

Can He Do That? The Governor's Authority to Suspend or Modify Statutes in an Emergency Like the COVID-19 Pandemic

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Like many Governors, Connecticut Governor Ned Lamont has responded to the COVID-19 pandemic with a series of executive orders implementing a variety of emergency measures, including prohibiting large gatherings, closing schools and nonessential businesses, and mobilizing the state's healthcare response.¹ One feature of these Executive Orders that many may find surprising is that the orders suspend or modify numerous statutes governing matters ranging from the patients' bill of rights to the date of the Presidential primary election to statutes of limitations to the start of fishing season.² Can the Governor do this?

There is a statute that appears to answer this question: Connecticut General Statutes § 28-9(b)(1) states that, if the Governor declares a civil preparedness or public health emergency, he "may modify or suspend in whole or in part ... any statute, regulation or requirement" that he finds to be "in conflict with the efficient and expeditious execution of civil preparedness functions or the protection of the public health." But assuming it applies here, this statute simply pushes the question further back a step. The Connecticut Constitution gives the General Assembly the legislative power to enact, amend and repeal statutes. Can the Assembly instead authorize the Governor to temporarily repeal or rewrite any statute on the books because there is an emergency?

This article provides some background on § 28-9, assesses whether the Governor's executive orders comply with the statute, analyzes the constitutionality of the statute and concludes with some suggestions for addressing doubts about the statute's constitutionality.

Background on Connecticut General Statutes § 28-9

Before tackling the constitutional questions raised by § 28-9, some background on the statute is helpful. The predecessor to this statute was enacted in the middle of World War II and authorized the Governor to suspend or modify statutes that hindered the war effort.³ The law was the subject of some controversy, including constitutional concerns, and was not reenacted

¹ See *Conn. Exec. Order Nos. 7 to 7N (March 12-26, 2020)*, available at <https://portal.ct.gov/Office-of-the-Governor/Governors-Actions/Executive-Orders/Governor-Lamonts-Executive-Orders>.

² See *Conn. Exec. Order No. 7 ¶ 1 (March 12) (modifying right of nursing home patients under Conn. General Statutes § 19a-550(b)(12) to receive visitors)*; *Conn. Exec. Order No. 7A ¶ 1 (further modifying right of nursing home patients under Conn. General Statutes § 19a-550(b)(12) to receive visitors)*; *Conn. Exec. Order No. 7G ¶ 1 (modifying Conn. General Statutes § 2-464 to postpone the presidential primary to June 2)*; *id.* ¶ 2 (suspending multiple judicial deadlines and time requirements, including statutes of limitation and speedy trial act requirements); *Conn. Exec. Order No. 7L ¶ 1 (opening fishing season early, provided that anglers practice social distancing)*.

³ See *P.A. 1943-4 § 3 (May 12, 1943)*.

after its expiration in February 1944.⁴ The law was revived early in the Korean War as part of a broader Act Concerning the Civil Defense of the State of Connecticut.⁵ The power to suspend or modify statutes was limited to responding to a "civil defense emergency," defined as "an enemy attack, sabotage or other hostile action within the state or a neighboring state, or in the event of the imminence thereof."⁶ Legislative leaders told the press that they sought to pass the law "as speedily as possible to strengthen the state's defense against possible atom bomb attack and sabotage."⁷ The act was to expire less than a year later, on June 1, 1951, but was reenacted for another two years in 1951 and made permanent in 1953.⁸

In 1953, the definition of "civil defense emergency" was also broadened to include a "serious natural disaster," and in 1975, the act was amended to apply to any "serious disaster," which included a variety of man-made disasters such as "fire" and, particularly relevant here, "epidemic."⁹ In 2003, the definition section was revised and "major disaster" was narrowed to natural disasters and catastrophic events such as fire or explosions and the reference to epidemic omitted.¹⁰ This is probably because the General Assembly had enacted earlier that year a separate act concerning public health emergency response granting specific powers to the Governor to address epidemics and other similar public health emergencies.¹¹ But in 2010, § 28-9(b)(1) was amended again to permit the Governor to suspend or modify statutes upon "declaration of a public health emergency pursuant to section 19a-131a."¹²

In its current form, the statute authorizes the Governor to issue an order that "modif[ies] or suspend[s] ... any statute, regulation or requirement or part thereof" if four criteria are met. First, the order must be issued "[f]ollowing the Governor's proclamation of a civil preparedness emergency pursuant to subsection (a) of this section or declaration of a public health emergency pursuant to section 19a-131a." Second, the Governor must make a finding that the statute, regulation or requirement "is in conflict with the efficient and expeditious execution of civil preparedness functions or the protection of the public health" and must "specify in such order the reason or reasons therefor and any statute, regulation or requirement or part thereof

⁴ See "War Bills Held After Opposition," *Hartford Courant*, January 13, 1943, at 1 (reporting that Rep. Spencer "attacked what he called 'carte blanche' delegation of legislative powers to the Governor while the General Assembly session still has a long time to run and likened the proposal to an act by the Legislature to 'throw the whole thing in the lap of the Governor and go out to lunch.' ... He also claimed the proposed delegation was 'unconstitutional and void' anyway.").

⁵ See P.A. 1950-4 (September 19, 1950); Keith Schonrock, "Bowles May Call on Assembly to Act on Civil Defense," *Hartford Courant*, August 10, 1950, at 4 (noting that Gov. Bowles began considering a special legislative session to consider civil defense shortly after the Korean war began).

⁶ See P.A. 1950-4, § 1 (September 19, 1950).

⁷ Keith Schonrock, "Legislature Will Convene Next Tuesday," *Hartford Courant*, August 29, 1950, at 1. In discussing the reenactment and codification of the act the following year, the example of a "hostile bombing" of large cities was offered as a situation covered by the act. *Conn. Gen. Assembly House Proceedings, 1951 Special Session*, at 2054 (statement of Rep. Bauer).

⁸ See P.A. 1950-4, § 19 (September 19, 1950); P.A. 1951-1, § 20 (June 13, 1951); P.A. 1953-239 § 5 (May 22, 1953).

⁹ See P.A. 1953-239 § 1 (May 22, 1953); P.A. 1975-643 § 1.

¹⁰ See P.A. 2003-6, § 166 (June 30 Sp. Sess., August 20, 2003) (amended *Conn. Gen. Stat.* § 28-1).

¹¹ P.A. 2003-236 (Reg. Sess., July 9, 2003), codified as amended at *Conn. Gen. Stat.* §§ 19a-131, *et seq.*

¹² See P.A. 2010-50 § 1 (May 18, 2010).

to be modified or suspended." Third, the Governor's order must specify "the period, not exceeding six months unless sooner revoked, during which such order shall be enforced." Finally, the order's "full text" must be filed in the office of the secretary of state, at which time the order "shall have the full force and effect of law."¹³

Connecticut Governors have invoked § 28-9(b)(1) on a number of occasions. Governor Rell invoked the statute in response to the bombing of a train in London to modify various statutes to authorize New York police officers providing additional security on Connecticut-New York commuter trains to act as police officers in Connecticut.¹⁴ More recently, Governor Malloy repeatedly invoked § 28-9(b)(1) to modify certain restrictions on emergency services and to suspend various registration and tax filing deadlines in response to Hurricane Sandy and other major storms.¹⁵

Governor Lamont's Executive Orders

Between March 10 and April 3, Governor Lamont has issued 21 Executive Orders with 97 separate directives modifying or suspending hundreds of statutes.¹⁶ There is considerable variation in the suspensions and modifications, but most fit into one of the following categories.

Facilitating the Provision of Health Products and Services. A number of the orders suspend or modify statutory requirements that may delay or obstruct the rapid and efficient provision of healthcare products and services to address the COVID-19 pandemic.¹⁷ For example, several statutes are suspended and modified to facilitate the manufacture and sale of hand sanitizer by

¹³ "The Secretary of the State shall, not later than four days after receipt of the order, cause such order to be printed and published in full in at least one issue of a newspaper published in each county and having general circulation therein, but failure to publish shall not impair the validity of such order." Conn. Gen. Stat. § 28-9(b)(1). The Governor must also communicate the order "at the earliest date to both houses of the General Assembly," *id.*, but the legal effect of failing to do so is not specific in the statute.

¹⁴ Gov. Rell, Exec. Order Nos. 8-8a (July 7, 2005), available at <https://www.ct.gov/Governorrell/cwp/view.asp?A=1719&Q=296122>

¹⁵ See Gov. Malloy, Exec. Order Nos. 12-16, 21-28, 30, 43-44 (October 28, 2012 – February 9, 2013), available at <https://portal.ct.gov/Office-of-the-Governor/Governors-Actions/Executive-Orders/Active-Executive-Orders-from-Previous-Governors>.

¹⁶ Governor Lamont's Executive Orders Nos. 7-7T are available online at <https://portal.ct.gov/Office-of-the-Governor/Governors-Actions/Executive-Orders/Governor-Lamonts-Executive-Orders>. An appendix to this article contains a paragraph-by-paragraph summary of each order, identifying the apparent statutory basis for each paragraph. Some of the suspensions and modifications apply only to regulations and not statutes, see, e.g., Lamont, Exec. Order Nos. 7I, ¶ 10; 7L, ¶ 4, and some rest in part on other statutory grounds, see e.g., *id.* Nos. 7 ¶ 3 (suspending 180-day school year requirement, in part based on Conn. General Statutes § 10-15); 7O (modifies health inspection and licensing regulations based primarily on Conn. General Statutes § 19a-131j).

