

AMENDMENT *1

OFFERED IN THE HOUSE
TO: CSHB 76(HSS)

BY REPRESENTATIVE JOSEPHSON

1 Page 1, line 2, following "pandemic;":

2 Insert "approving and ratifying declarations of a public health disaster
3 emergency;"

4
5 Page 3, line 21, following "EMERGENCY;":

6 Insert "APPROVAL, RATIFICATION, AND"

7
8 Page 3, line 22, following "EMERGENCY.":

9 Insert a new subsection to read:

10 "(a) The declarations of a public health disaster emergency issued by the governor on
11 November 15, 2020, December 15, 2020, and January 15, 2021, are approved and ratified."

12
13 Reletter the following subsections accordingly.

14
15 Page 3, line 28:

16 Delete "(a)"

17 Insert "(b)"

18
19 Page 4, line 5:

20 Delete "(b)"

21 Insert "(c)"

22
23 Page 11, line 7:

1 Delete "If this Act takes effect after February 14, 2021"

2 Insert "(a) Except as provided in (b) of this section"

3

4 Page 11, following line 8:

5 Insert a new subsection to read:

6 "(b) Section 2(a) of this Act is retroactive to November 15, 2020."

AMENDMENT #2

OFFERED IN THE HOUSE
TO: CSHB 76(HSS)

BY REPRESENTATIVE JOSEPHSON

- 1 Page 10, lines 16 - 21:
- 2 Delete all material.
- 3
- 4 Renumber the following bill sections accordingly.
- 5
- 6 Page 10, line 31:
- 7 Delete "5 - 12"
- 8 Insert "5 - 11"

AMENDMENT #3

OFFERED IN THE HOUSE

TO: CSHB 76(HSS)

OFFERED by Rep. ORTIZ

1 Page 1, line 7:

2 Delete "and"

3 Following "shareholders;":

4 Insert "and school operating funds;"

5

6 Page 10, following line 15:

7 Insert a new bill section to read:

8 "** Sec. 12. The uncoded law of the State of Alaska is amended by adding a new section to
9 read:

10 SCHOOL OPERATING FUNDS. (a) Notwithstanding AS 14.17.505(a), a school
11 district may accumulate in a fiscal year an unreserved portion of its year-end fund balance in
12 its school operating fund, as defined in regulation by the Department of Education and Early
13 Development, in any amount.

14 (b) Notwithstanding AS 14.17.505(b), the unreserved portion of the year-end
15 operating fund balance of a school district for the preceding fiscal year may not be used to
16 reduce the state aid paid to that school district in the current fiscal year."

17

18 Renumber the following bill sections accordingly.

19

20 Page 10, line 31:

21 Delete "Sections 1 - 3 and 5 - 12"

22 Insert "(a) Sections 1 - 3, 5 - 11, and 13"

23

- 1 Page 11, following line 4:
- 2 Insert a new subsection to read:
- 3 "(b) Section 12 of this Act is repealed June 30, 2023."

AMENDMENT #4

OFFERED IN THE HOUSE
TO: CSHB 76(HSS)

BY REPRESENTATIVE RASMUSSEN

1 Page 1, lines 1 - 9:

2 Delete all material and insert:

3 **""An Act relating to the state's response to the novel coronavirus disease (COVID-19)**
4 **pandemic; making temporary changes to state law in response to the COVID-19**
5 **outbreak in the following areas: powers delegated to the governor; powers delegated to**
6 **the Department of Health and Social Services; powers delegated to the Department of**
7 **Military and Veterans' Affairs; telehealth services; meetings of shareholders; charitable**
8 **gaming; informed consent and personal objections to the administration of COVID-19**
9 **vaccines; and civil and criminal liability; and providing for an effective date.""**

10

11 Page 3, line 12, following "dispatch;":

12 Insert "and"

13

14 Page 3, line 15:

15 Delete "; and"

16 Insert "."

17

18 Page 3, line 16, through page 5, line 17:

19 Delete all material and insert:

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

22 **LEGISLATIVE INTENT. It is the intent of the Legislature that**

23 **(1) certain limited authority be granted to the governor, the Department of**

1 Health and Social Services, the Department of Military and Veterans' Affairs, and the
 2 Department of Commerce, Community, and Economic Development to implement the state's
 3 response to the ongoing pandemic related to the novel coronavirus disease (COVID-19); and

4 (2) the governor is authorized to communicate to federal agencies that the
 5 authorities granted by this Act are in response to the ongoing pandemic and statewide public
 6 health emergency posed by COVID-19 and tied to the federal public health emergency and
 7 major disaster declarations.

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

10 **POWERS OF THE GOVERNOR.** The governor may

11 (1) issue an order or regulation necessary to implement this Act;

12 (2) suspend the provisions of a regulatory statute prescribing procedures for
 13 the conduct of state business, or the orders or regulations of a state agency, if compliance with
 14 the provisions of the statute, order, or regulation would prevent or substantially impede or
 15 delay action necessary to respond to and aid in the recovery from the pandemic related to
 16 COVID-19; and

17 (3) allocate or redistribute food, water, fuel, clothing, medicine, or supplies as
 18 reasonably necessary to aid in the response and recovery from the pandemic related to
 19 COVID-19.

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

22 **POWERS OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES.**

23 Notwithstanding any other provision of law, the Department of Health and Social Services
 24 may

25 (1) coordinate, allocate, distribute, and manage the state's vaccination and
 26 therapeutic response to the novel coronavirus disease (COVID-19) pandemic; and

27 (2) continue cooperating with the federal government on

28 (A) emergency allotments under the Supplemental Nutritional
 29 Assistance Program;

30 (B) blanket waivers enacted by the United States Department of Health
 31 and Human Services, Centers for Medicare and Medicaid Services;

1 (C) waivers under sec. 1135 of the Social Security Act; and

2 (D) waivers under sec. 1915(c) of the Social Security Act, including

3 Appendix K.

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

6 POWERS OF THE DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS.

7 (a) The Department of Military and Veterans' Affairs may

8 (1) support and assist the Department of Health and Social Services in
9 implementing this Act;

10 (2) receive delegations of authority from the governor allowing activation of
11 the Alaska organized militia under AS 26.05.070 to respond to the ongoing novel coronavirus
12 disease (COVID-19) pandemic; and

13 (3) coordinate with the Federal Emergency Management Agency to maintain
14 or increase funding for non-congregate shelters providing temporary quarantine and isolation
15 for the following:

16 (A) a first responder or health care worker who must quarantine to
17 prevent exposure to family members;

18 (B) members of a family experiencing homelessness residing in a
19 congregate shelter if at least one member of the family tests positive for COVID-19
20 and requires isolation;

21 (C) an individual experiencing homelessness who tests positive for
22 COVID-19 or who is exposed to COVID-19 and requires isolation while awaiting test
23 results;

24 (D) an occupant of a homeless shelter;

25 (E) an individual living with a certain underlying medical condition
26 identified by the Centers for Disease Control and Prevention, United States
27 Department of Health and Human Services, as placing the individual at increased risk
28 of severe illness from COVID-19, including cancer, chronic kidney disease, chronic
29 obstructive pulmonary disease, Down syndrome, a heart condition, an
30 immunocompromised state resulting from solid organ transplant, obesity, severe
31 obesity, pregnancy, sickle cell disease, smoking, and type 2 diabetes mellitus.

1 (b) In this section, "non-congregate shelter" includes a hotel, a college or university
2 dormitory, and a properly modified nontraditional structure."

3
4 Renumber the following bill sections accordingly.

5
6 Page 5, line 30, through page 7, line 4:

7 Delete all material.

8
9 Renumber the following bill sections accordingly.

10
11 Page 7, lines 8 - 10:

12 Delete "during the novel coronavirus disease (COVID-19) public health disaster
13 emergency declared by the governor under AS 26.23.020 on January 15, 2021, as extended by
14 sec. 2 of this Act,"

15
16 Page 8, lines 6 - 14:

17 Delete all material.

18
19 Renumber the following bill sections accordingly.

20
21 Page 9, lines 10 - 12:

22 Delete "for the duration of the novel coronavirus disease (COVID-19) public health
23 disaster emergency declared by the governor under AS 26.23.020 on January 15, 2021, as
24 extended by sec. 2 of this Act,"

25
26 Page 10, lines 18 - 21:

27 Delete all material and insert:

28 "CIVIL AND CRIMINAL LIABILITY. (a) A state agency, or an employee or agent
29 of the state acting in an official capacity for the state, is immune from civil and criminal
30 liability for acts performed in good faith based on the authority granted by this Act.

31 (b) A person is immune from civil and criminal liability for acts performed in good

1 faith at the request of a government agency acting on the authority granted by this Act. This
 2 immunity does not apply to an act or omission that constitutes gross negligence, reckless
 3 misconduct, or intentional misconduct."
 4

5 Page 10, line 26:

6 Delete "on the earlier of"

7 Insert "September 30, 2021."
 8

9 Page 10, lines 27 - 30:

10 Delete all material.
 11

12 Page 10, line 31:

13 Delete "1 - 3 and 5 - 12"

14 Insert "1 - 5 and 7 - 12"

15 Delete "on the earlier of"

16 Insert "September 30, 2021."
 17

18 Page 11, lines 1 - 4:

19 Delete all material.
 20

21 Page 11, line 7:

22 Delete "If this Act takes effect after February 14, 2021, this"

23 Insert "This"

AMENDMENT #5

OFFERED IN THE HOUSE
TO: CSHB 76(HSS)

BY REPRESENTATIVE RASMUSSEN

- 1 Page 3, line 18:
- 2 Delete "September 30, 2021"
- 3 Insert "May 31, 2021"
- 4
- 5 Page 3, line 23:
- 6 Delete "September 30, 2021"
- 7 Insert "May 31, 2021"
- 8
- 9 Page 5, lines 27 - 28:
- 10 Delete "November 30, 2021"
- 11 Insert "May 31, 2021"
- 12
- 13 Page 6, line 12:
- 14 Delete "September 30, 2021"
- 15 Insert "July 30, 2021"
- 16
- 17 Page 10, line 27:
- 18 Delete "September 30, 2021"
- 19 Insert "May 31, 2021"
- 20
- 21 Page 11, line 1:
- 22 Delete "September 30, 2021"
- 23 Insert "May 31, 2021"

AMENDMENT #6

OFFERED IN THE HOUSE
TO: CSHB 76(HSS)

BY REPRESENTATIVE LEBON

1 Page 1, line 9, following "vaccines;":

2 Insert "**providing immunity from liability and disciplinary action for occupational**
3 **licensees for exposure of clients to COVID-19; providing immunity from liability for**
4 **persons engaging in business and their employees for exposure of customers to**
5 **COVID-19;**"
6

7 Page 10, following line 21:

8 Insert new bill sections to read:

9 "*** Sec. 13.** AS 08.02 is amended by adding a new section to read:

10 **Sec. 08.02.022. Licensee liability for client exposure to COVID-19.** (a) A
11 licensee is immune from disciplinary action under this title for sickness, death,
12 economic loss, and other damages suffered by a client of the licensee from exposure to
13 novel coronavirus disease (COVID-19) in the course of the licensee's practice of the
14 licensee's trade or profession.

15 (b) To qualify for immunity under this section, a licensee must have been
16 practicing the licensee's trade or profession in substantial compliance with the
17 applicable federal, state, and municipal laws and health mandates in effect at the time
18 of the client's exposure to COVID-19.

19 (c) Immunity under this section does not apply to exposure to COVID-19
20 resulting from the gross negligence, recklessness, or intentional misconduct of a
21 licensee.

22 (d) Immunity under this section is in addition to any other immunity from
23 liability provided under state or federal law.

1 (e) In this section, "licensee" has the meaning given in AS 08.01.110.

2 * **Sec. 14.** AS 45.45 is amended by adding a new section to read:

3 **Sec. 45.45.940. Business and employee liability for customer exposure to**
 4 **COVID-19.** (a) A person who engages in business and an employee of that person
 5 when working in the business are immune from civil liability for sickness, death,
 6 economic loss, and other damages suffered by a customer from exposure to novel
 7 coronavirus disease (COVID-19) while patronizing the business.

8 (b) To qualify for immunity under this section, the person engaging in
 9 business must have been operating the business in substantial compliance with the
 10 applicable federal, state, and municipal laws and health mandates in effect at the time
 11 of the customer's exposure to COVID-19.

12 (c) Immunity under this section does not apply to exposure to COVID-19
 13 resulting from the gross negligence, recklessness, or intentional misconduct of a
 14 person engaging in business or an employee of that person.

