

HOUSE BILL NO. 76

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/18/21

Referred: Health and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act extending the January 15, 2021, governor's declaration of a public health
2 disaster emergency in response to the novel coronavirus disease (COVID-19) pandemic;
3 providing for a financing plan; making temporary changes to state law in response to
4 the COVID-19 outbreak in the following areas: occupational and professional licensing,
5 practice, and billing; telehealth; fingerprinting requirements for health care providers;
6 charitable gaming and online ticket sales; access to federal stabilization funds; wills;
7 unfair or deceptive trade practices; and meetings of shareholders; 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 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 was 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 was 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) from March 12, 2020, to present, cases of COVID-19 continue to be
26 diagnosed across the state;

27 (9) on April 9, 2020, President Donald J. Trump approved a major disaster
28 declaration for the state to aid in COVID-19 recovery efforts;

29 (10) on November 16, 2020, the governor issued a declaration of a public
30 health disaster emergency under AS 26.23.020 in response to the ongoing statewide COVID-
31 19 outbreak;

(11) on December 11, 2020, the Food and Drug Administration issued an Emergency Use Authorization (EUA) to begin an immediate nationwide distribution of a COVID-19 vaccine;

(12) on December 16, 2020, the governor issued a declaration of a public health disaster emergency under AS 26.23.020 in response to the ongoing statewide COVID-19 outbreak, and the necessity of facilitating the receipt and statewide distribution of the COVID-19 vaccine;

(13) on January 12, 2021, the commissioner of health and social services certified, in accordance with AS 26.23.900(2)(E), that an outbreak of COVID-19 is occurring in Alaska because of widespread community transmission;

(14) a statewide response under AS 18.15.390, coordinated by the Department of Health and Social Services, is needed to fully address this disaster of public health and aid in vaccine distribution;

(15) the Department of Health and Social Service's chief medical officer and the commissioner of health and social services have determined that it will take months of monitoring and active public health management, including statewide vaccine distribution, to contain the spread COVID-19;

(16) the adjutant general of the Alaska organized militia has determined that it may be necessary for the Department of Military and Veterans' Affairs, under the guidance of the commissioner of health and social services, to use personnel and other resources of the Department of Military and Veterans' Affairs to institute actions under AS 26.23.020, including provisions to perform or facilitate performance of disaster emergency services.

(b) Based on the findings in (a) of this section, the legislature finds that it is in the best interest of the state to extend the public health disaster emergency declaration issued by the governor on January 15, 2021, and all the powers granted under AS 18.15.390 and AS 26.23.020, to September 30, 2021.

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

PUBLIC HEALTH DISASTER EMERGENCY; EXTENSION OF DISASTER EMERGENCY. (a) Under AS 26.23.020(c), the Alaska State Legislature extends to September 30, 2021, the declaration of a public health disaster emergency issued by the

governor on January 15, 2021. The extension under this subsection includes an order, proclamation, or regulation issued under AS 26.23.020 and an action taken by the Department of Health and Social Services under the authority granted to the Department of Health and Social Services under AS 18.15.390.

(b) Notwithstanding (a) of this section, if the commissioner of health and social services certifies to the governor that there is no longer a present outbreak of novel coronavirus disease (COVID-19) or a credible threat of an imminent outbreak of COVID-19, the governor shall issue a proclamation that the public health disaster emergency identified in the declaration issued by the governor on January 15, 2021, no longer exists as of a date determined by the governor. The certification must be based on specific information received from a state or federal agency or another source that the commissioner determines to be reliable.