Note that some of the Governor's most widely publicized executive orders, such as those prohibiting large gatherings or limiting in-person work at nonessential businesses, do not appear to modify any statute or regulation. The statutory authority for these orders is not clear, but they may rest on the Governor's broad authority to respond to civil preparedness emergencies under Conn. General Statutes § 28-9(b)(7)-(8). As noted below, however, the COVID-19 pandemic likely does not qualify as a civil preparedness emergency under the statute.

¹⁷ The appendix contains our paragraph-by-paragraph categorization of the rationale(s) for each paragraph of an Executive Order suspending or modifying a statute under Conn. General Statutes § 28-9(b)(1).

out-of-state manufacturers and liquor distillers,¹⁸ facilitate reporting of COVID-19 cases and sharing of patient information,¹⁹ defer background checks on long-term care employees²⁰ and facilitate access by healthcare workers to healthcare facilities where they do not normally work.²¹ The Governor has also suspended copayments for certain Medicare Part D beneficiaries and the state's children's health insurance program, HUSKY B.²²

Government Mobilization. A number of the orders suspend or modify statutory requirements that may delay or hinder the ability of state agencies and local governments to respond to the COVID-19 pandemic. For example, statutes limiting the rehiring of retired state and municipal employees are suspended to enable state agencies and local governments to rapidly regain experienced personnel.²³

Encouraging Social Distancing and Reducing Transmission. A number of the orders suspend or modify statutes requiring in-person interactions that could increase the spread of COVID-19. For example, the Governor has modified or suspended several statutory requirements to close most public schools, suspend testing and facilitate online education.²⁴ The Governor has also modified the notarization statute to allow remote notarization, and he has suspended or modified numerous statutes requiring in-person meetings of corporate shareholders, municipal bodies and state agencies²⁵ and requiring or permitting in-person interviews, inspections, applications or hearings before courts or state agencies.²⁶ Several statutes also are modified to facilitate telehealth services, which expand healthcare access while promoting social distancing.²⁷

Mitigating the Impact of Social Distancing Measures. The Governor has also suspended or modified a number of statutes in an apparent effort to mitigate hardships resulting from his social distancing requirements. For example, given the greater need for child care as a result of school closures, the Commissioner of the office of early childhood is authorized to waive statutory requirements as necessary "to maintain a sufficient capacity of childcare services."²⁸ Similarly, statutory requirements for graduation and secondary education are modified to authorize the Commissioner of Education to temporarily waive requirements as needed to "address the repercussions of ... class cancellations" on students.²⁹

Extension of Time Limits. Many of the Governor's directives extend deadlines for tax and other agency applications and filings and for court filings, hearings, notices and decisions. As many attorneys have noted, the Governor has suspended statutes of limitation and many other

¹⁸ See *Lamont*, Exec. Order Nos. 7B ¶ 2; 7O ¶ 3.

¹⁹ See *Lamont*, Exec. Order No. 7C ¶ 10.

²⁰ See *Lamont*, Exec. Order No. 7K ¶ 5.

²¹ See *Lamont*, Exec. Order No. 7O ¶ 2.

²² See *Lamont*, Exec. Order No. 7I ¶¶ 2-4.

²³ See *Lamont*, Exec. Order Nos. 7J ¶ 4; 7L ¶ 3.

²⁴ See *Lamont*, Exec. Order No. 7 ¶ 3; 7E ¶ 1; 7I ¶¶ 5, 14; 7N ¶ 7.

²⁵ See *Lamont*, Exec. Order Nos. 7B ¶ 1; 7F ¶ 4; 7I ¶¶ 8, 11, 19.

²⁶ See *Lamont* Exec. Order Nos. 7B ¶ 5; 7F ¶ 4; 7I ¶¶ 8, 16; 7L ¶ 7.

²⁷ See *Lamont* Exec. Order Nos. 7F ¶ 3; 7G ¶ 5.

²⁸ *Lamont* Exec. Order No. 7B ¶ 6; see also *id.* No. 7O ¶ 4.

²⁹ *Lamont* Exec. Order No. 7C ¶ 2; see also *id.* No. 7B ¶ 7; 7C ¶ 4.

deadlines for filings, hearings and court decisions or notices.³⁰ As discussed further below, the precise connection between these time extensions and the COVID-19 pandemic is unclear.

Do the Governor's Executive Orders Comply With § 28-9(b)(1)?

Many of the Governor's orders readily satisfy the plain text of § 28-9(b)(1), while a number of others raise some difficult questions of statutory interpretation.³¹

Existence of an Emergency. Section 28-9(b)(1) can be invoked only if the Governor has declared a civil preparedness emergency (defined in Connecticut General Statutes § 28-1) or a public health emergency (defined in § 19a-131). In a March 10 letter to the secretary of state and both houses of the Legislature, the Governor declared both a civil preparedness and a public health emergency.³² There is little doubt that the spread of COVID-19 constitutes at least a public health emergency, which is defined to include an epidemic or pandemic, and both the World Health Organization and the Centers for Disease Control and Prevention (CDC) have determined that COVID-19 is a pandemic.³³ The Governor's declaration of a public health emergency thus seems entirely appropriate and well supported.

