



STATE OF CONNECTICUT

## GOVERNOR NED LAMONT

September 22, 2021

Sen. Martin M. Looney  
Senate President Pro Tempore

Rep. Matthew Ritter  
Speaker of the House of Representatives

Sen. Bob Duff  
Senate Majority Leader

Rep. Jason Rojas  
House Majority Leader

Sen. Kevin Kelly  
Senate Minority Leader

Rep. Vincent J. Candelora  
House Minority Leader

### **VIA ELECTRONIC DELIVERY**

### **RE: Renewal of Emergency Declarations to February 15, 2022 Pursuant to Special Act 21-5**

Dear Senator Looney, Representative Ritter, Senator Duff, Representative Rojas, Senator Kelly, and Representative Candelora,

I write today to inform you, pursuant to Special Act No. 21-5, that I intend to renew through February 15, 2022 the declarations of public health and civil preparedness emergencies originally declared on March 10, 2020 in response to the COVID-19 pandemic. In accordance with the requirement in Special Act No. 21-5 for approval by the General Assembly of such renewal, today I am issuing a call to the General Assembly to meet in special session no earlier than September 27, 2021. As we have discussed, there remain several reasons why it is prudent and responsible to renew the emergency declarations.

When I last wrote to you regarding an extension of the emergency declarations to September

30, 2021, I warned that despite our notable progress in limiting the spread of COVID-19, the emergency of the Delta variant posed significant and unknown risks, and that our vaccination campaign remained critical to limiting those risks and protecting the vulnerable. Since then, we have unfortunately seen the risks of the Delta variant realized, with a prolonged surge in cases, hospitalizations, and deaths from this new and more contagious variant. In fact, some states have seen their highest rates of hospitalization and severe illness during this most recent surge. At the same time, Connecticut saw case rates increase to levels not seen since early spring.

Still, without our ongoing vaccination campaign, the damage from this highly contagious strain of the disease would have been much worse, and further increasing vaccination rates, along with continued use of masks and other protective measures, holds the best hope of preventing or reducing the effects of another surge from the Delta variant or even more contagious and harmful variants. The fact that we have the lowest case rate in the nation is due in no small part to the fact that Connecticut has the highest percentage of adults vaccinated in the nation and has consistently remained second in the nation in the percentage of our population that is fully vaccinated.

Despite the higher transmissibility of the Delta variant, the currently authorized vaccines remain highly effective and the best method of preventing infection, serious illness, hospitalization, and death from COVID-19. The vast majority of those who died or were hospitalized from COVID-19 were not vaccinated. And while breakthrough cases are possible, emerging data shows that overall, these cases are less serious and those who get them are less likely to infect others. Additionally, one of the best ways to prevent the emergence of even more contagious and more dangerous COVID-19 strains, including those that may evade the effectiveness of current vaccines, is for as many people to be vaccinated as possible.

Several of the few remaining executive orders that remain in effect are critical to the State's ability to continue our vaccination campaign and other critical safety measures, especially masking requirements in schools and certain high-risk settings. A brief description of some of the orders is set forth below. A list of all the orders that I intend to continue together with a short summary of two likely new orders is attached to this letter as Exhibit A.

Requiring the staff of nursing homes and other long term care facilities to be vaccinated ensures that we maintain the progress we have made in protecting our elderly and most vulnerable residents.

Requiring state employees and contractors who regularly visit state hospital facilities to be vaccinated and requiring state employees who work in state owned or controlled buildings to be vaccinated or test regularly ensure that critical state services continue without disruption and that the public, our state employees, and vulnerable populations in the care of the state have adequate protection from a higher risk of infection, serious disease, hospitalization, and death.

Requiring those who work in schools and childcare facilities to be vaccinated or test regularly, and requiring masks in schools, ensures that we use the scientifically proven tools at our disposal to protect our children, most of whom are not yet eligible for the vaccine, from this disease. The increased transmissibility of the Delta variant has resulted in greatly increased spread among children. Inevitably, these higher numbers mean that while at a lower rate than adults, more children experience serious illness, hospitalization, and death, according to the Centers for Disease Control. It should not be controversial that this is both largely preventable and wholly unacceptable.

In addition to enabling the essential vaccination and masking requirements, the remaining handful of active executive orders that I intend to extend have proven highly valuable at responding to the effects of the pandemic on our citizens.

Our temporary changes to the summary process for eviction, combined with UniteCT, our landlord-tenant rent relief program, have greatly increased the chances that both landlords and tenants receive financial relief that keeps residents in their homes and keeps landlords solvent, so much so that UniteCT has been cited by the White House as a national model of how to distribute such relief.