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

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

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 January 15, 2021, 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, ch. 7, SLA 2020;
- (3) the authorization made in sec. 1, ch. 8, SLA 2020, 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 sec. 28, ch. 8, SLA 2020, 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 novel coronavirus disease (COVID-19) public health disaster emergency;

(5) the appropriation made in sec. 38, ch. 8, SLA 2020, to the disaster relief fund under AS 26.23.300(a);

(6) the appropriation made in sec. 37(a), ch. 8 SLA 2020, of excess federal receipts received during the fiscal years ending June 30, 2021;

(7) the authorization made in ch. 32, SLA 2020, for expenditure of federal CARES Act receipts;

(8) federal receipts received by any state agency for purposes of mitigating the public health disaster emergency subject to use of the process proscribed in AS 26.23.020(k)(2) if the legislature is not in session and, if the legislature is in session, subject to a request to include the federal receipts in an existing appropriation bill;

(9) any future appropriations made for fiscal years ending June 30, 2021, and June 30, 2022, for the cost of responding to and mitigating the risk of the coronavirus disease (COVID-19) outbreak.

(b) The governor may not expend more than a cumulative total of \$10,000,000 of state funds from 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 January 15, 2021, as extended by sec. 2 of this Act.

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

REPORTS. Beginning March 1, 2021, the Office of Management and Budget shall electronically submit, on the first day of the month, a report to the Legislative Finance Division that lists the total expenditures incurred by the state in its response to the public health disaster emergency including mitigating, preventing, and controlling the novel coronavirus disease (COVID-19). The report should include cumulative expenses incurred by category beginning March 11, 2020, the date the governor issued his initial declaration of a public health disaster emergency and should reflect changes over the last monthly reporting period. The Office of Management and Budget shall submit a final report not later than

1 November 30, 2021, or 60 days after the date the governor determines, under sec. 2 of this
 2 Act, that the public health disaster emergency no longer exists, whichever is earlier.

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

5 PROFESSIONAL AND OCCUPATIONAL LICENSING. (a) Notwithstanding any
 6 other provision of law, during the novel coronavirus disease (COVID-19) public health
 7 disaster emergency declared by the governor on January 15, 2021, as extended by sec. 2 of
 8 this Act, a professional or occupational licensing board listed in AS 08.01.010, or the director,
 9 with respect to a profession regulated by the Department of Commerce, Community, and
 10 Economic Development,

11 (1) may not increase licensing fees; and

12 (2) may grant a license, permit, or certificate on an expedited basis to an
 13 individual who holds a corresponding license, permit, or certificate in good standing in
 14 another jurisdiction to the extent necessary to respond to the public health disaster emergency;
 15 a license expedited under this section expires on the earlier of

16 (A) September 30, 2021; or

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

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

23 (1) temporarily waiving or modifying the continuing education requirements
 24 required for licensees to renew a professional license, permit, or certificate in calendar year
 25 2021;

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

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

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

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

* **Sec. 6.** 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 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, the provisions of 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 telehealth as defined in AS 47.05.270(e), 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 provider's authorized scope of practice in the jurisdiction that issued the provider's license, permit, or certification;

(3) in the event that the health care provider determines that the encounter will extend beyond the scope of practice or scope of services described 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 the 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

1 service and may not be more than five percent above the ordinary fees typically charged for
 2 that service. A health care provider who is required to terminate an encounter under (a)(3) of
 3 this section may not charge for any services provided during the encounter.

4 (c) Notwithstanding any other provision of law, during the COVID-19 public health
 5 disaster emergency, the commissioner of health and social services may waive any state law
 6 or regulation if compliance would substantially prevent or impede the provision of health care
 7 services under this section. Nothing in this subsection may be construed to abrogate authority
 8 granted to the commissioner of health and social services under AS 18.15.390.

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

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

12 FINGERPRINTING. For the duration of the novel coronavirus disease (COVID-19)
 13 public health disaster emergency declaration issued by the governor on January 15, 2021, as
 14 extended by sec. 2 of this Act, the Department of Commerce, Community, and Economic
 15 Development shall coordinate with the Department of Health and Social Services and the
 16 Department of Public Safety to expedite the process for applicants under AS 08.29, AS 08.36,
 17 AS 08.64, AS 08.68, AS 08.71, AS 08.72, AS 08.80, AS 08.84, and AS 08.86 to submit
 18 fingerprints.

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

21 MEETINGS OF SHAREHOLDERS; NOTICE OF SHAREHOLDER MEETINGS;
 22 CORPORATIONS. (a) Notwithstanding AS 10.06.405, a meeting of shareholders may be
 23 held by electronic communication to the extent the corporation's board authorizes and adopts
 24 guidelines to govern an electronic meeting.

