



Aug. 27, 2020

To:

Danielle Creech
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Robin Vos
Assembly Speaker
Wisconsin
President, NCSL

From:

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Martha R. Wigton
Director
House Budget
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Georgia
Staff Chair, NCSL

Tim Storey
Executive Director

Subject: Authority of Public Health Officials

Dear Danielle,

Thank you for reaching out to NCSL with your question regarding the powers of public health officials. Since the initial outbreak of COVID-19, state response has hinged on the actions of executive and public health leadership. The authority they have, and where it derives from, varies across states and territories. It remains a key aspect to how each state continues to respond to the pandemic.

I hope you find the following links and information useful. Please let me know if you need any additional information or have any follow-up questions.

Please note that NCSL takes no position on state legislation or laws mentioned in linked material, nor does NCSL endorse any third-party publications; resources are cited for informational purposes only.

Emergency Declarations

In response to the COVID-19 pandemic, every state and territory has made an emergency declaration of some sort. Though most declarations came straight from state governor's offices, the power to do this is sometimes shared between governors and state health officials. For example, in the state of New Mexico the governor [must consult with the state secretary of health](#) prior to making a declaration and before it is terminated. Arizona's statute also states that the governor, along with the state health director, have [primary authority](#) in a state of emergency involving infectious disease.

Stay-at-Home Orders

Every state and territory issued its own stay at home order or advisory since the start of the



COVID-19 pandemic. Many states give their governors and public health officials the power to restrict movement within afflicted areas and even force infected individuals to isolate or quarantine to avoid exposing other to a contagious disease.

For example, Louisiana uses authority given to its governor and state health officials via the [Louisiana Homeland Security and Emergency Assistance Act](#) to impose their stay at home order. The Act gives the governor [authority](#) to regulate the movement of persons into, out of and within the disaster area, which encompasses the entire state in the case of the COVID-19 emergency. It gives the Governor's Office of Homeland Security and Emergency Preparedness and secretary of the state Department of Health the [responsibility and authority](#) to plan and execute public health emergency assessment, mitigation, preparedness response and recovery.

Montana's stay at home order comes from the governor's office but [authorizes](#) the Department of Public Health and Human Services to prevent and mitigate conditions of public importance through measures including [isolation and quarantine](#) and to take action to correct public health deficiencies in buildings or facilities where persons assemble. Local public health officials are [directed](#) to assist the administration implement the order, but local orders are permitted to preempt the state order if they are less restrictive.

Additional Resources:

[NCSL: State Quarantine and Isolation Statutes](#)

[ASTHO: Coronavirus Disease 2019 \(COVID-19\) Response Hub \(interactive map\)](#)

[ASTHO: Stay at Home Orders and Advisories \(interactive map\)](#)

I hope you find this information useful and please do not hesitate to ask me to clarify anything or provide additional information.

Sincerely,

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