

CS FOR SENATE BILL NO. 241(RLS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE

Offered: 3/23/20

Referred: First Supplemental Calendar

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act extending the March 11, 2020, governor's declaration of a public health**
2 **disaster emergency in response to the novel coronavirus disease (COVID-19) pandemic;**
3 **relating to the COVID-19 outbreak; relating to a financing plan; relating to standing**
4 **orders of the chief medical officer; relating to occupational and professional licensing;**
5 **relating to telemedicine and telehealth; relating to fingerprinting requirements; relating**
6 **to elections in calendar year 2020; relating to permanent fund dividend applications;**
7 **relating to automatic voter registration; relating to tax filings, payments, and penalties;**
8 **relating to shareholder meetings; and providing for an effective date."**

9 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

10 * **Section 1.** The uncoded law of the State of Alaska is amended by adding a new section
11 to read:

12 FINDINGS. (a) The legislature finds that

1 (1) in December 2019, a novel coronavirus known as severe acute respiratory
2 syndrome coronavirus 2 (SARS-CoV-2) was first detected in Wuhan, Hubei province,
3 People's Republic of China, leading to outbreaks of novel coronavirus disease (COVID-19)
4 that have now spread globally;

5 (2) on January 31, 2020, the United States Secretary of Health and Human
6 Services declared a public health emergency under 42 U.S.C. 247d (Public Health Service
7 Act);

8 (3) to date, 50 states have confirmed cases of COVID-19, including
9 confirmation of community transmission of COVID-19;

10 (4) on March 11, 2020, the commissioner of health and social services
11 certified to the governor that there is a high probability that COVID-19 presents a credible
12 threat of an imminent outbreak of the disease in the state, meeting the definition of disaster
13 under AS 26.23.900(2)(E);

14 (5) on March 11, 2020, the governor issued a declaration of a public health
15 disaster emergency under AS 26.23.020 in anticipation of the spread of COVID-19 to the
16 state;

17 (6) in the disaster declaration issued March 11, 2020, the governor found that
18 a statewide response under AS 18.15.390 is required to address the public health disaster
19 emergency and authorized the commissioner of health and social services and the adjutant
20 general of military and veterans' affairs to take all actions necessary to address the public
21 health disaster emergency;

22 (7) on March 12, 2020, the Department of Health and Social Services and the
23 governor announced that the first case of COVID-19 was diagnosed in an individual in
24 Anchorage;

25 (8) additional cases of COVID-19 are being diagnosed across the state;

26 (9) the chief medical officer in the Department of Health and Social Services
27 and the commissioner of health and social services have determined that it will take months of
28 monitoring and active public health management, including closing public facilities, limiting
29 public events, and establishing quarantine and isolation protocols and enforcement under
30 AS 18.15.390, to contain the spread of COVID-19;

31 (10) the adjutant general of the Alaska organized militia has determined that it

1 may be necessary for the Department of Military and Veterans' Affairs, under the guidance of
 2 the commissioner of health and social services, to use personnel and other resources of the
 3 Department of Health and Social Services to institute actions under AS 26.23.020, including
 4 provisions to perform or facilitate performance of disaster emergency services.

5 (b) Based on the findings in (a) of this section, the legislature finds that it is in the
 6 best interest of the state to extend the public health disaster emergency declaration issued by
 7 the governor on March 11, 2020, and all the powers granted under AS 18.15.390 and
 8 AS 26.23.020, until September 1, 2020.

9 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
 10 read:

11 PUBLIC HEALTH DISASTER EMERGENCY; EXTENSION OF DISASTER
 12 EMERGENCY. (a) Under AS 26.23.020(c), the Alaska State Legislature extends to
 13 September 1, 2020, the declaration of a public health disaster emergency issued by the
 14 governor on March 11, 2020. The extension under this subsection includes an order,
 15 proclamation, or regulation issued under AS 26.23.020 and an action taken by the Department
 16 of Health and Social Services under the authority granted to the Department of Health and
 17 Social Services under AS 18.15.390.

18 (b) Notwithstanding (a) of this section, if the commissioner of health and social
 19 services certifies to the governor that there is no longer a present outbreak of novel
 20 coronavirus disease (COVID-19) or a credible threat of an imminent outbreak of COVID-19,
 21 the governor shall issue a proclamation that the public health disaster emergency identified in
 22 the declaration issued by the governor on March 11, 2020, no longer exists as of a date
 23 determined by the governor. The certification must be based on specific information received
 24 from a state or federal agency or another source that the commissioner determines to be
 25 reliable.

