

AMENDMENT #1

OFFERED IN THE HOUSE
TO: CSHB 76(FIN)

BY REPRESENTATIVE THOMPSON

1 Page 1, line 1, through page 2, line 1: (title amendment)

2 Delete all material and insert:

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

16

17 Page 2, line 3, through page 5, line 25:

18 Delete all material and insert:

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

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

23 (1) certain limited authority be granted to the Department of Health and Social

1 Services, the Department of Military and Veterans' Affairs, and the Department of
2 Commerce, Community, and Economic Development to implement the state's response to the
3 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. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
9 read:

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

11 Notwithstanding any other provision of law, the Department of Health and Social Services
12 may

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

15 (2) continue cooperating with the federal government on

16 (A) emergency allotments under the Supplemental Nutritional
17 Assistance Program;

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

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

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

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

25 **POWERS OF THE DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS.**

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

27 (1) support and assist the Department of Health and Social Services in
28 implementing the provisions of sec. 2 of this Act;

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

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

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

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

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

10 (D) a homeless shelter occupant;

11 (E) an individual living with a certain underlying medical condition
 12 identified by the Centers for Disease Control and Prevention, United States
 13 Department of Health and Human Services, that places the individual at increased risk
 14 of severe illness from COVID-19, including cancer, chronic kidney disease, chronic
 15 obstructive pulmonary disease, Down syndrome, heart conditions, an
 16 immunocompromised state resulting from solid organ transplant, obesity, severe
 17 obesity, pregnancy, sickle cell disease, smoking, and type 2 diabetes mellitus.

18 (b) In this section, "non-congregate shelter" includes hotels, college and university
 19 dormitories, and properly modified nontraditional structures."
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21 Page 6, lines 5 - 6:

22 Delete ", or 60 days after the date the governor determines, under sec. 2 of this Act,
 23 that the public health disaster emergency no longer exists, whichever is earlier"
 24

25 Page 6, lines 10 - 12:

26 Delete "during the novel coronavirus disease (COVID-19) public health disaster
 27 emergency declared by the governor on January 15, 2021, as extended by sec. 2 of this Act,"
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29 Page 6, line 18:

30 Delete "public health disaster emergency"

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

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Page 6, line 19:

Delete "the earlier of"
Insert "September 30, 2021."

Page 6, lines 20 - 22:

Delete all material.

Page 6, line 24:

Delete "public health disaster emergency"
Insert "novel coronavirus disease (COVID-19) pandemic"

Page 7, lines 16 - 18:

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 8, lines 8 - 9:

Delete "COVID-19 public health disaster emergency"
Insert "novel coronavirus disease (COVID-19) pandemic"

Page 8, lines 16 - 18:

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 18 - 20:

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,"

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Page 11, following line 1:

Insert a new bill section to read:

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

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 12, lines 15 - 19:

Delete all material and insert:

**** Sec. 19.** (a) Sections 1 - 3, 5 - 11, and 13 of this Act are repealed September 30, 2021."

Page 12, line 23:

Delete "(a) Except as provided in (b) of this section, this"

Insert "This"

Page 12, line 25:

Delete all material.