

**HOUSE . . . . . No. 478**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Daniel R. Carey*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the governor’s power to declare an emergency.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Daniel R. Carey</i>	<i>2nd Hampshire</i>	<i>2/18/2021</i>
<i>Kelly W. Pease</i>	<i>4th Hampden</i>	<i>2/25/2021</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>2/26/2021</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>2/26/2021</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>4/20/2021</i>

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By Mr. Carey of Easthampton, a petition (accompanied by bill, House, No. 478) of Daniel R. Carey and others relative to the power of the Governor to declare an emergency. Covid-19 and Emergency Preparedness and Management.

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The Commonwealth of Massachusetts

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**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
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An Act relative to the governor’s power to declare an emergency.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Chapter 17 of the General Laws, as appearing in the 2018 Official Edition,  
2 is hereby amended by striking out section 2A and inserting in place thereof the following  
3 section:-

4           Section 2A. Upon declaration by the governor that an emergency exists, which is  
5 detrimental to the public health, the commissioner may for a period of 90 days, with the approval  
6 of the governor and the public health council, during such period of emergency, take such action  
7 and incur such liabilities as the commissioner may deem necessary to assure the maintenance of  
8 public health and the prevention of disease. Such 90-day period may be extended by joint  
9 resolution of the general court until such time as the governor declares that such emergency has  
10 terminated.

11           The commissioner, with the approval of the public health council, may establish  
12 procedures to be followed during such emergency to insure the continuation of essential public  
13 health services and the enforcement of the same.

14           Upon declaration by the governor that such emergency has terminated, all powers granted  
15 to and exercised by the commissioner under this section shall terminate.

16           SECTION 2. Section 22 of chapter 659 of the acts of 1950 is hereby amended by striking  
17 out section 22 and inserting in place thereof the following section:-

18           SECTION 22. Any declaration of a state of emergency pursuant to this act or any part  
19 hereof shall expire after 90 days unless extended by a joint resolution of the house of  
20 representatives and the senate acting concurrently. This act or any part hereof may become  
21 inoperative by the adoption of a joint resolution to that effect by the house and senate acting  
22 concurrently at any time.