In addition, an executive order that enables the provision of non-congregate housing ensures that those experiencing homelessness and survivors of domestic violence have safe shelter in an environment where they are much less vulnerable to the risks of COVID-19. Despite speculation to the contrary, the federal government has made it clear that we would not receive the roughly \$2 million per quarter in FEMA reimbursement for such efforts without the executive order and the emergency declarations that enabled it. To date, Connecticut has received more than \$7.7 million in cumulative reimbursements related to this order, with approximately \$8 million in additional reimbursements pending. Furthermore, FEMA has also made clear that continuing emergency food assistance for Connecticut residents, amounting to more than \$3.5 million in reimbursable costs to date, will not continue without a renewal of the emergency declaration.

As we have seen, the changing circumstances, including this week's news that at least one vaccine is safe and effective for younger children and the developing federal stance on booster shots, may require additional action with short notice and the flexibility to make rapid adjustments for which the legislative process is not well suited. The emergency declarations make possible, and therefore, should remain in place as we prepare for any possible winter surge and adjust our public health campaign to deal with this continuing emergency.

As the leaders of the General Assembly, you have authority under Special Act 21-5 to reject any executive order issued pursuant to these declarations, and I encourage you to meet, consider all of the COVID-19 orders, and vote on their continuation.

In conclusion, I remain committed to consulting with you and your members regarding this ongoing public health threat and the measures that are necessary to protect Connecticut residents from it. I respectfully urge you to approve a renewal of the emergency declarations through February 15, 2022.

Sincerely,



Ned Lamont  
Governor

cc: Members of the General Assembly

Order Number	Order	EXHIBIT A Summary (not full text)
EO 7EEE-1	(DSS) Authorization for OPM to Direct DSS to Provide CRF Funding to Additional Providers.	This order grants to OPM and DSS the authority to distribute CRF funds received by the State of Connecticut under the Coronavirus Aid, Relief, and Economic Security (CARES Act) to healthcare institutions and other providers to cover necessary expenditures incurred due to the COVID-19 public health emergency. The healthcare institutions and providers must submit reports to show that the funds were utilized on eligible expenditures <b>This order will not be extended.</b>
EO 7P-1	(DPH, DESPP) Authorization to Provide Non-Congregant Housing for Persons at Risk.	This order authorizes the Commissioner of Public Health, Secretary of the Office of Policy and Management, and Commissioners of Emergency Services and Public Protection and Housing to provide or arrange non-congregant housing with sufficient physical distancing capacity for people who, from the nature of their existing housing or working environments, are at increased risk of exposure to, infection with, or transmission of COVID-19, and to seek reimbursement for any resulting expenditures from appropriate federal agencies or other sources.
EO 9-1	(OEC, SDE) Child and Classroom Safety Rules.	The order provides that the Commissioners of Education and Early Childhood, in consultation with the Commissioner of Public Health, may issue binding guidance, rules, or orders for operation of schools or childcare settings to respond to the COVID-19 pandemic. Such rules or binding guidance includes rules related to the mandatory masks and social distancing.
EO 9Q-3	(DOI, DPH) Out-of-Network COVID-19 Immunization.	This order applies only to a situation where an individual, who is fully insured and has out of network benefits, goes to an out of network provider for the COVID vaccine shot. The EO requires the out of network carrier to reimburse the provider at 100% of the Medicare rate. The provider must accept that rate as payment in full. This EO does not affect how much individuals, whether insured or not, pay for the vaccine, because per the federal CARES act, the vaccine must be provided to all individuals free of charge. This EO only affects how much carriers are required to reimburse out of network providers for providing the vaccine to their insured customers.  Without the EO, out of network providers could bill carriers above the Medicare rate and the carrier would have to cover the cost in for the difference between the billed and Medicare rate.
EO 10-4	Use of Commuter Parking Facilities for COVID-19 Testing and Vaccination.	This order modifies the law to by suspending the provision that restricts the use of commuter parking facilities to purposes limited to carpools, vanpools and mass transportation, and Section 13b-29-3 of the Regulations of Connecticut State Agencies is modified to suspend the prohibition on trailer parking, in order to permit at such facilities the establishment of COVID-19 testing and vaccination sites and other activities necessary to respond to the COVID-19 pandemic. <b>This order will not be extended.</b>
EO 12D	(OTG, DOH) Modification of Summary Process	This Order modifies the summary process for evictions by providing a tenant with 30 rather than 3 days to cure from a notice and also directing the courts to suspend summary eviction process by 30 days if either party applies to UniteCT for relief after the proceedings begin.