The scope of the Governor's authority under § 28-9(b)(1) arguably depends on the emergency to which he is responding, and thus it is worth considering whether, in addition to a public health emergency, there is also a civil preparedness emergency. A civil preparedness emergency is defined as an "emergency declared by the Governor ... in the event of serious disaster or of enemy attack, sabotage or other hostile action within the state or a neighboring state, or in the event of the imminence of such an event."³⁴ The statute does not define serious disaster but

³⁰ See *Lamont Exec. Order Nos. 7G ¶ 2; 7K ¶ 1*.

³¹ *There is only one case citing Connecticut General Statutes § 28-9, and that case does not apply § 28-9 but rather to the grant of government immunity in § 28-13 that is triggered by declaring an emergency under § 28-9. See Sena v. Am. Med. Response of Connecticut, Inc.*, 333 Conn. 30, 52 (2019). The attorney general has provided some guidance on the operation of the civil preparedness emergency statutes but has not provided guidance on the application of § 28-9(b)(1). See Letter to J. Canale, 1984 Conn. Op. Att'y Gen. 82 (1984) (advising on Department of Housing authority to fund temporary housing for flood victims); Letter to F. Mancuso, 1984 Conn. Op. Att'y Gen. 234 (1984) (advising on availability for compensation for members of local civil preparedness force).

³² See Letter from Gov. Lamont to the Hon. D. Merrill, F. Jortner and M. Jefferson Re: Declaration of Public Health and Civil Preparedness Emergencies (March 10), available at <https://portal.ct.gov/-/media/Office-of-the-Governor/News/20200310-declaration-of-civil-preparedness-and-public-health-emergency.pdf>. President Donald Trump recently approved the governor's declaration of a major disaster, authorizing the Federal Emergency Management Agency (FEMA) to make federal emergency aid funding to Connecticut. See FEMA, "President Donald J. Trump Approves Major Disaster Declaration for Connecticut," Release No. HQ-20-045 (March 29), available at <https://www.fema.gov/news-release/2020/03/29/president-donald-j-trump-approves-major-disaster-declaration-connecticut>; see also generally 42 U.S.C. 5170 (describing procedure for President's approval of a state declaration of major disaster).

³³ See Conn. Gen. Stat. § 19a-131(8); WHO, WHO director-general's opening remarks at the media briefing on COVID-19 (March 11), available at <https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19--11-march-2020>; CDC, coronavirus disease situation summary (updated March 26), available at <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/summary.html#covid19-pandemic>.

³⁴ Conn. Gen. Stat. § 28-1(7); see also *id.* § 28-9(a). The COVID-19 pandemic is clearly not an "enemy attack, sabotage or other hostile action."

does define major disaster as "any catastrophe including, but not limited to, any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm or drought, or, regardless of cause, any fire, flood, explosion, or man-made disaster in any part of this state" that is declared to be a disaster by the President or by the Governor.³⁵ The President's recent approval of the Governor's declaration of a major disaster may be viewed as providing some additional support to the Governor's determination that there is a civil preparedness emergency.³⁶ But there is a strong textual argument that the COVID-19 pandemic is not a civil preparedness emergency.³⁷ The statutory list of major disasters does not specifically include diseases, and the enumerated man-made disasters involve discrete catastrophic events that are not similar in kind to the spread of a communicable disease.³⁸ This inference is reinforced by the Legislature's amendment of the definition of major disaster to remove "epidemic" shortly after enacting the public health emergency statutes.³⁹ Further, the Legislature's later addition of "public health emergency" as a basis for modifying statutes in § 28-9(b)(1) likely would be superfluous if the spread of communicable diseases constituted a major disaster and thus a civil preparedness emergency that already was covered by the statute.⁴⁰

Finding of Conflict. A statute can be suspended or modified under § 28-9(b)(1) only if the Governor finds that it is in conflict with the efficient and expeditious execution of civil preparedness functions or the protection of the public health. While none of the Executive Orders expressly state that a statute is in conflict with the protection of the public health, many of them – particularly those designed to facilitate provision of healthcare products and services or to promote social distancing – contain findings that strongly support a finding of conflict. For example, the Governor's finding of a "critical shortage of hand sanitizer and personal protective equipment" – a widely reported problem – provides strong support for his decision to modify or suspend certain statutory requirements for the production of these healthcare products.⁴¹ Similarly, the Governor's findings that COVID-19 "spreads easily" and that social distancing is a strategy for reducing transmission recommended by the CDC and Connecticut Department of Public Health provide strong support for a finding that statutes requiring in-person meetings,

³⁵ *Conn. Gen. Stat. § 28-1(2)*.

