Across the country, state and local governments are moving quickly to respond to COVID-19 outbreaks through making emergency declarations. Washington state was the first to do so on February 29th. Emergency declarations can allow officials to quickly secure and utilize targeted funding, in addition to potential allocations from the federal government. According to the Federal Emergency Management Agency (FEMA), the primary form of assistance to states, territories, tribes and localities may come in the form of federal guidance, funding to support enhanced mitigation measures, logistics supply chain analysis, and regulatory relief facilitated through the U.S. Department of Health and Human Services. Every state except West Virginia and three U.S. territories are now reporting cases of COVID-19. Of those, all 49 states have made emergency declarations. State statutes grant special powers in emergencies, although the difference is in the details, such as which public officials have authority in what circumstances. Overall, states wield enormous power and responsibility during public health crisis responses. This responsibility includes:

- Tracking, testing, and organizing infectious disease outbreak responses,
- Spreading awareness and education for prevention measures within their jurisdictions, and
- Serving as a source of clear messaging and factual information for the public.

Eighteen states and Guam activated their National Guards to help with COVID-19 mitigation efforts. Every state also maintains statutes authorizing quarantine and isolation, in times of emergency declarations, usually through the state’s health authority.

Many public health interventions undertaken now and in the coming weeks will be implemented by state and local governments to slow spread of the disease within state government and beyond. Only 24 state legislatures are actively meeting this week, as well as D.C., Guam, Puerto Rico and the U.S. Virgin Islands, with eight additional states temporarily adjourned due to COVID-19. Legislators in Oregon and Wisconsin can hold both virtual meetings and votes during an emergency, and Colorado’s legislature allows for “new or streamlined methods of operations” and may suspend rules to “function effectively during the disaster emergency,” according to NCSL. State legislative leaders are implementing measures clean capitol buildings frequently and extensively. Many lawmakers are not accepting visitors, and state information technology workers are expanding bandwidth so more state employees can work remotely. As of March 16, 21 states restricted travel outside of their state for state employees.

Legislative authority in times of crisis includes opportunities to pass emergency bills and make appropriations to aid in the public emergency response efforts. At least seven states formed Coronavirus/COVID-19 Task Forces. Twelve states adopted or enacted COVID-19-related legislation and six more states have legislation pending to help mitigate the effects of the outbreak, including bills that provide workforce protections or medical coverage. Some states are requiring health insurers waive the cost of COVID-19 testing. Prior to the Covid-19 outbreak, 12 states enacted laws to require paid sick leave, although Maine’s law does not take effect until 2021. Other measures states are taking include:
Six states have enacted budget legislation in response to COVID-19 to help combat the virus. Five states have pending legislation to help schools deal with COVID-19, several related to student e-learning initiatives.

Numerous states have emergency authority related to elections, including provisions to delay elections, change polling places, or do both, because of an emergency, although the details vary significantly. Six states are permitted to delay elections because of an emergency. Louisiana was the first state to take advantage of this opportunity last week, after an announcement by officials that they would postpone their April primary. Other states to follow suit, include Georgia and Kentucky. A number of states already allow for vote-by-mail systems and in some that don’t, including Pennsylvania, legislators are introducing legislation to move to a vote-by-mail system. Other measures taken by states include:

- 36 states closed schools
- 14 states closed bars, restaurants, or other nonessential businesses.
- 16 states limited gatherings of sizes ranging from 25 (Massachusetts) to 250 people.

A number of states opened mobile testing drive-thru clinics, including Colorado, New York, Connecticut, and Washington, but the availability of test kits continues to be a barrier for many.

The Economic Policy Institute warns that it is time to get serious about the COVID-19 economic policy response. Policymakers and the public will need help in distinguishing between smart responses and those that are just ideological opportunism. They predict the COVID-19 related recession will impose even faster and larger costs on state and local governments than is typical.

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Tags: