

Nearly half of all states have now passed laws limiting authority to respond to public health emergencies

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Newly updated data released today by the Temple University Center for Public Health Law Research on LawAtlas.org captures details of laws in

21 states that establish new limits on executive authority to act in response to public health emergencies.

"Since January 2021, 21 [states](#) have passed [new laws](#) restricting public health authority related to emergency orders," said Katie Moran-McCabe, Lead Law & Policy Analyst at the Center for Public Health Law Research and supervising researcher on this project. "Laws that restrict the authority of governors and [health agencies](#) to act in times of emergency could significantly impact public health by limiting their ability to take actions necessary to respond to or mitigate the crisis."

States have taken a variety of approaches to curbing public health authority. As of May 20, 2022:

- Twenty-one states now have a newly enacted or amended law in effect that limits state executive authority regarding public health emergency orders.
- Seventeen states limit both the governor's authority and the authority of a state agency or official.
- Fourteen states limit the governor's authority, the authority of a state agency or official, and the authority of a local 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 Utah). Others require elected officials to approve health officer actions (as in North Dakota) or prohibit the governor or health officials from requiring COVID-19 vaccination (as in Tennessee).

Kansas was the first state in 2021 to pass a law limiting public health emergency orders. Kansas is the only state to allow counties to issue a

local order that is less stringent than a governor's order, and to allow a local order to 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 of 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.

The Center for Public Health Law Research, along with the Association of State and Territorial Health Officials, the Network for Public Health Law, and partners from Act for Public Health, will publish additional data in Fall 2022 capturing bills and laws that have limited, shifted, or expanded [public health](#) authority since the beginning of the pandemic.

More information: Sentinel Surveillance of Emerging Laws Limiting Public Health Emergency Orders: [lawatlas.org/datasets/sentinel ... lic-health-authority](https://lawatlas.org/datasets/sentinel...lic-health-authority)

Provided by Temple University Center for Public Health Law Research

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