



HB 76
Extending COVID-19 Disaster Emergency
Sectional Analysis - Version 32-GH1011 W.A

Section 1: Findings

Establishes legislative findings pertaining to COVID-19. The Legislature finds that it is in the best interest of the state to take appropriate steps to continue to contain the spread of COVID-19; to distribute COVID-19 vaccines statewide; and to take appropriate steps to limit further harm to the state's economy, enable displaced workers in the state to return to work, and to allow students to rejoin in-person classes.

Section 2: Approval, Ratification, and Extension of Disaster Emergency

Approves and ratifies the declarations of a public health disaster emergency issued on November 15, 2020, December 15, 2020, and January 15, 2021.

Extends the Public Health Disaster Emergency issued on January 15, 2021 to September 30, 2021.

Provides that the Commissioner of the Department of Health & Social Services (DHSS) may certify to the Governor that there is no longer a present outbreak of COVID-19, or a credible threat of an imminent outbreak. Upon receiving this certification, the Governor shall submit a proclamation to the Legislature that indicates that the public health disaster emergency no longer exists.

Section 3: Financing Plan

1. Appropriations made in Section 8 of HB 206 (Ch.2, SLA 2020)
2. Appropriations made in Section 10 of HB 234 (Ch. 7, SLA 2020)
3. Appropriations made in Section 28 of HB 205 (Ch. 8, SLA 2020) – of federal receipts received during FY 2021 for Medicaid Services and federal receipts received for responding to the public health disaster emergency
4. Appropriations made in Section 38 of HB 205 (Ch. 8, SLA 2020) to the Disaster Relief Fund
5. Appropriations made in Section 37(a) of HB 205 (Ch. 8, SLA 2020) - excess federal receipts received during FY 2021
6. The authorization for expenditure of federal CARES Act receipts that were ratified in HB 313 (Ch. 32, SLA 2020)
7. Federal receipts received by any state agency for purposes of mitigating the public health disaster emergency that may be requested to include in an appropriation bill if the Legislature is in session, or using the process under AS 26.23.020(k)(2) if the Legislature is not in session
8. Any future appropriations made for FY 2021 and FY 2022
9. The Governor may not spend more than \$10 million from the Disaster Relief Fund for the emergency declared on January 15, 2021 and extended to September 30, 2021

Provides that expenditure of state funds to address the effects of the declaration of a public health disaster emergency is limited to the expenditure authority identified in this finance plan, notwithstanding AS 26.23.050(b).

Section 4: Report to the Legislature

Requires the Office of Management and Budget to submit a monthly report to the Legislative Finance Division that lists the total expenditures incurred by the State in its response to the public health emergency disaster including expenditures aimed at mitigating, preventing, and controlling COVID-19.

The report will include cumulative expenses incurred since March 11, 2020, the date the Governor issued an initial declaration of a public health disaster emergency. This section further provides for a final report due to the Legislative Finance Division no later than November 30, 2021 or 60 days after the Governor determines that a public health disaster emergency no longer exists, whichever is earlier.

Section 5: Professional and Occupational Licensing

Provides that a professional or occupational licensing board, or the Director of Corporations, Business and Professional Licensing (CBPL):

1. May not increase licensing fees during the public health disaster emergency declaration;
2. May grant a license, permit or certificate on an expedited basis, if an individual holds a corresponding license, permit, or certificate in good standing in another jurisdiction. A license expedited under this section, expires September 30, 2021 or on the date that the Governor determines a public health disaster emergency no longer exists;
3. May temporarily waive or modify continuing education requirements for licensees who need to renew a professional license permit or certificate in calendar year 2021;
4. May require an individual who receives a license, permit, or certificate under this section to arrange and agree to supervision by an individual who holds a license, permit or certificate in good standing for an applicable profession or by an administrator of facility licensed under AS 47.32.

This section provides that a licensed professional seeking or holding an expedited license, permit or certificate under this section who travels to Alaska from outside of Alaska, must comply with travel restriction orders or guidelines recommended by the Centers for Disease Control and Prevention (CDC), the US Health and Human Services, and that are in effect when the individual travels.

Section 6: Telehealth and Telemedicine

Allows for a health care provider licensed, permitted or certified in another jurisdiction to practice telehealth in Alaska, without first conducting an in-person physical examination or being licensed in Alaska. The telehealth services provided must be within a provider's authorized scope of practice. If the provider determines that the encounter will extend beyond the scope of practice or services, the provider must notify the patient and recommend that the patient contact a health care provider licensed in Alaska. The health care provider cannot charge unreasonable fees and the fees must be consistent with the ordinary fees charged for that service and may not be more than 5% above the ordinary fees typically charged.

Section 7: Fingerprinting

Provides that the Department of Commerce, Community and Economic Development shall coordinate with DHSS and the Department of Public Safety to expedite the process for certain license applicants to submit fingerprints.

