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

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

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

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

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

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

WHEREAS, these administrative actions were implemented by the executive branch with little or no input from the legislative branch prior to those actions being directed; and
WHEREAS, the past months have illustrated a need to reexamine the process for declaring large-scale emergencies such as the COVID-19 emergency and to ensure that a variety of viewpoints and perspectives are considered before implementing restrictions that have could potentially have an adverse effect on large portions of the state’s population,

NOW THEREFORE,

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

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

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

Respectfully submitted,

Senator Kim Hammer
District 33

Representative Jimmy Gazaway
District 57