26 (c) The governor shall submit a proclamation issued under (b) of this section to the
 27 revisor of statutes, the president of the senate, the speaker of the house of representatives, and
 28 the lieutenant governor.

29 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
 30 read:

31 PUBLIC HEALTH DISASTER EMERGENCY; FINANCING PLAN. (a) Under

AS 26.23.020(k), the Alaska State Legislature approves this financing plan for the declaration of a public health disaster emergency issued by the governor on March 11, 2020, as extended by sec. 2 of this Act, and provides that the following appropriations and authorizations may be used to cope with the public health disaster emergency:

(1) the appropriations made in sec. 8, ch. 2, SLA 2020;

(2) the appropriations made in sec. 10, SCS CSHB 234(FIN), Department of Health and Social Services, Thirty-First Alaska State Legislature;

(3) the authorization made in sec. 1, CCS HB 205, Department of Health and Social Services, Thirty-First Alaska State Legislature, allowing for up to \$20,000,000 in transfers between all appropriations made in the Department of Health and Social Services, except for transfers from the Medicaid services appropriation;

(4) the appropriations made in CCS HB 205, Department of Health and Social Services, Thirty-First Alaska State Legislature,

(A) of federal receipts received during the fiscal year ending June 30, 2021, for Medicaid services; and

(B) to the Department of Health and Social Services public health emergency response for the purpose of responding to the COVID-19 public health disaster emergency; and

(5) the appropriation made in CCS HB 205, Thirty-First Alaska State Legislature, to the disaster relief fund under AS 26.23.300(a).

(b) The governor may not expend more than a cumulative total of \$10,000,000 of the assets of the disaster relief fund under AS 26.23.020(h) - (k) or 26.23.300(b) in response to the declaration of a public health disaster emergency issued by the governor on March 11, 2020, as extended by sec. 2 of this Act.

(c) Notwithstanding AS 26.23.050(b), the expenditure of state funds to cope with the effects of the declaration of a public health disaster emergency issued by the governor on March 11, 2020, as extended by sec. 2 of this Act, is limited to the appropriations and expenditure authority identified in (a) and (b) of this section.

* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to read:

STANDING ORDERS. (a) The chief medical officer in the Department of Health and

1 Social Services, or, if the chief medical officer is incapacitated, the chief medical officer's
 2 designee, shall issue standing orders for public health agents and health care providers related
 3 to essential public health services and functions and in response to conditions of public health
 4 importance that are related to novel coronavirus disease (COVID-19). Standing orders shall
 5 be effective until retracted or for the duration of the public health disaster emergency
 6 declaration issued by the governor on March 11, 2020, as extended by sec. 2 of this Act.

7 (b) The chief medical officer in the Department of Health and Social Services is not
 8 liable for civil damages resulting from an act or omission in issuing a standing order
 9 authorized under this section if

10 (1) the standing order

11 (A) is issued to health care providers;

12 (B) is required to mitigate the novel coronavirus disease (COVID-19)
 13 public health disaster emergency; and

14 (C) contains sufficient information in support of the need for a
 15 standing order; and

16 (2) the chief medical officer provides sufficient education or training required
 17 to properly implement the standing order, including training manuals, video recordings, and
 18 other reasonable means of implementing the standing order.

19 (c) Except as provided in (d) of this section, a public health agent or health care
 20 provider who takes action based on a standing order issued by the chief medical officer is not
 21 liable for civil damages resulting from an act or omission in implementing the standing order.

22 (d) Nothing in this section precludes liability for civil damages as a result of gross
 23 negligence, recklessness, or intentional misconduct.

24 (e) In this section, "essential public health services and functions," "health care
 25 provider," and "public health agent" have the meanings given in AS 18.15.395.

