of this chapter. *Any regulation or order adopted by the Board pursuant to this section shall be*
62 *subject to the provisions of § 32.1-13.*

63 **§ 44-146.17. (Effective until March 1, 2021) Powers and duties of Governor.**

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

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

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

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

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

84 Executive orders, to include those declaring a state of emergency and directing evacuation, shall have
85 the force and effect of law ~~and the violation thereof shall be punishable as a Class 1 misdemeanor, and~~
86 *any person who violates such an order is subject to a civil penalty of no more than \$100 per violation*
87 *in every case where the executive order declares that its violation shall have such force and effect.*
88 *Where an executive order declares that a violation shall be punishable as a civil penalty, such violation*
89 *shall be charged by summons and may be executed by a law-enforcement officer when such violation is*
90 *observed by the officer. The summons used by a law-enforcement officer pursuant to this section shall*
91 *be, in form, the same as the uniform summons for motor vehicle law violations as prescribed pursuant*
92 *to § 46.2-388. The proceeds of such civil penalties collected pursuant to this section shall be paid and*
93 *collected only in lawful money of the United States and paid into the state treasury to the credit of the*
94 *Literary Fund. In no case shall any person be assessed a total of more than \$1,000 in penalties for*
95 *violations of the same executive order.*

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

100 Except as to emergency plans issued to prescribe actions to be taken in the event of disasters and
101 emergencies, ~~no~~ No rule, regulation, or order issued under this section shall have any effect beyond June
102 30 next following the next adjournment of the regular session of the General Assembly ~~but the same or~~
103 ~~a similar rule, regulation, or order may thereafter be issued again if not contrary to law 15 days after the~~
104 ~~date of issuance. If, however, the General Assembly does not take any action on the rule, regulation, or~~
105 ~~order within the 15 days during which the rule, regulation, or order is effective, the Governor may once~~
106 ~~again issue the same rule, regulation, or order but shall thereafter be prohibited from issuing the same~~
107 ~~or a similar rule, regulation, or order relating to the same emergency.~~

108 Notwithstanding the foregoing or any other provision of law, the Governor shall not issue any rule,
109 regulation, or order pursuant to this subdivision unless, on the basis of the evidence available to the
110 Governor, (i) such rule, regulation, or order is necessary to address a compelling circumstance; (ii) no
111 alternatives to the proposed rule, regulation, or order that are reasonable in light of the impact on
112 quality of life and economic well-being exist; and (iii) the provisions of such rule, regulation, or order
113 are narrowly tailored to address the compelling circumstance. Evidence considered by the Governor in
114 issuing such rule, regulation, or order shall be made part of the record of such decision. The Governor
115 may extend a rule, regulation, or order issued pursuant to this paragraph one time, for a period not to
116 exceed 15 days, if (a) the Governor provides notice of his intent to extend the rule, regulation, or order
117 and holds at least one public hearing, which shall include opportunity for public comment, prior to such
118 extension and (b) on the basis of the evidence available to the Governor, (1) such rule, regulation, or
119 order is necessary to address a compelling circumstance; (2) no alternatives to the proposed rule,
120 regulation, or order that are reasonable in light of the impact on quality of life and economic

121 well-being exist; and (3) the provisions of such rule, regulation, or order are narrowly tailored to
 122 address the compelling circumstance. Evidence considered by the Governor in extending such rule,
 123 regulation, or order shall be made part of the record of such decision. For the purposes of this
 124 paragraph, any rule, regulation, or order that (1) limits the number of individuals who may gather
 125 together in person, in public or private, or (2) categorizes individuals on the basis of their relationship
 126 to or association with such individuals and limits the categories of individuals with whom an individual
 127 who is not known or reasonably suspected to have been exposed to or infected with a communicable
 128 disease of public health threat may associate shall be deemed to negatively impact the quality of life
 129 and economic well-being of residents of the Commonwealth. Any rule, regulation, or order adopted
 130 pursuant to this section shall comply with the requirements of § 57-2.02;

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

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

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

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

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

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

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

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

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

164 **§ 44-146.17. (Effective March 1, 2021, until July 1, 2023) Powers and duties of Governor.**

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

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

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

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

180 He may direct and compel evacuation of all or part of the populace from any stricken or threatened
 181 area if this action is deemed necessary for the preservation of life, implement emergency mitigation,

182 preparedness, response or recovery actions; prescribe routes, modes of transportation and destination in
183 connection with evacuation; and control ingress and egress at an emergency area, including the
184 movement of persons within the area and the occupancy of premises therein.