³⁶ See *supra* n.32. The definition of major disaster in § 28-1(7) is quite similar to the definition of major disaster in 42 U.S.C. § 5122(2), suggesting that the President's determination that the COVID-19 pandemic constitutes a major disaster may be entitled to some weight in construing the statute.

³⁷ Note that if this is true, then the Governor also could not rely on Connecticut General Statutes § 28-9(b)(7)-(8) to justify the Executive Orders that do not modify or suspend statutes discussed in note 16, above.

³⁸ See *Balloli v. New Haven Police Dep't*, 324 Conn. 14, 23 (2016) ("When determining the legislature's intended meaning of a statutory word, it also is appropriate to consider the surrounding words pursuant to the canon of construction *noscitur a sociis*." (quoting *Graham Cty. Soil & Water Conservation Dist. v. United States ex rel. Wilson*, 559 U.S. 280, 287 (2010)); *State v. Certain Contraceptive Materials*, 126 Conn. 428, 430–31 (1940) (explaining "the rule of construction known as '*ejusdem generis*,' which is that where general words follow an enumeration of persons or things, by words of particular and specific meaning, the general words will not be construed in their widest sense, but are to be held as applying only to persons or things of the same general kind or class as those specifically enumerated").

³⁹ See P.A. 2003-6, § 166 (June 30 Sp. Sess., August 20, 2003) (amended § 28-1); *supra* p. 2 & n.11.

⁴⁰ See P.A. 2010-50 § 1 (May 18, 2010); *supra* p. 2 & n.12.

⁴¹ *Lamont, Exec. Order 70*, at 1; see also *id.* No. 7B ¶¶ 2-3.

hearings or other transactions are in conflict with protection of the public health.⁴²

The Governor's orders suspending or modifying statutory requirements to facilitate the mobilization of government agencies also may be justified by a finding of statutory conflict, although the question is a little closer. For example, the Governor's suspension of statutory limits on rehiring retired government employees is based on his finding that the "COVID-19 pandemic has created staffing disruptions in state agencies and has also increased the need for services provided by state agencies, resulting in critical skills shortages in certain areas, including those related to healthcare and public safety."⁴³ Statutory limits that result in a shortage of government employees with healthcare skills, and perhaps "public safety" skills, are arguably in conflict with protection of the public health. But the Governor's orders are not limited to filling government posts that require these skills and instead suspend retiree hiring limits for all government posts.

This raises interesting and as yet unaddressed questions about the application of § 28-9(b)(1). First, if there is a public health emergency but not a civil preparedness emergency, can the Governor suspend or modify statutory requirements on the grounds that they are in conflict with the efficient and expeditious execution of civil preparedness functions – a more permissive standard than protection of the public health?⁴⁴ Second, although § 28-9(b)(1) does not contain a necessity or least-restrictive means requirement, does it authorize statutory modifications or suspensions that sweep more broadly than necessary to execute civil preparedness functions or to protect public health?

The Governor's orders extending deadlines and attempting to mitigate the impact of social distancing and other measures are still more difficult to justify. For example, enforcing statutory requirements to deny graduation or course credit to students whose classes have been canceled would impose significant hardship and unfairness but does not appear to conflict with civil preparedness functions or public health.⁴⁵ Similarly, extending statutes of limitations and other statutory deadlines may prevent hardship or unfairness to individuals and businesses whose activities have been disrupted by COVID-19 and the resulting restrictions, but loss of untimely claims is in no apparent conflict with protecting public health or executing civil preparedness functions.⁴⁶ It could be argued that suspending statutes of limitations promotes social distancing by reducing the need for in-person interactions such as service of process or investigation of claims that would be necessary to timely bring a claim.⁴⁷ But the Governor's orders do not explicitly contain such a finding.⁴⁸

⁴² See, e.g., *Lamont*, Exec. Order No. 7, at 1; 7B, at 1.

⁴³ *Lamont*, Exec. Order No. 7J, at 2; see also *id.* No. 7L, at 2 (similar finding for municipal employees).

⁴⁴ The term "civil preparedness" is broadly defined to include most governmental activities and services involved in responding to an enemy attack or major disaster. See Conn. Gen. Stat. § 28-1(4).

⁴⁵ See, e.g., *Lamont*, Exec. Order No. 7C ¶¶ 2-3.

⁴⁶ See, e.g., *Lamont* Exec Order. No. 7G ¶ 1.

⁴⁷ Court closures or shifts to remote operations likely would not justify suspending statutes of limitation, because one need not appear in person in court to effect service or to file a complaint or return of service.

⁴⁸ See *Lamont*, Exec. Order No. 7H, ¶ 1.