<p><b>EO 11D-2</b></p>	<p>Modification of State Contracting Statutes to Facilitate Emergency Procurement of Essential Goods (Supersedes Section 1 of Executive Order No. 7Z).</p>	<p>This order authorizes the heads of a state contracting agency to waive the provisions of several state statutes that require (1) the competitive solicitation for all purchases and contracts for supplies, materials and equipment, including, the purchasing, leasing and contracting for information system and telecommunication system facilities, equipment and services; (2) disclosure of certain gifts and campaign contributions by state contractors, prospective state contractors for state contracts over \$50,000 (3) the inclusion of language regarding contractors' civil liability for violations of the state's whistleblower statute (4) the inclusion of certain anti-discrimination terms and policies; and (5) authorization for the State to audit and inspect activities at the contractors' expense. In May 2021, we added language to require the department head or agency head to certify in writing to the specific reason that such exercise meets the requirement that the procurement is essential to respond to the COVID 19 pandemic.</p> <p><b>This order and EO 11D-3 will be repealed and superseded by a narrower order that will allow the head of a state contracting agency to waive the competitive bidding requirements for essential goods and services. The narrowed order continues the requirement for the department or agency head to certify in writing to the specific reasons that such exercise meets the requirement that the procurement is essential to respond to the COVID 19 pandemic.</b></p>
<p><b>EO 11D-3</b></p>	<p>Modification of State Contracting Statutes to Facilitate the Emergency Procurement of Essential Services (Supersedes Section 1 of Executive Order No. 7GG).</p>	<p>'See above</p>
<p><b>13A</b></p>	<p>Mask Rule</p>	<p>This order mandates mask wearing in certain settings for certain persons. It does the following things: (1) it requires unvaccinated persons age two and above to wear a mask when indoors and when they cannot maintain a distance of six feet from other persons and when they do not have a medical exemption; (2) it authorizes the DPH Commissioner to order mask wearing in facilities, venues, and other locations that she deems necessary regardless of the person's vaccination status; (3) it permits municipalities to issue their own mask orders for indoor settings within their jurisdiction regardless of the person's vaccination status; and (4) it permits private and public entities to set their own mask rules for locations under their ownership or control.</p>

<b>13F (Formerly 13B)</b>	Long Term Care Staff Vaccination	This order protects the elderly and vulnerable by requiring that their care takers be vaccinated. The order requires long-term care facilities to not hire or employ staff or contractors who are not fully vaccinated, have not begun vaccination, or who do not have a medical or religious exemption from the vaccination requirement. There is no testing option for this group. Long term-care facilities are defined as residential care homes, assisted living service agencies, intermediate care facilities for individuals with intellectual disabilities, managed residential communities, and chronic disease hospitals. Long-term care facilities must verify the vaccination status of their staff by September 27, 2021 and may not continue the employment of staff or contractors who are not vaccinated or exempt from the requirement. They may also not hire new staff or contractors who do not comply with the vaccination requirement. Failure to comply with this order subjects long-term care facilities to civil penalties.
<b>13C</b>	COVID 19 Vaccination Database	This order permits DPH to disclose a person’s vaccination status to a person’s health care provider, school nurse, or local health director. This order permits health care providers to properly administer booster shots by making a person’s vaccine information readily available even if the person has misplaced their original vaccination card. It also permits school nurses and local health directors to access a person’s vaccination status to properly respond to any COVID outbreaks within their jurisdiction. The order grants the DPH commissioner the authority to set rules for how and when this vaccination information will be released and for what purpose.
<b>13G (formerly 13D)</b>	State, School, and Child Care Employees Vaccination	The order protects children by requiring that their teachers and child-care providers be vaccinated and protects patients in state hospitals by requiring that their state employee care takers be vaccinated. The order also requires state employees more generally to be vaccinated. There is a religious and medical exemption for all workers under the order. There is also a test out option for school, child-care workers, and state workers who do not work in a hospital setting. The state, school boards, and childcare facilities must begin verifying vaccination status of their employees and other specified workers by September 27, 2021. On and after this date they may no longer hire or maintain contracts with person’s who are not fully vaccinated, have not begun vaccination, or do not have an exemption.
<b>13E</b>	Temporary Nurse Aide Program	This order authorizes the Commissioner of Public Health to adopt, amend, implement, suspend and revoke training, competency, scope of practice and temporary hiring policies concerning temporary nurse aides and grant a registration to an individual as a temporary nurse aide who complies with the policies adopted. The order requires an institution hiring a temporary nurse aide to comply with such policies adopted by the Commissioner. The order also modifies certain statutes to preclude temporary nurse aides from engaging in any activity for which a license is required pursuant to Chapter 378 of the Connecticut General Statutes.
<b>New</b>	Vaccine Requirement for Health Care Workers	Vaccine Mandate for health care facilities not included in EO 13F (long term care) and for additional health care workers who provide care to high risk individuals.

<b>New</b>	Reduce Cost of Extended UI Benefits	Reduce cost of extended unemployment insurance benefits for individual employers.
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