26 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
 27 read:

28 **REPORTS.** Beginning May 1, 2020, the governor shall electronically submit, on the
 29 first day of each month, a report to the president of the senate and the speaker of the house of
 30 representatives that lists the expenditures used to cope with the public health disaster
 31 emergency declared by the governor on March 11, 2020, and extended by sec. 2 of this Act,

and identifies all actions taken by the governor, the Department of Health and Social Services, the Department of Military and Veterans' Affairs, and other state agencies directly related to the prevention, control, and status of novel coronavirus disease (COVID-19) cases in the state. The report must include an explanation, made without disclosing information that would identify individuals, of any activities related to the isolation or quarantine of individuals to contain the spread of COVID-19. The governor shall submit a final report not later than November 1, 2020, or 60 days after the date the governor determines, under sec. 2 of this Act, that the public health disaster emergency no longer exists, whichever is earlier. Each report submitted under this section must include cumulative information.

* **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to read:

PROFESSIONAL AND OCCUPATIONAL LICENSING. (a) Notwithstanding any other provision of law, during the public health disaster emergency declared by the governor under AS 26.23.020 on March 11, 2020, as extended by sec. 2 of this Act, a professional or occupational licensing board listed in AS 08.01.010, or the director, with respect to a profession regulated by the Department of Commerce, Community, and Economic Development, may grant a license, permit, or certificate on an expedited basis to an individual who holds a corresponding license, permit, or certificate in good standing in another jurisdiction to the extent necessary to respond to the public health disaster emergency. A license expedited under this section expires on the earlier of

(1) September 1, 2020; or

(2) the date the governor determines, under sec. 2 of this Act, that the public health disaster emergency no longer exists.

(b) Notwithstanding any other provision of law and to the extent necessary to respond to the public health disaster emergency, a board listed in AS 08.01.010, the commissioner of commerce, community, and economic development, or the director, as applicable, may take additional action necessary to protect public health, safety, and welfare, including

(1) temporarily waiving or modifying the continuing education requirements required for licensees to renew a professional license, permit, or certificate in calendar year 2020;

(2) regulating the scope and duration of any license, permit, or certificate

1 issued under this section;

2 (3) requiring any individual granted a license, permit, or certificate under this
3 section to arrange and agree to supervision, in-person or by other means, by an individual who
4 holds a license, permit, or certificate in good standing for the applicable profession or by an
5 administrator of a facility licensed under AS 47.32.

6 (c) An individual seeking or holding an expedited license, permit, or certificate under
7 this section who travels to the state from outside the state must comply with travel restrictions
8 ordered or guidelines recommended by the Centers for Disease Control and Prevention,
9 United States Department of Health and Human Services that are in effect at the time the
10 individual arrives in the state.

11 (d) In this section, "director" means the director of the division in the Department of
12 Commerce, Community, and Economic Development responsible for business and
13 professional licensing.

14 * **Sec. 7.** The uncoded law of the State of Alaska is amended by adding a new section to
15 read:

16 **TELEMEDICINE AND TELEHEALTH.** (a) Notwithstanding any other provision of
17 law, during the public health disaster emergency declared by the governor under
18 AS 26.23.020 on March 11, 2020, as extended by sec. 2 of this Act, the provisions of
19 AS 08.64.170 and AS 08.68.160 do not apply to a health care provider who is providing
20 treatment, rendering a diagnosis, or prescribing, dispensing, or administering a prescription,
21 excluding a controlled substance listed under AS 11.71.140 - 11.71.190, through an audio-
22 visual, real-time, two-way interactive communication system, without first conducting an in-
23 person physical examination, if

24 (1) the health care provider is licensed, permitted, or certified to provide
25 health care services in another jurisdiction and is in good standing in the jurisdiction that
26 issued the license, permit, or certification;

27 (2) the health care services provided without an in-person physical
28 examination are within the provider's authorized scope of practice in the jurisdiction that
29 issued the provider's license, permit, or certification;

30 (3) unless the health care provider has a preexisting provider-patient
31 relationship with a patient that is unrelated to novel coronavirus disease (COVID-19), the

1 health care services provided are limited to services related to screening for, diagnosing, or
 2 treating COVID-19; and

3 (4) in the event that the health care provider determines that the encounter will
 4 extend beyond the scope of practice or scope of services described in this section, the health
 5 care provider advises the patient that the health care provider is not authorized to provide the
 6 services to the patient, recommends that a patient contact a health care provider licensed in
 7 the state, and terminates the encounter.

8 (b) The amount charged by a health care provider for services provided under this
 9 section must be reasonable and consistent with the ordinary fees typically charged for that
 10 service and may not be more than five percent above the ordinary fees typically charged for
 11 that service. A health care provider who is required to terminate an encounter under (a)(4) of
 12 this section may not charge for any services provided during the encounter.