15 (d) Immunity under this section is in addition to any other immunity from
 16 liability provided under state or federal law."
 17

18 Renumber the following bill sections accordingly.

19

20 Page 10, following line 30:

21 Insert a new bill section to read:

22 "* **Sec. 17.** The uncodified law of the State of Alaska is amended by adding a new section to
 23 read:

24 **APPLICABILITY.** Sections 13 and 14 of this Act apply to novel coronavirus disease
 25 (COVID-19) exposure occurring on or after the effective date of this Act."
 26

27 Renumber the following bill sections accordingly.

28

29 Page 11, line 7:

30 Delete "If this Act takes effect after February 14, 2021, this Act is"

31 Insert "Sections 1 - 12 and 15 of this Act are"

AMENDMENT #7

OFFERED IN THE HOUSE
TO: CSHB 76(HSS)

BY REPRESENTATIVE THOMPSON

1 Page 1, lines 1 - 9:

2 Delete all material and insert:

3 **"An Act relating to the state's response to and recovery from the novel coronavirus**
4 **disease (COVID-19) pandemic; making temporary changes to state law in response to**
5 **the COVID-19 outbreak in the following areas: powers delegated to the governor;**
6 **powers delegated to the Department of Health and Social Services; powers delegated to**
7 **the Department of Military and Veterans' Affairs; occupational and professional**
8 **licensing, practice, and billing; telehealth; fingerprinting requirements for health care**
9 **providers; charitable gaming and online ticket sales; access to federal stabilization**
10 **funds; wills; unfair or deceptive trade practices; and meetings of shareholders; relating**
11 **to informed consent for COVID-19 vaccines; relating to personal objections to the**
12 **administration of COVID-19 vaccines; relating to civil and criminal liability; and**
13 **providing for an effective date."**

14

15 Page 1, line 11, through page 5, line 17:

16 Delete all material and insert:

17 **"* Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
18 **to read:**

19 **LEGISLATIVE INTENT: COVID-19 PANDEMIC RESPONSE.** It is the intent of the
20 **legislature that**

21 **(1) certain limited authority be granted to the governor, the Department of**
22 **Health and Social Services, the Department of Military and Veterans' Affairs, and the**
23 **Department of Commerce, Community, and Economic Development to implement the state's**

1 response to the ongoing pandemic related to the novel coronavirus disease (COVID-19); and

2 (2) the governor is authorized to communicate to federal agencies that the
3 authorities granted by this Act are in response to the ongoing pandemic and statewide public
4 health emergency posed by COVID-19 and tied to the federal public health emergency and
5 major disaster declarations.

6 * **Sec. 2.** The uncoded law of the State of Alaska is amended by adding a new section to
7 read:

8 **POWERS OF THE GOVERNOR.** The governor may

9 (1) issue an order or regulation necessary to implement secs. 2 - 10 of this Act;

10 (2) suspend the provisions of a regulatory statute prescribing procedures for
11 the conduct of state business, or the orders or regulations of a state agency, if compliance with
12 the provisions of the statute, order, or regulation would prevent, or substantially impede or
13 delay, action necessary to respond to and aid in the recovery from the pandemic related to the
14 novel coronavirus disease (COVID-19);

15 (3) use all available resources of the state government and of each political
16 subdivision of the state as reasonably necessary to aid in the recovery from the pandemic
17 related to COVID-19;

18 (4) control ingress to and egress from an area of the state, the movement of
19 persons within the area, and the occupancy of premises in it, as reasonably necessary to aid in
20 the recovery from the pandemic related to COVID-19; and

21 (5) allocate or redistribute food, water, fuel, clothing, medicine, or supplies as
22 reasonably necessary to aid in the recovery from the pandemic related to COVID-19.

23 * **Sec. 3.** The uncoded law of the State of Alaska is amended by adding a new section to
24 read:

25 **POWERS OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES.**

26 Notwithstanding any other provision of law, the Department of Health and Social Services
27 may

28 (1) coordinate, allocate, distribute, and manage the state's vaccination and
29 therapeutic response to the novel coronavirus disease (COVID-19) pandemic; and

30 (2) continue cooperating with the federal government on

31 (A) emergency allotments under the Supplemental Nutritional

1 Assistance Program;

2 (B) blanket waivers enacted by the United States Department of Health
3 and Human Services, Centers for Medicare and Medicaid Services;

4 (C) waivers under section 1135 of the Social Security Act; and

5 (D) waivers under section 1915(c) of the Social Security Act,
6 including Appendix K.