Section 8: Meeting of Shareholders; Notice of Shareholder Meetings

Allows for meetings of shareholders, shareholders of Native corporations, and members of a nonprofit corporation, to be held by electronic communication, in compliance with guidelines adopted by each of the type of entities board of directors.

Section 9: Charitable Gaming Online Ticket Sales

Allows for certain charitable gaming activities to be conducted online during the public health disaster emergency declared by the Governor on January 15, 2021 and an extension granted by this Act. Permittees and operators may sell tickets and draw the winning ticket online for a raffle or lottery, dog mushers' contest, derby, or a type of classic. The seller must verify that the purchaser is of legal age to purchase, physically present in Alaska, and not within an area where charitable gaming is prohibited. The Department of Revenue is responsible for establishing standards for online ticket sales.

Section 10: Informed Consent for COVID-19 Vaccines

Provides that a health care provider may not administer a COVID-19 vaccine to an individual without first obtaining the informed consent of the individual, or the parent or guardian of a minor child.

Section 11: Personal Objections to the Administration of COVID-19 Vaccines

Provides that an individual may object to the administration of a COVID-19 vaccine based on religious, medical, or other grounds. A parent or guardian of a minor child may object to the administration of the COVID-19 vaccine to the minor child based on religious, medical, or other grounds. This section further provides that a person may not be required to provide justification or documentation to support an individual's decision to decline to receive the COVID-19 vaccine.

Section 12: School Operating Funds

Provides that a school district may retain an unreserved portion of its year-end fund balance in its school operating fund and the unreserved portion may not be used to reduce the state aid for that school district in the next fiscal year. Under current law, a district may not accumulate an unreserved portion that is greater than 10 percent of its expenditures for that fiscal year.

Section 13: Licensee Liability for Client Exposure to COVID-19

Adds a new section of law to AS 08.02 (Business and Professions) that provides that a licensee under Title 8, is immune from disciplinary actions for the sickness, death, economic loss, and other damages suffered by a client due to exposure to COVID-19 if the exposure occurred during the course of the licensee's practice.

In order for the protection to apply, the licensee must have been in substantial compliance with applicable federal, state, and municipal laws and health mandates in effect at the time of the client's exposure. The immunity from disciplinary action does not apply if the exposure of the client resulted from gross negligence, recklessness, or intentional misconduct of the licensee.

Section 14: Business and Employee Liability for Customer Exposure to COVID-19

Adds a new section of law to AS 45.45 (Trade and Commerce) that provides that a business owner and an employee, while working in the business, are immune from liability for sickness, death, economic loss, and other damages suffered by a customer from exposure to COVID-19 while the individual is patronizing the business.

In order for the protection to apply, the business owner must have been in substantial compliance with applicable federal, state, and municipal laws and health mandates that are in effect at the time the customer was exposed to COVID-19. Immunity does not apply to exposure to COVID-19 if the exposure was the result of gross negligence, recklessness, or intentional misconduct of the business owner or the employee of the business.

Section 15: Use of CARES, CRSSA, or American Rescue Plan Act Funds

Provides that no funds received by the State under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), the Coronavirus Response and Relief Supplemental Appropriations Act (CRSSA), or the American Rescue Act may be expended for an abortion that is not mandatory under AS 47.07.030(a).

Provides that funds may only be expended for mandatory services under Title XIX of the Social Security Act and for optional services offered by the Alaska State Medicaid Plan that has been approved the US Department of Health and Human Services.

Section 16: Amends Section 37, Chapter 10, SLA 2020

Repeals Section 29 (Purchase of Seafood for Distribution) of SB 241 effective March 11, 2021.

Repeals Section 31 (Tolling of Office of Administrative Hearings) of SB 241 effective March 11, 2021.

SB 241 provided a sunset date for these sections of March 11, 2021.

Section 17: Repeals sections of SB 241

Repeals Section 25 (Witnessing of Will Signing by Videoconference), Section 26 (Unfair or Deceptive Trade Practices), and Section 28 (State Access to Federal Education Stabilization Funds) of SB 241 on September 30, 2021. SB 241 provided a sunset date for these sections of March 11, 2021.

Section 18: Applicability Section

Provides that Section 13 (Licensee Liability Immunity) and Section 14 (Business/Employee Liability Immunity) apply to events of exposure to COVID-19 occurring on or after February 15, 2021.

Section 19: Repeal Section

Sections 1 – 3 and Sections 5-11 are repealed on the earlier of September 30, 2021 or when the Governor determines a public health disaster emergency no longer exists.

Section 12 (School Operating Funds) is repealed on June 30, 2023.

Section 20: Retroactivity

Except for Section 2(a), the sections of this bill are retroactive to February 14, 2021, if this Act takes effect after February 14, 2021.

Section 2(a) is retroactive to November 15, 2020.

Section 21: Effective Date

This Act takes effect immediately under AS 01.10.070(c).