25 (b) Notwithstanding AS 10.06.410, a corporation that has distributed or is planning to
 26 distribute, on the effective date of this Act, a proxy statement and notice of annual meeting to
 27 its shareholders may renote or notice the annual meeting so that the annual meeting may be
 28 held by electronic communication authorized under (a) of this section.

29 (c) Notwithstanding AS 10.20.061 - 10.20.076, a meeting of the members of a
 30 nonprofit corporation organized under AS 10.20, including meeting notice and determination
 31 of a quorum, may be held by telecommunication to the extent the corporation's board adopts

1 or amends bylaws to allow for an electronic meeting.

2 (d) Notwithstanding (a) - (c) of this section and a provision of AS 10.06 or AS 10.20
3 to the contrary, a meeting, including the notice of the meeting and determination of a quorum,
4 of the shareholders of a Native corporation organized under AS 10.06 or the members of a
5 Native corporation organized under AS 10.20 may be held by electronic communication or
6 telecommunication to the extent the corporation's board of directors authorizes holding
7 meetings by electronic communication or telecommunication and adopts guidelines to govern
8 a meeting held by electronic communication or telecommunication. In this subsection,
9 "Native corporation" means a corporation organized under 43 U.S.C. 1601 et seq. (Alaska
10 Native Claims Settlement Act).

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

13 DEPARTMENT OF REVENUE; CHARITABLE GAMING ONLINE TICKET
14 SALES. (a) Notwithstanding any other provision of law, for the duration of the novel
15 coronavirus disease (COVID-19) public health disaster emergency declared by the governor
16 under AS 26.23.020 on January 15, 2021, as extended by sec. 2 of this Act, the Department of
17 Revenue may permit online charitable gaming ticket sales specified in (b) of this section so
18 that proceeds from these contests may benefit charities in the state.

19 (b) Notwithstanding AS 05.15.640, permittees, operators, or multiple-beneficiary
20 permittees may sell tickets online for a raffle or lottery, dog mushers' contest, derby, or type
21 of classic defined in AS 05.15.690. Permittees may draw winning tickets online.

22 (c) A ticket seller may not sell a ticket online unless and until the seller verifies that,
23 at the time of sale, the purchaser is

24 (1) of legal purchasing age;

25 (2) physically present in Alaska; and

26 (3) not physically present within an option area where charitable gaming is
27 prohibited.

28 (d) The Department of Revenue shall establish standards for online ticket sales to
29 ensure compliance with charitable gaming laws, including

30 (1) age and location verification requirements reasonably designed to block
31 internet purchasing access to persons who are

1 (A) located out of state; or

2 (B) not of legal purchasing age; and

3 (2) appropriate data security standards to prevent unauthorized internet
4 purchasing access by any person whose age and current location has not been verified.

5 * **Sec. 10.** The uncodified law of the State of Alaska enacted in sec. 37, ch. 10, SLA 2020, is
6 amended to read:

7 Sec. 37. Sections [25, 26, 28,] 29 [,] and 31 of this Act are repealed March 11,
8 2021.

9 * **Sec. 11.** Sections 25, 26, and 28, ch. 10, SLA 2020, are repealed on the earlier of

10 (1) September 30, 2021; or

11 (2) the date the governor determines, under sec. 2 of this Act, that the public
12 health disaster emergency declared by the governor under AS 26.23.020 on January 15, 2021,
13 as extended by sec. 2 of this Act, no longer exists.

14 * **Sec. 12.** Sections 1 - 3 and 5 - 9 of this Act are repealed on the earlier of

15 (1) September 30, 2021; or

16 (2) the date the governor determines, under sec. 2 of this Act, that the public
17 health disaster emergency declared by the governor under AS 26.23.020 on January 15, 2021,
18 as extended by sec. 2 of this Act, no longer exists.

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

21 **RETROACTIVITY.** If this Act takes effect after February 14, 2021, this Act is
22 retroactive to February 14, 2021.

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