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

9 POWERS OF THE DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS.

10 (a) The Department of Military and Veterans' Affairs may

11 (1) support and assist the Department of Health and Social Services in
12 implementing the provisions of sec. 3 of this Act;

13 (2) receive delegations of authority from the governor allowing activation of
14 the Alaska organized militia under AS 26.05.070 to respond to, and aid in the recovery from,
15 the novel coronavirus disease (COVID-19) pandemic; and

16 (3) coordinate with the Federal Emergency Management Agency to maintain
17 or increase funding for non-congregate shelters providing temporary quarantine and isolation
18 for the following:

19 (A) a first responder or health care worker who must quarantine to
20 prevent exposure to family members;

21 (B) members of a homeless family residing in a congregate shelter if at
22 least one member of the family tested positive for COVID-19 and requires isolation;

23 (C) a homeless individual who has tested positive for COVID-19 or
24 who has been exposed to COVID-19 and requires isolation while awaiting test results;

25 (D) a homeless shelter occupant;

26 (E) an individual living with a certain underlying medical condition
27 identified by the Centers for Disease Control and Prevention, United States
28 Department of Health and Human Services, that places the individual at increased risk
29 of severe illness from COVID-19, including cancer, chronic kidney disease, chronic
30 obstructive pulmonary disease, Down syndrome, heart conditions, an
31 immunocompromised state resulting from solid organ transplant, obesity, severe

1 obesity, pregnancy, sickle cell disease, smoking, and type 2 diabetes mellitus.

2 (b) In this section, "non-congregate shelter" includes hotels, college and university
3 dormitories, and properly modified nontraditional structures."

4

5 Renumber the following bill sections accordingly.

6

7 Page 5, lines 28 - 29:

8 Delete ", or 60 days after the date the governor determines, under sec. 2 of this Act,
9 that the public health disaster emergency no longer exists, whichever is earlier"

10

11 Page 6, lines 2 - 4:

12 Delete "during the novel coronavirus disease (COVID-19) public health disaster
13 emergency declared by the governor on January 15, 2021, as extended by sec. 2 of this Act,"

14

15 Page 6, line 10:

16 Delete "public health disaster emergency"

17 Insert "novel coronavirus disease (COVID-19) pandemic"

18

19 Page 6, line 11:

20 Delete "the earlier of"

21 Insert "September 30, 2021."

22

23 Page 6, lines 12 - 14:

24 Delete all material.

25

26 Page 6, line 16:

27 Delete "public health disaster emergency"

28 Insert "novel coronavirus disease (COVID-19) pandemic"

29

30 Page 7, lines 8 - 10:

31 Delete "during the novel coronavirus disease (COVID-19) public health disaster

emergency declared by the governor under AS 26.23.020 on January 15, 2021, as extended by sec. 2 of this Act,"

Page 7, line 31, through page 8, line 1:

Delete "COVID-19 public health disaster emergency"

Insert "novel coronavirus disease (COVID-19) pandemic"

Page 8, lines 8 - 10:

Delete "For the duration of the novel coronavirus disease (COVID-19) public health disaster emergency declaration issued by the governor on January 15, 2021, as extended by sec. 2 of this Act, the"

Insert "The"

Page 9, lines 10 - 12:

Delete "for the duration of the novel coronavirus disease (COVID-19) public health disaster emergency declared by the governor under AS 26.23.020 on January 15, 2021, as extended by sec. 2 of this Act,"

Page 10, lines 18 - 30:

Delete all material and insert:

"CIVIL AND CRIMINAL LIABILITY. (a) A state agency, or an employee or agent of the state acting in an official capacity for the state, is immune from civil and criminal liability for acts performed in good faith based on the authority granted by this Act.

(b) A person is immune from civil and criminal liability for acts performed in good faith at the request of a government agency acting on the authority granted by this Act. This immunity does not apply to an act or omission that constitutes gross negligence, reckless misconduct, or intentional misconduct."

Renumber the following bill sections accordingly.

Page 10, line 31, through page 11, line 4:

1 Delete all material and insert:

2 **** Sec. 14.** Sections 1 - 4 and 6 - 13 of this Act are repealed September 30, 2021."