Another statutory construction question arises from the fact that about half of the Governor's statutory suspensions or modifications leave it to one or more agencies to specify how a statute will be modified or suspended. In some cases, the Governor provides a fairly clear idea of how the statute should be modified but leaves it to an agency to fill in the details.⁴⁹ In other cases, the Governor simply refers to a large or unspecified body of statutes and leaves it to an agency to decide what, if any, statutory requirements should be modified.⁵⁰ This raises the (also unanswered) question of whether the Governor may delegate the authority granted under § 28-9(b)(1).

Duration Limitations. Each of the executive orders provides that "[u]nless specified herein, each provision of this order shall take effect immediately and shall remain in effect for the duration of the public health and civil preparedness emergency, unless earlier modified or terminated by me."⁵¹ The Governor's declarations of a civil preparedness emergency and a public health emergency in turn provide that the emergencies shall remain in effect for six months (until September 9) unless earlier terminated.⁵² The executive orders thus comply with the six-month limit in § 28-9(b)(1).⁵³

Is Section 28-9(b)(1) Constitutional?

Article Second of the Connecticut Constitution sets down the general rule that "[t]he powers of government shall be divided into three distinct departments, and each of them confided to a separate magistracy, to wit, those which are legislative, to one; those which are executive, to another; and those which are judicial, to another."⁵⁴ Modeled on the federal Constitution's tripartite system, Article Second puts into force "one of the fundamental principles of the American constitutional system" – the separation of powers.⁵⁵ "There can be no liberty," the

⁴⁹ See, e.g., Lamont, Exec. Order No. 7B ¶ 5 (suspending § 17b-688c to authorize the commissioner of social services to provide temporary family assistance prior to an applicant's employment services interview, consider COVID-19 in making its finding of good cause and issue implementing orders).

⁵⁰ See, e.g., Lamont, Exec. Order No. 7B ¶ 7 (modifying §§ 19a-610 to 689, which govern certificates of need and establishment of healthcare facilities and related rules and regulations to authorize the executive director of the Office of Health Strategy to waive statutory requirements as necessary "to ensure that adequate healthcare resources and facilities are available"); *id.* No. 7M ¶ 3 (authorizing every department head, commissioner, agency head, and board and commission of the state to extend any statutory or regulatory time requirements or deadlines as necessary to respond to the COVID-19 pandemic or its effects, "[n]otwithstanding any provision of the Connecticut General Statutes, any regulation, or other provision of law").

⁵¹ E.g., Lamont, Exec. Order No. 7C, at 5.

⁵² Letter from Gov. Lamont to the Hon. D. Merrill, F. Jortner and M. Jefferson Re: Declaration of Public Health and Civil Preparedness Emergencies (March 10), available at <https://portal.ct.gov/-/media/Office-of-the-Governor/News/20200310-declaration-of-civil-preparedness-and-public-health-emergency.pdf>.

⁵³ One recent order modifies Connecticut General Statutes § 17b-8 "retroactive to the declaration of public health and civil preparedness emergency on March 10, 2020," to authorize the Commissioner of Social Services to submit or amend certain Medicaid waivers. Lamont, Exec. Order No. 7S, ¶ 5. It is not clear how such a retroactive order would comply with § 28-9(b), which provides that "[a]ny such order shall have the full force and effect of law upon the filing of the full text of such order in the office of the Secretary of the State."

⁵⁴ Conn. Const. Art. II.

⁵⁵ *Stolberg v. Caldwell*, 175 Conn. 586, 598 (1978).

framers of the federal Constitution thought, "where the legislative and executive powers are united in the same person."⁵⁶ The drafters of the Connecticut Constitution of 1818 concurred, and they set out to "define[], limit[], and separate[]" power so that a "government of men [would be] superseded by a government of laws."⁵⁷

Despite the Constitution's division of power into "three distinct departments," the Connecticut Supreme Court has long employed a more flexible, functionalist approach to the separation of powers. The court's cases hold that "[e]xecutive, legislative and judicial powers, of necessity overlap each other, and cover many acts which are in their nature common to more than one department."⁵⁸ Thus "in deciding whether one branch's actions violate the constitutional mandate of the separation of powers doctrine, the court will consider if the actions constitute: (1) an assumption of power that lies exclusively under the control of another branch; or (2) a significant interference with the orderly conduct of the essential functions of another branch."⁵⁹

This pragmatic approach is reflected in Connecticut's version of the nondelegation doctrine. In *State v. Stoddard*, the Connecticut Supreme Court drew on federal constitutional case law to articulate the limits on the delegation of legislative authority to the executive branch:

A Legislature, in creating a law complete in itself and designed to accomplish a particular purpose, may expressly authorize an administrative agency to fill up the details by prescribing rules and regulations for the operation and enforcement of the law. In order to render admissible such delegation of legislative power, however, it is necessary that the statute declare a legislative policy, establish primary standards for carrying it out, or lay down an intelligible principle to which the administrative officer or body must conform, with a proper regard for the protection of the public interests and with such degree of certainty as the nature of the case permits. ...⁶⁰

The "intelligible principle" test, first articulated in federal cases and adopted in *Stoddard*, leaves considerable room for interpretation, and "[a]s the complexity of economic and governmental conditions has increased over the years, courts have tended to approve ever broader standards to facilitate the operational functions of administrative agencies."⁶¹ *Stoddard* is one of the few cases in which the Connecticut Supreme Court has invalidated a statute on nondelegation grounds. There the court found no intelligible principle in a statute appointing a "milk administrator" with the power to set minimum prices for milk, "tak[ing] into consideration the type

⁵⁶ *The Federalist No. 47*, 325 (J. Cooke ed. 1961).

