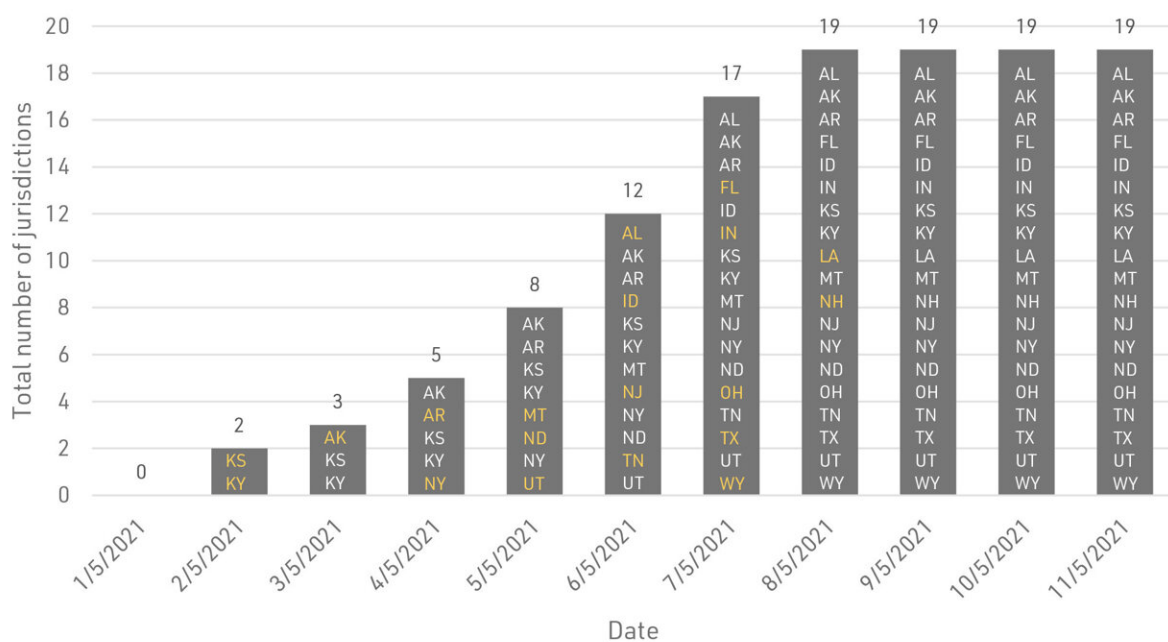


Updated data show sharp increase in laws limiting state and local authority in public health emergencies

December 2 2021



The progression of states limiting public health authority has increased by 19 from January 1, 2021 through November 5, 2021. States labeled in yellow enacted laws that were newly effective within the past month as of the date indicated. Credit: Center for Public Health Law Research at Temple University

There are now 19 states with laws limiting governors' or state health officials' authority during the COVID-19 pandemic or other

emergencies, according to newly updated data published today on LawAtlas.org. This is an increase from 11 states in June 2021.

Legislators in 48 jurisdictions—all but Iowa, South Dakota, and the District of Columbia—have introduced bills in 2021 to limit state executive authority in a public health emergency. Between January 1, 2021 and November 5, 2021, one or more of these bills were enacted into law and became effective in 19 [states](#), according to the data released today.

The updated data were produced using the Center's sentinel surveillance method for rapid surveillance and legal data creation of emerging laws and policies.

States have taken a variety of approaches to curbing public health authority. As of November 5, 2021:

- Fifteen states have limited both the then-governor's authority and the authority of a state health agency or official: Alabama, Arkansas, Florida, Idaho, Indiana, Kansas, Kentucky, Montana, New Hampshire, New Jersey, North Dakota, Ohio, Tennessee, Utah, and Wyoming.
- Eleven states—Alabama, Arkansas, Florida, Indiana, Kansas, Montana, New Hampshire, Ohio, Tennessee, Utah, and Wyoming—limited the governor's authority, the authority of a state health agency or official, and the authority of a local health agency or official.
- Some laws limit the duration of a state of emergency or limit emergency orders to a specific number of days (as in Arkansas, for example). Others require elected officials to approve health officer actions (as in North Dakota), or prohibit the governor or [health officials](#) from requiring vaccination (as in Tennessee).

Notably, Kansas was the first state in 2021 to pass a law limiting [public health emergency](#) orders. Kansas continues to be the only state to allow counties to issue a local order that is less stringent than a governor's order. The Kansas law also provides that such a local order will operate in the county in lieu of the governor's executive order.

Utah is the only state that limited both state and local health officials in all the following areas: Restricting the ability to issue emergency orders, limiting the duration of emergency orders, restricting the scope of emergency orders, and establishing that emergency orders may be terminated by legislature or another entity.

More information: Center for Public Health Law Research at Temple University. "Sentinel Surveillance Of Emerging Laws Limiting Public Health Emergency Orders." December 5, 2021.

lawatlas.org/datasets/sentinel...lic-health-authority

Provided by Temple University Center for Public Health Law Research

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