

HOUSE BILL 835

E4, P1

1lr1861

By: **Delegate Shoemaker**

Introduced and read first time: January 29, 2021

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **States of Emergency and Catastrophic Health Emergencies – Renewals –**
3 **Authorization by General Assembly or Legislative Policy Committee**

4 FOR the purpose of prohibiting the Governor from renewing a state of emergency or
5 catastrophic health emergency for more than a certain period of time without
6 approval from the General Assembly by joint resolution or, under certain
7 circumstances, by a majority vote of the Legislative Policy Committee; authorizing
8 the Committee to vote on certain requests at a meeting held either in person or
9 virtually; clarifying that a state of emergency expires under certain circumstances;
10 and generally relating to the renewal of states of emergency and catastrophic health
11 emergencies.

12 BY repealing and reenacting, with amendments,
13 Article – Public Safety
14 Section 14–107(a) and 14–3A–02
15 Annotated Code of Maryland
16 (2018 Replacement Volume and 2020 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
18 That the Laws of Maryland read as follows:

19 **Article – Public Safety**

20 14–107.

21 (a) (1) If the Governor finds that an emergency has developed or is impending
22 due to any cause, the Governor shall declare a state of emergency by executive order or
23 proclamation.

24 (2) The state of emergency continues until [the Governor]:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) **THE GOVERNOR:**

2 1. finds that the threat or danger has passed or the
3 emergency has been dealt with to the extent that emergency conditions no longer exist; and

4 [(ii)] 2. terminates the state of emergency by executive order or
5 proclamation; **OR**

6 **(II) THE STATE OF EMERGENCY EXPIRES.**

7 (3) **(I)** A state of emergency may not continue for longer than 30–days
8 unless the Governor renews the state of emergency **IN ACCORDANCE WITH THIS**
9 **PARAGRAPH.**

10 **(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS**
11 **PARAGRAPH, THE GOVERNOR MAY RENEW THE STATE OF EMERGENCY FOR ONLY**
12 **ONE ADDITIONAL 30–DAY PERIOD.**

13 **(III) THE GOVERNOR MAY RENEW A STATE OF EMERGENCY FOR**
14 **MORE THAN ONE ADDITIONAL 30–DAY PERIOD ONLY:**

15 1. **IF THE GENERAL ASSEMBLY BY JOINT RESOLUTION**
16 **APPROVES THE RENEWAL OF THE STATE OF EMERGENCY FOR ONE OR MORE**
17 **ADDITIONAL 30–DAY PERIODS; OR**

18 2. **WHEN THE GENERAL ASSEMBLY IS NOT IN SESSION,**
19 **IF THE LEGISLATIVE POLICY COMMITTEE APPROVES BY MAJORITY VOTE THE**
20 **RENEWAL OF THE STATE OF EMERGENCY FOR ONE OR MORE ADDITIONAL 30–DAY**
21 **PERIODS.**

22 (4) (i) The General Assembly by joint resolution may terminate a state
23 of emergency at any time.

24 (ii) After the General Assembly terminates a state of emergency, the
25 Governor shall issue an executive order or proclamation that terminates the state of
26 emergency.

27 14–3A–02.

28 (a) If the Governor determines that a catastrophic health emergency exists, the
29 Governor may issue a proclamation under this subtitle.

30 (b) The proclamation shall indicate:

1 (1) the nature of the catastrophic health emergency;

2 (2) the areas threatened or affected; and

3 (3) the conditions that:

4 (i) led to the catastrophic health emergency; or

5 (ii) made possible the termination of the emergency.

6 (c) (1) The Governor shall rescind a proclamation issued under this section
7 whenever the Governor determines that the catastrophic health emergency no longer
8 exists.

9 (2) Unless renewed **IN ACCORDANCE WITH THIS SUBSECTION**, the
10 proclamation expires 30–days after issuance.

11 (3) **[The] EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS**
12 **SUBSECTION, THE** Governor may renew the proclamation for [successive periods, each not
13 to exceed 30 days] **ONLY ONE ADDITIONAL 30–DAY PERIOD**, if the Governor determines
14 that a catastrophic health emergency continues to exist.

15 (4) **THE GOVERNOR MAY RENEW A PROCLAMATION FOR MORE THAN**
16 **ONE ADDITIONAL 30–DAY PERIOD:**

17 (i) **IF THE GENERAL ASSEMBLY BY JOINT RESOLUTION**
18 **APPROVES THE RENEWAL OF THE PROCLAMATION FOR ONE OR MORE ADDITIONAL**
19 **30–DAY PERIODS; OR**

20 (ii) **WHEN THE GENERAL ASSEMBLY IS NOT IN SESSION, IF THE**
21 **LEGISLATIVE POLICY COMMITTEE APPROVES BY MAJORITY VOTE THE RENEWAL OF**
22 **THE PROCLAMATION FOR ONE OR MORE ADDITIONAL 30–DAY PERIODS.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2021.