⁵⁷ *Appeal of Norwalk St. Ry. Co.*, 37 A. 1080, 1084 (Conn. 1897) (quoting Trumbull, *Hist. Notes Const. Conv. 1818*, p. 59).

⁵⁸ *Seymour v. Elections Enf't Comm'n*, 255 Conn. 78, 107(2000).

⁵⁹ *Id.* (quoting *Massameno v. Statewide Grievance Comm.*, 234 Conn. 535, 552–53 (1995)).

⁶⁰ *State v. Stoddard*, 126 Conn. 623, 628, (1940) (citing *Panama Ref. Co. v. Ryan*, 293 U.S. 388, 430 (1935); *J.W. Hampton, Jr., & Co. v. United States*, 276 U.S. 394, 409 (1928); *Wichita R. & Light Co. v. Pub. Utilities Comm'n of the State of Kan.*, 260 U.S. 48, 59 (1922); *Appeal of Connecticut Co.*, 89 Conn. 528, 94 A. 992, 994 (Conn. 1915)); accord *Hogan v. Dep't of Children & Families*, 290 Conn. 545, 572 (2009) (quoting controlling standard articulated in *Stoddard*).

⁶¹ *Wilson v. Connecticut Prod. Dev. Corp.*, 167 Conn. 111, 120 (1974).

of container used and other cost factors which should influence the determination of such prices."⁶²

In more recent decades, the nondelegation doctrine has largely fallen into disuse. The U.S. Supreme Court has not struck down a statute on nondelegation grounds since the 1930s.⁶³ The Connecticut Supreme Court, too, has seldom even mentioned the doctrine except to note that it may now have "eroded to virtual nonexistence."⁶⁴ That said, the state Supreme Court at least formally continues to recognize the doctrine as a component of "the fundamental nature of the separation of powers."⁶⁵ And at the federal level, a majority of the U.S. Supreme Court appears poised to apply the nondelegation doctrine with renewed vigor in the years ahead.⁶⁶

How does § 28-9(b)(1) fare under these standards? To start, this depends to some extent on what the statute means. As a plurality of the U.S. Supreme Court recently stated, because the nondelegation question turns on what authority the legislature has granted, the "inquiry always begins (and often almost ends) with statutory interpretation."⁶⁷ Thus, before deciding whether § 28-9(b)(1) improperly delegates legislative authority, a court likely would address some of the statutory interpretation questions we have raised above. If the court is concerned about the breadth of the statute, it could alleviate some of those concerns by narrowly construing the authority granted to the Governor. Such a saving construction might preserve the constitutionality of § 28-9(b)(1) but undercut the validity of some of the Governor's more questionable invocations of the statute discussed above.

But even a narrowed § 28-9(b)(1) may raise delegation questions. To be sure, there is a simple case for constitutionality of the statute. The core statutory standard for suspension or modification of the law – conflict with the efficient and expeditious execution of civil preparedness functions or the protection of the public health – is an intelligible principle at least as clear as other previously upheld statutes.⁶⁸ This principle, even if broad, is limited to

⁶² *Stoddard*, 126 Conn. at 625, 633. The court also noted that the statute's statement of purpose made no reference to consumers and thus provided no guidance for setting minimum milk prices paid by consumers. See *id.*

⁶³ See *Gundy v. United States*, 139 S. Ct. 2116, 2129 (2019) (plurality opinion of Kagan, J.) ("Only twice in this country's history (and that in a single year) have we found a delegation excessive – in each case because 'Congress had failed to articulate any policy or standard' to confine discretion." (quoting *Mistretta v. United States*, 488 U.S. 361, 372 (1989); citing *A.L.A. Schechter Poultry Corp. v. United States*, 295 U.S. 495 (1935); *Panama Refining Co. v. Ryan*, 293 U.S. 388 (1935))); see also *id.* at 2139 (Gorsuch, J., dissenting) (attributing the doctrine's decline to a "mutated version of the 'intelligible principle' doctrine that 'has no basis in the original meaning of the Constitution, in history, or even in the decision from which it was plucked'").

⁶⁴ *Bottone v. Town of Westport*, 209 Conn. 652, 665 n.13 (1989).

