

INTERIM STUDY PROPOSAL 2019-150

1
2
3 REQUESTING THE SENATE COMMITTEE ON PUBLIC HEALTH, WELFARE, AND
4 LABOR STUDY POSSIBLE REVISIONS TO THE PROCESS FOR DECLARING AND
5 ADDRESSING A PUBLIC HEALTH EMERGENCY IN THE STATE OF ARKANSAS.
6

7 WHEREAS, the global pandemic associated with coronavirus disease 2019
8 (hereafter COVID-19) has greatly impacted the United States, including the
9 State of Arkansas; and
10

11 WHEREAS, on March 11 Governor Asa Hutchinson declared an emergency in
12 the state resulting from COVID-19 under the authority of the Arkansas
13 Emergency Services Act of 1973, § 12-75-101 et seq.; and
14

15 WHEREAS, the State Board of Health and the Secretary of the Department
16 of Health have taken actions under the authority of Arkansas Code §§ 20-7-109
17 and 20-7-110 and the department's administrative rules, which allow the
18 Secretary to impose such quarantine restrictions upon commerce and travel as
19 in his judgment may be necessary to prevent the introduction and spread of
20 communicable disease; and
21

22 WHEREAS, in the ensuing months there have been many administrative
23 actions implemented to address COVID-19, including without limitation
24 prohibiting in-person dining at restaurants, restricting the type of medical
25 procedures that may be performed by dentists and other medical professionals,
26 and suspending the operation of certain statutes and administrative rules;
27 and
28

29 WHEREAS, many of the administrative actions taken to address COVID-19
30 have greatly impacted the welfare and livelihood of the citizens of this
31 state; and
32

33 WHEREAS, these administrative actions were implemented by the executive
34 branch with little or no input from the legislative branch prior to those
35 actions being directed; and
36

1 WHEREAS, the past months have illustrated a need to reexamine the
2 process for declaring large-scale emergencies such as the COVID-19 emergency
3 and to ensure that a variety of viewpoints and perspectives are considered
4 before implementing restrictions that have could potentially have an adverse
5 effect on large portions of the state's population,

6
7 NOW THEREFORE,

8 BE IT PROPOSED BY THE SENATE COMMITTEE ON PUBLIC HEALTH, WELFARE, AND LABOR
9 OF THE NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

10
11 THAT the Senate Committee on Public Health, Welfare, and Labor study
12 the process and procedures that currently exist for declaring a public health
13 emergency for the state or the majority of its counties, including without
14 limitation the types of administrative actions that may be taken as part of
15 such an emergency, and consider whether legislative revisions are appropriate
16 in the future to provide greater legislative involvement in those processes
17 and procedures.

18
19 BE IT FURTHER PROPOSED that when conducting the study, the Senate
20 Committee on Public Health, Welfare, and Labor invite the participation of
21 the House Committee on Public Health, Welfare, and Labor as well as the
22 Senate Committee on State Agencies and Governmental Affairs and the House
23 Committee on State Agencies and Governmental Affairs.

24
25 Respectfully submitted,

26
27
28
29 Senator Kim Hammer
30 District 33

31
32
33
34 Representative Jimmy Gazaway
35 District 57

1 Prepared by: MBM/MBM
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