185 Executive orders, to include those declaring a state of emergency and directing evacuation, shall have
186 the force and effect of law and the violation thereof shall be punishable as a civil penalty of ~~not~~ *no*
187 more than \$500 ~~or as a Class 1 misdemeanor \$100 per violation~~ in every case where the executive order
188 declares that its violation shall have such force and effect. Where an executive order declares *that* a
189 violation shall be punishable as a civil penalty, such violation shall be charged by summons and may be
190 executed by a law-enforcement officer when such violation is observed by the officer. The summons
191 used by a law-enforcement officer pursuant to this section shall be, in form, the same as the uniform
192 summons for motor vehicle law violations as prescribed pursuant to § 46.2-388. The proceeds of such
193 civil penalties collected pursuant to this section shall be paid and collected only in lawful money of the
194 United States and paid into the state treasury to the credit of the Literary Fund. *In no case shall any*
195 *person be assessed a total of more than \$1,000 in penalties for violations of the same executive order.*

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

200 ~~Except as to emergency plans issued to prescribe actions to be taken in the event of disasters and~~
201 ~~emergencies, no~~ *No rule, regulation, or order issued under this section shall have any effect beyond June*
202 *30 next following the next adjournment of the regular session of the General Assembly but the same or*
203 *a similar rule, regulation, or order may thereafter be issued again if not contrary to law 15 days after the*
204 *date of issuance. If, however, the General Assembly does not take any action on the rule, regulation, or*
205 *order within the 15 days during which the rule, regulation, or order is effective, the Governor may once*
206 *again issue the same rule, regulation, or order but shall thereafter be prohibited from issuing the same*
207 *or a similar rule, regulation, or order relating to the same emergency.*

208 *Notwithstanding the foregoing or any other provision of law, the Governor shall not issue any rule,*
209 *regulation, or order pursuant to this subdivision unless, on the basis of the evidence available to the*
210 *Governor, (i) such rule, regulation, or order is necessary to address a compelling circumstance; (ii) no*
211 *alternatives to the proposed rule, regulation, or order that are reasonable in light of the impact on*
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230 *pursuant to this section shall comply with the requirements of § 57-2.02;*

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

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

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

241 (5) On behalf of the Commonwealth to enter into mutual aid arrangements with other states and to
242 coordinate mutual aid plans between political subdivisions of the Commonwealth. After a state of
243 emergency is declared in another state and the Governor receives a written request for assistance from

244 the executive authority of that state, the Governor may authorize the use in the other state of personnel,
245 equipment, supplies, and materials of the Commonwealth, or of a political subdivision, with the consent
246 of the chief executive officer or governing body of the political subdivision;

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

249 (7) Whenever, in the opinion of the Governor, the safety and welfare of the people of the
250 Commonwealth require the exercise of emergency measures due to a threatened or actual disaster, to
251 declare a state of emergency to exist;

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

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

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

264 (11) During a disaster caused by a communicable disease of public health threat for which a state of
265 emergency has been declared pursuant to subdivision (7), to establish a program through which the
266 Governor may purchase PPE for private, nongovernmental entities and distribute the PPE to such
267 private, nongovernmental entities. If federal funding is available to establish and fund the program, the
268 Governor, if necessary to comply with any conditions attached to such federal funding, shall be entitled
269 to seek reimbursement for such purchases from the private, nongovernmental entities and may establish
270 and charge fees to recover the cost of administering the program, including the cost of procuring and
271 distributing the PPE. However, if federal funding is not available to establish and fund the program, the
272 Governor shall, prior to making such purchases, receive a contract for payment for purchase from the
273 private nongovernmental entities for the full cost of procuring and distributing the PPE, which shall
274 include any amortized costs of administering the program. Any purchase made by the Governor pursuant
275 to this subdivision shall be exempt from the provisions of the Virginia Public Procurement Act (§
276 2.2-4300 et seq.), except the Governor shall be encouraged to comply with the provisions of § 2.2-4310
277 when possible. The Governor shall also provide for competition where practicable and include a written
278 statement regarding the basis for awarding any contract. Prior to implementing such a program, the
279 Department of Emergency Management shall consult with and survey private, nongovernmental entities
280 in order to assess demand for participation in the program as well as the quantity and types of personal
281 protective equipment such entities would like to procure.

282 As used in this subdivision, "personal protective equipment" or "PPE" means equipment or supplies
283 worn or employed to minimize exposure to hazards that cause serious workplace injuries and illnesses
284 and may include items such as gloves, safety glasses and shoes, earplugs or muffs, hard hats, respirators,
285 coveralls, vests, full body suits, hand sanitizer, plastic shields, or testing for the communicable disease
286 of public health threat.