13 (c) Notwithstanding any other provision of law, during the public health disaster
 14 emergency declared by the governor under AS 26.23.020 on March 11, 2020, as extended by
 15 sec. 2 of this Act, the commissioner of health and social services may waive any state law or
 16 regulation if compliance would substantially prevent or impede the provision of health care
 17 services under this section. Nothing in this subsection may be construed to abrogate authority
 18 granted to the commissioner of health and social services under AS 18.15.390.

19 (d) In this section, "health care provider" has the meaning given in AS 18.15.395.

20 * **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to
 21 read:

22 FINGERPRINTING. For the duration of the public health disaster emergency
 23 declaration issued by the governor on March 11, 2020, as extended by sec. 2 of this Act, the
 24 Department of Commerce, Community, and Economic Development shall coordinate with the
 25 Department of Health and Social Services and the Department of Public Safety to expedite the
 26 process for applicants under AS 08.29, AS 08.36, AS 08.64, AS 08.68, AS 08.71, AS 08.72,
 27 AS 08.80, AS 08.84, and AS 08.86 to submit fingerprints.

28 * **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to
 29 read:

30 ELECTIONS: LIEUTENANT GOVERNOR. (a) Notwithstanding any provision in
 31 AS 15.15 or AS 15.20 to the contrary, the lieutenant governor may, after consultation with the

1 commissioner of health and social services, direct that a primary or statewide special election
2 to be held in the state in calendar year 2020 be held in the same manner as an election by mail
3 under AS 15.20.800.

4 (b) The director of the division of elections may adopt regulations necessary to
5 implement this section, including emergency regulations.

6 * **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 PERMANENT FUND DIVIDENDS: APPLICATIONS. Notwithstanding
9 AS 43.23.011(a), the application period for a 2020 dividend ends April 30, 2020. An
10 application received after March 31, 2020, is exempt from automatic voter registration under
11 AS 15.07.070(i) - (m).

12 * **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to
13 read:

14 TAX FILINGS, PAYMENTS, AND PENALTIES. Except for any tax return, report,
15 or payment required under AS 43.55 or AS 43.56, a taxpayer required to file a tax return,
16 including an amended return or an information return or report, to the Department of Revenue
17 or to make a payment to the Department of Revenue for a tax, fee, or other charge under
18 AS 05.15, AS 16.10.455, AS 16.51, or AS 43, on or after the effective date of this Act and
19 before July 15, 2020, shall automatically receive an extension of time until July 15, 2020, to
20 file the return, report, or payment. Because of the application of the extensions in this section,
21 a penalty or interest will not be assessed if the taxpayer complies with the filing and payment
22 requirements on or before July 15, 2020. An extension under this section does not apply to a
23 taxpayer for any return or report required to be filed before the effective date of this Act and
24 any payment of tax, interest, penalty, or other charge due before the effective date of this Act.

25 * **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section to
26 read:

27 MEETINGS OF SHAREHOLDERS: NOTICE OF SHAREHOLDER MEETINGS.

28 (a) Notwithstanding AS 10.06.405, a meeting of shareholders may be held by electronic
29 communication to the extent the corporation's board authorizes and adopts guidelines to
30 govern an electronic meeting.

31 (b) Notwithstanding AS 10.06.410, a corporation that has or is planning to, on the

1 effective date of this Act, distribute a proxy statement and notice of annual meeting to its
2 shareholders may renote or notice the annual meeting so that the annual meeting may be
3 held by electronic communication authorized under (a) of this section.

4 * **Sec. 13.** Sections 1 - 4 and 6 - 12 of this Act are repealed on the earlier of

5 (1) September 1, 2020; or

6 (2) the date the governor determines, under sec. 2 of this Act, that the public
7 health disaster emergency declared by the governor under AS 26.23.020 on March 11, 2020,
8 as extended by sec. 2 of this Act, no longer exists.

9 * **Sec. 14.** Section 5 of this Act is repealed November 2, 2020.

10 * **Sec. 15.** The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 **RETROACTIVITY.** If this Act takes effect after April 10, 2020, this Act is retroactive
13 to April 10, 2020.

14 * **Sec. 16.** This Act takes effect immediately under AS 01.10.070(c).