

SENATE BILL NO. 241

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 3/22/20

Referred: Rules

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 COVID-19 pandemic; relating to the powers of the
3 director of insurance; relating to standing orders issued by the chief medical officer;
4 relating to professional licensing; relating to telemedicine and telehealth; relating to
5 board of nursing fingerprint requirements; relating to the 2020 primary and general
6 elections; relating to permanent fund dividend applications; relating to automatic voter
7 registration; relating to tax; relating to shareholder meetings; and providing for an
8 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 SARS-CoV-2 was first
2 detected in Wuhan, Hubei Province, People's Republic of China, causing outbreaks of the
3 disease COVID-19 that has now spread globally;

4 (2) the United States Secretary of Health and Human Services declared a
5 public health emergency on January 31, 2020, under 42 U.S.C. 247d (sec. 319, Public Health
6 Service Act);

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

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

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

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

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

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

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

30 (10) the adjutant general of the Alaska organized militia has determined that it
31 may be necessary for the Department of Military and Veterans' Affairs, under the guidance of

1 the commissioner of health and social services, to use the department's personnel and other
 2 resources to institute actions under AS 26.23.020, including provisions to perform or facilitate
 3 performance of disaster emergency services.

4 (b) Based on the findings in (a) of this section, the Thirty-First Alaska State
 5 Legislature finds that it is in the best interest of the state to extend the governor's March 11,
 6 2020, public health disaster emergency declaration, and all the powers granted under
 7 AS 26.23.020 and AS 18.15.390 until March 12, 2021.

8 * **Sec. 2.** AS 21.06.080(d) is amended to read:

9 (d) If the director determines that a catastrophe has occurred in this state and
 10 in good faith believes that the governor or the President of the United States has issued
 11 or is about to issue a declaration of disaster, the director may take the action that the
 12 director considers necessary to assure that a contract of insurance already issued will
 13 be honored under the terms of the contract. Actions that the director may take include
 14 emergency orders permitting the immediate licensing of adjusters to facilitate handling
 15 of claims, permitting a licensee to open or close an office, permitting a licensee to
 16 move or remove a record as required by the existence of the catastrophe, or permitting
 17 the issuance by an insurer of checks or drafts drawn on an out-of-state bank in
 18 payment of a claim. Until a declaration of the disaster has been lifted, the director may
 19 take action to respond to a disaster without a hearing. An action taken under this
 20 subsection may not remain in effect more than six months from the date that the
 21 director determines that a catastrophe has occurred **or one year after the governor or**
 22 **President of the United States has issued a declaration of disaster** unless, after a
 23 hearing, the director determines that the action is still necessary to respond to the
 24 disaster.

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

27 PUBLIC HEALTH DISASTER EMERGENCY; EXTENSION OF DISASTER
 28 EMERGENCY. (a) Under AS 26.23.020(c), the Thirty-First Alaska State Legislature extends
 29 to March 12, 2021, the declaration of a public health disaster emergency issued by the
 30 governor on March 11, 2020, including any orders, proclamations, or regulations issued under
 31 AS 26.23.020 and actions taken by the Department of Health and Social Services under the

1 authority granted to the department under AS 18.15.390.

2 (b) Notwithstanding (a) of this section, if the commissioner of health and social
3 services certifies to the governor, based on a reliable source, that there is no longer a credible
4 threat of an imminent outbreak of COVID-19, or a present outbreak of COVID-19, the
5 governor shall issue a proclamation that the public health disaster emergency identified in the
6 governor's March 11, 2020, proclamation no longer exists as of a specified date.

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

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

12 **STANDING ORDERS.** (a) The chief medical officer shall issue standing orders for
13 public health agents and health care providers related to essential public health services and
14 functions and in response to conditions of public health importance that are related to
15 COVID-19. Standing orders shall be effective until retracted or for the duration of the public
16 health disaster emergency declaration issued by the governor on March 11, 2020, and
17 extended by sec. 3 of this Act.

18 (b) The chief medical officer is not liable for civil damages resulting from an act or
19 omission in issuing a standing order authorized under this section if the standing order

20 (1) is issued to health care providers;

21 (2) is required to mitigate the COVID-19 public health disaster emergency;

22 (3) contains sufficient information in support of the need for a standing order;

23 and

24 (4) provides sufficient education or training required to properly implement
25 the standing order, including training manuals, video recordings, or other reasonable means.

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

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

31 (e) In this section, "essential public health services and functions," "health care

provider," and "public health agent" have the meanings given in AS 18.15.395.

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

REPORTS. Beginning May 1, 2020, until March 1, 2021, the governor shall electronically submit, on the first day of each month, a report to the president of the senate and the speaker of the house of representatives that 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 COVID-19 cases in the state. The report must include an explanation, without disclosing information that would identify individuals, of any activities related to the isolation or quarantine of individuals because of COVID-19.