287 **§ 44-146.17. (Effective July 1, 2023) Powers and duties of Governor.**

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289 time as is necessary for the adequate promotion and coordination of state and local emergency services
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295 measures as are in his judgment required to control, restrict, allocate or regulate the use, sale, production
296 and distribution of food, fuel, clothing and other commodities, materials, goods, services and resources
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299 provides for state-level emergency operations in response to any type of disaster or large-scale
300 emergency affecting Virginia and that provides the needed framework within which more detailed
301 emergency plans and procedures can be developed and maintained by state agencies, local governments
302 and other organizations.

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304 area if this action is deemed necessary for the preservation of life, implement emergency mitigation,

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306 connection with evacuation; and control ingress and egress at an emergency area, including the
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309 the force and effect of law ~~and the violation thereof shall be punishable as a Class 1 misdemeanor, and~~
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313 *shall be charged by summons and may be executed by a law-enforcement officer when such violation is*
314 *observed by the officer. The summons used by a law-enforcement officer pursuant to this section shall*
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321 exist relating to an order of quarantine or an order of isolation concerning a communicable disease of
322 public health threat that is issued by the State Health Commissioner for an affected area of the
323 Commonwealth pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of Title 32.1.

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327 a similar rule, regulation, or order may thereafter be issued again if not contrary to law 15 days after the
328 date of issuance. If, however, the General Assembly does not take any action on the rule, regulation, or
329 order within the 15 days during which the rule, regulation, or order is effective, the Governor may once
330 again issue the same rule, regulation, or order but shall thereafter be prohibited from issuing the same
331 or a similar rule, regulation, or order relating to the same emergency.

332 Notwithstanding the foregoing or any other provision of law, the Governor shall not issue any rule,
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334 Governor, (i) such rule, regulation, or order is necessary to address a compelling circumstance; (ii) no
335 alternatives to the proposed rule, regulation, or order that are reasonable in light of the impact on
336 quality of life and economic well-being exist; and (iii) the provisions of such rule, regulation, or order
337 are narrowly tailored to address the compelling circumstance. Evidence considered by the Governor in
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348 paragraph, any rule, regulation, or order that (1) limits the number of individuals who may gather
349 together in person, in public or private, or (2) categorizes individuals on the basis of their relationship
350 to or association with such individuals and limits the categories of individuals with whom an individual
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353 and economic well-being of residents of the Commonwealth. Any rule, regulation, or order adopted
354 pursuant to this section shall comply with the requirements of § 57-2.02;

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

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

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

365 (5) On behalf of the Commonwealth to enter into mutual aid arrangements with other states and to
366 coordinate mutual aid plans between political subdivisions of the Commonwealth. After a state of

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368 the executive authority of that state, the Governor may authorize the use in the other state of personnel,
369 equipment, supplies, and materials of the Commonwealth, or of a political subdivision, with the consent
370 of the chief executive officer or governing body of the political subdivision;

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

373 (7) Whenever, in the opinion of the Governor, the safety and welfare of the people of the
374 Commonwealth require the exercise of emergency measures due to a threatened or actual disaster, to
375 declare a state of emergency to exist;

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

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

382 (10) Whenever, in the opinion of the Governor or his designee, an employee of a state or local
383 public safety agency responding to a disaster has suffered an extreme personal or family hardship in the
384 affected area, such as the destruction of a personal residence or the existence of living conditions that
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390 Governor may purchase PPE for private, nongovernmental entities and distribute the PPE to such
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393 to seek reimbursement for such purchases from the private, nongovernmental entities and may establish
394 and charge fees to recover the cost of administering the program, including the cost of procuring and
395 distributing the PPE. However, if federal funding is not available to establish and fund the program, the
396 Governor shall, prior to making such purchases, receive a contract for payment for purchase from the
397 private nongovernmental entities for the full cost of procuring and distributing the PPE, which shall
398 include any amortized costs of administering the program. Any purchase made by the Governor pursuant
399 to this subdivision shall be exempt from the provisions of the Virginia Public Procurement Act (§
400 2.2-4300 et seq.), except the Governor shall be encouraged to comply with the provisions of § 2.2-4310
401 when possible. The Governor shall also provide for competition where practicable and include a written
402 statement regarding the basis for awarding any contract. Prior to implementing such a program, the
403 Department of Emergency Management shall consult with and survey private, nongovernmental entities
404 in order to assess demand for participation in the program as well as the quantity and types of personal
405 protective equipment such entities would like to procure.

406 As used in this subdivision, "personal protective equipment" or "PPE" means equipment or supplies
407 worn or employed to minimize exposure to hazards that cause serious workplace injuries and illnesses
408 and may include items such as gloves, safety glasses and shoes, earplugs or muffs, hard hats, respirators,
409 coveralls, vests, full body suits, hand sanitizer, plastic shields, or testing for the communicable disease
410 of public health threat.