Emergency Suspension Powers

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SUMMARY

Emergency suspension powers permit governors to suspend or amend existing state laws that might interfere with an efficient, effective response to an emergency. This dataset identifies state laws granting emergency powers to governors and the scope of the authority to alter the legal infrastructure of the state (i.e., statutes and regulations) during an emergency.

ABOUT [TOPIC] & THE DATA

Governors play a fundamental role in emergency preparedness and can help to facilitate rapid response efforts to emergencies that threaten the citizens of their states. During any type of emergency—which can include natural disasters, such as floods or earthquakes; threats to security, such as acts of terror; and dangers to public health, such as an influenza pandemic—the state government might need to provide services and resources that it otherwise could not provide because of the state’s laws. Existing laws could restrict, or even prohibit, necessary response efforts. To address this, governors in most states are granted the authority to declare a state of emergency and exercise certain emergency powers. Understanding the scope of the authorities during declarations is a key component of legal preparedness. It is also a recognized competency within the Centers for Disease Control and Prevention’s model set of Minimum Competencies in Public Health Emergency Law for mid-tier public health professionals.

Emergency powers granted to governors often explicitly permit them to suspend or amend existing state laws that might interfere with an efficient, effective response to an emergency. Sometimes, these powers also permit governors to create new laws to address the emergency. The power to alter the legal infrastructure of a state has been used in past emergencies to accomplish necessary response activities, such as expanding scopes of practice during the 2009-2010 pandemic influenza response to aid in 2009H1N1 vaccination efforts. The manner in which a state’s legal infrastructure can be modified to respond to an emergency depends on the types of laws that can be changed and the extent to which they may be altered.

Laws granting these emergency powers to governors are generally found in statutes and regulations governing emergency preparedness and management. The laws available in this dataset are current through June 1, 2016.

Select findings from this dataset include the following:

- In 42 states, laws explicitly allow governors to suspend existing laws during an emergency.
• 5 states grant governors the power to amend laws and/or create new laws to address an existing emergency.

• In 35 states, governors may suspend both statutes and regulations.

NAVIGATING THE DATA

There are two ways to navigate the data by clicking the Filter tab or the Explore tab — for each option, the data can be visualized in a map and table format or in jurisdiction profiles.

Filter

The dataset homepage will default to the Filter tab. Here, users may answer a series of questions to learn more about the characteristics of the laws. Answering more than one question will show all the jurisdictions that meet the combined criteria. Criteria selected will be listed above the questions, and can be removed by clicking the white X or by clicking “Reset” above the questions.

Explore

Users can access Explore by clicking the Explore tab in the bar above the questions. Using Explore, users will see the answers to one question across all jurisdictions.

The primary questions in this dataset are:

1. Does state law grant emergency powers to the governor to change law during a declared emergency?
2. What emergency powers are granted to change law?
3. What types of law may be changed?

DISPLAYING THE RESULTS

There are two display modes once criteria have been selected by using either the Filter or Explore tab — Map display mode and Profiles display mode.

Map Display

LawAtlas.org dataset homepages default to the map display mode. When querying the data using the Filter tab, all jurisdictions that meet the criteria selected will display in one tone of yellow. Those jurisdictions that do not meet the criteria selected will be colored gray. When querying the data using the Explore tab, the map will illuminate with colors from yellow to red that are associated with the various answer choices (the color-coding is defined by the key to the left of the map).

Below the map, a table will appear. Using the Filter or Explore tab to navigate the questions will change the display:

• Using the Filter tab, you can select an unlimited number of criteria and the applicable jurisdictions that meet the combined criteria will be displayed in the table below.
• Using the Explore tab, you can isolate a single criterion and the applicable jurisdictions will appear in the table below.
Profiles Display
The Profiles display presents the results of the criteria selected in a text-based format for each applicable jurisdiction. Using the Filter tab, jurisdictions that meet the criteria selected will display. Using the Explore tab, jurisdictions that meet the criterion selected will display. If no criteria are selected, the full profiles for each state will appear under both Filter and Explore.

Profile Legend
Within each Profile box, above the questions and answers, there are additional options and information useful in exploring the law:

| §§  | Toggle Legal Text – Selecting this option will show all the legal text used to answer questions for this jurisdiction. |
| === | Toggle Full Place Profile – Selecting this option will show all questions and answers for this jurisdiction, regardless of what was selected using the Filter or Explore tabs. |
| ↕  | Toggle Size – Selecting this option will make the profile larger, but will not change the information displayed. |

Legal Text History – This interactive timeline displays when changes in the law have occurred within a jurisdiction. Using the arrows to the left or right, users may explore how the law has changed over time as new amendments to the law have been enacted. The timeline will change from gray to a shade of yellow when the jurisdiction passed its first relevant law. Each change in the law after that is marked by a break in the timeline.

Map and Profile Legend
There are a few symbols to be aware of in both Map and Profiles display modes:

| §  | Section Symbol – Clicking this symbol will open a window that displays excerpts from the law that correspond to the question and answer. |
| ⚠ | Caution Note – Clicking on this symbol will open a small window that displays text that describes important caveats about the question and answer. |

DATASET RESOURCES
Each dataset homepage includes the following resources available for download:

- Data: The Data file exports in CSV format and may contain two tabs. The “Statistical Data” tab contains the legal variables coded in the dataset, displayed as values defined
in the accompanying Codebook. The “Summary Data” tab contains the legal variables coded in the dataset in text form, as well as the accompanying citations and any caution notes that may be included. Note: if there is only one tab available for download it will be the “Statistical Data” as described above.

- **Codebook:** The Codebook defines all of the coded variables in the dataset. The Codebook lists the question, question type, variable name, variable value and variable label. The Codebook should be used in conjunction with the Statistical Data extract.

- **Research Protocol:** The Research Protocol is a comprehensive document that outlines the entire methodology of the project, including the scope, inclusion and exclusion criteria, data collection methods, definitions, coding scheme decisions, as well as the quality control process.

- **Summary Report:** The Summary Report provides a snapshot of important findings from the dataset.

**ADDITIONAL INFORMATION**


*This collection of laws does not provide legal advice nor does it address enforcement of laws, administrative policies, case law, or any other sources of law. Should you have a specific question about these laws in your state, please contact an attorney in your jurisdiction.*

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