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

PROFESSIONAL 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, and extended by sec. 3 of this Act, a professional or occupational licensing board listed in AS 08.01.010 or, with regard to any profession regulated by the Department of Commerce, Community, and Economic Development, the director of the division that regulates business and professional licensing may, to the extent necessary to respond to the public health disaster emergency, grant a license, permit, or certificate on an expedited basis to an individual who holds a corresponding license, permit, or certificate in another jurisdiction.

(b) Notwithstanding any other provision of law and to the extent necessary to respond to the public health disaster emergency, the board, commission, or 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 2020;

(2) regulating the scope and duration of any license, permit, or certificate issued under this section;

(3) requiring any individual granted a license, permit, or certificate under this section to arrange and agree to supervision, in-person or by other means, by an individual who

holds a license, permit, or certificate in good standing for the applicable profession or by an administrator of a facility licensed under AS 47.32.

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

TELEMEDICINE AND TELEHEALTH. (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, and extended by sec. 3 of this Act, AS 08.64.170 and AS 08.68.160 do not apply to a health care provider who is providing treatment; rendering a diagnosis; or prescribing, dispensing, or administering a prescription, excluding a controlled substance listed under AS 11.71.140 - 11.71.190, through an audio-visual, real-time, two-way interactive communication system, without first conducting an in-person physical examination, if

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

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

(3) unless the health care provider has a preexisting provider-patient relationship with a patient that is unrelated to COVID-19, the health care services provided are limited to services related to screening for, diagnosing, or treating COVID-19; and

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

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

(c) Notwithstanding any other provision of law, during the public health disaster

1 emergency declared by the governor under AS 26.23.020 on March 11, 2020, and extended
 2 by sec. 3 of this Act, the commissioner of health and social services may waive any state law
 3 or regulation if compliance would substantially prevent or impede the provision of health care
 4 services under this section, including any privacy requirements established by state law or
 5 regulations that would limit the use of electronic or other technological means of
 6 communication in the delivery of health care services. Nothing in this subsection may be
 7 construed to abrogate authority granted to the commissioner of health and social services
 8 under AS 18.15.390.

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

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

12 BOARD OF NURSING: FINGERPRINTING. The Department of Commerce,
 13 Community, and Economic Development shall coordinate with the Department of Health and
 14 Social Services and the Department of Public Safety to expedite the process for submitting
 15 fingerprints under AS 08.68.100(a)(10), and any associated regulations, for applicants for a
 16 nursing license under AS 08.68 and sec. 6 of this Act.

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

19 ELECTIONS: LIEUTENANT GOVERNOR. (a) Notwithstanding any provision in
 20 AS 15.15 or AS 15.20, the lieutenant governor may, after consultation with the commissioner
 21 of health and social services, direct that a primary or general election to be held in the state in
 22 2020 be held in the same manner as an election by mail under AS 15.20.800.

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

25 * **Sec. 10.** The uncoded law of the State of Alaska is amended by adding a new section to
 26 read:

27 PERMANENT FUND DIVIDENDS: APPLICATIONS. Notwithstanding
 28 AS 43.23.011(a), the application period for a 2019 dividend ends June 30, 2020. An
 29 application received after March 31, 2020, is exempt from automatic voter registration under
 30 AS 15.07.070(i) - (m).

31 * **Sec. 11.** The uncoded law of the State of Alaska is amended by adding a new section to

1 read:

2 TAX FILING, PAYMENTS, AND PENALTIES. Except for any tax return, report, or
3 payment required under AS 43.55 or AS 43.56, a taxpayer required to file a tax return,
4 including an amended return or an information return or report, to the Department of Revenue
5 or to make a payment to the Department of Revenue for a tax, fee, or other charge under
6 AS 05.15, AS 16.10.455, AS 16.51, or AS 43, on or after the effective date of this Act and
7 before July 15, 2020, shall automatically receive an extension of time until July 15, 2020, for
8 the return, report, or payment. Because of the application of the extensions in this section, a
9 penalty or interest will not be assessed if the taxpayer complies with the filing and payment
10 requirements on or before July 15, 2020. An extension under this section does not apply to a
11 taxpayer for any return or report required to be filed before the effective date of this Act and
12 any payment of tax, interest, penalty, or other charge due before the effective date of this Act.

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

15 MEETINGS OF SHAREHOLDERS: NOTICE OF SHAREHOLDER MEETINGS.

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

19 (b) Notwithstanding AS 10.06.410, a corporation that has or is planning to, on the
20 effective date of this Act, distribute a proxy statement and notice of annual meeting to its
21 shareholders, may renotece or notice the annual meeting so that the annual meeting may be
22 held by electronic communication authorized under (a) of this section.

23 * **Sec. 13.** Section 12 of this Act is repealed March 12, 2021.

24 * **Sec. 14.** The uncodified law of the State of Alaska is amended by adding a new section to
25 read:

26 RETROACTIVITY. If this Act takes effect after April 10, 2020, this Act is retroactive
27 to April 10, 2020.

28 * **Sec. 15.** This Act takes effect immediately under AS 01.10.070(c).