⁶⁵ *Id.* at 662.

⁶⁶ *Gundy*, 139 S.Ct. at 2131-48 (Gorsuch, J., joined by Roberts, C.J., and Thomas, J., dissenting); *id.* at 2131 (Alito, J., concurring in the judgment) ("If a majority of this Court were willing to reconsider the approach we have taken for the past 84 years, I would support that effort."); see also *Paul v. United States*, 140 S. Ct. 342 (2019) (Kavanaugh, J., respecting the denial of certiorari) ("Justice Gorsuch's thoughtful *Gundy* opinion raised important points that may warrant further consideration in future cases.").

⁶⁷ *Gundy*, 139 S. Ct. at 2123 (opinion of Kagan, J.).

⁶⁸ See, e.g., *Wilson Point Property Owners Assn.*, 145 Conn. 243, 267-68 (1958) (holding that statute requiring agency to weigh "public convenience and necessity" of new development against certain zoning standards supplied an intelligible principle); see also *Gundy*, 139 S. Ct. at 2129 ("We have

emergency situations and limited in time to six months.⁶⁹ And given the difficulty of foreseeing emergency circumstances and determining in advance the appropriate response, the statutory standard is "described as definitely as is reasonably practicable under the circumstances."⁷⁰

While these arguments are not without force, they do not address another troubling feature of § 28-9(b)(1): It authorizes the Governor to suspend or modify statutes enacted by the General Assembly. It is the province of the legislature and not the other branches to amend statutes.⁷¹ Section 28-9(b)(1)'s attempt to delegate to the Governor this exclusively legislative power arguably results in an "assumption of power that lies exclusively under the control of another branch."⁷²

This makes § 28-9(b)(1) quite unlike other Connecticut statutes challenged on nondelegation grounds. Those statutes "authorize[d] an administrative agency to fill up the details" of a statutory framework defining the agency's powers and objectives – "a law complete in itself" – "by prescribing rules and regulations for the operation and enforcement of the law."⁷³ The statutory framework made "clear to the delegee 'the general policy' he must pursue and the 'boundaries of [his] authority.'"⁷⁴ Here, by contrast, Section 28-9(b)(1) authorizes the Governor to rewrite rather than "fill up" the details of statutory schemes that he thinks must give way to the present emergency.

The breadth of the power granted by § 28-9(b)(1) is also striking. The Governor's suspension and modification powers are not limited to a particular act, chapter or title but rather embrace every provision of the General Statutes. Read literally, § 28-9(b)(1) authorizes the Governor to modify or suspend criminal statutes to permit conduct that was a crime or to make a crime conduct that was permitted.⁷⁵ The Governor also could change the rules governing his own

approved delegations to various agencies to regulate in the 'public interest.' We have sustained authorizations for agencies to set 'fair and equitable' prices and 'just and reasonable' rates. We more recently affirmed a delegation to an agency to issue whatever air quality standards are 'requisite to protect the public health.'" (internal citations omitted).

⁶⁹ Cf. *Gundy*, 139 S. Ct. at 2128 (noting that statute granted "the Attorney General only time-limited latitude to excuse pre-Act offenders from the statute's requirements").

⁷⁰ *Hogan*, 290 Conn. at 572 (quoting *State v. Campbell*, 224 Conn. 168, 180 (1992)); see also *id.* ("In delegating authority to an administrative board [however] the legislature cannot know or foresee all the possibilities that might arise." (quoting *Wilson Point Property Owners Assn.*, 145 Conn. at 267)).

⁷¹ See, e.g., *Okeke v. Comm'r of Pub. Health*, 304 Conn. 317, 329 (2012) ("Our function is to interpret the statutes enacted by the legislature. It is not proper for us either to rewrite the statute or interpret the statute in such a way as to be contrary to the clear intent of the legislature."); *State v. Barriga*, 165 Conn. App. 686, 690 (2016) ("Although our courts have the power and duty to interpret and apply laws enacted by the General Assembly, they do not have the power to repeal or amend them. That power is vested in elected members of the legislature and not in the courts.").

⁷² *Seymour*, 255 Conn. at 107; cf. also *Univ. of Connecticut Chapter AAUP v. Governor*, 200 Conn. 386, 393 (1986) ("A partial veto is unconstitutional because it distorts or frustrates the intent of the legislature or enables the executive to legislate affirmatively.").

⁷³ *Hogan*, 290 Conn. at 572 (quoting *Stoddard*, 126 Conn. at 628).

⁷⁴ *Gundy*, 139 S. Ct. at 2116 (opinion of Kagan, J.; quoting *American Power & Light Co. v. SEC*, 329 U.S. 90, 105 (1946)).

⁷⁵ See *State v. Courchesne*, 296 Conn. 622, 711 (2010) ("[T]he [state] constitution assigns to the legislature the power to enact laws defining crimes and fixing the degree and method of punishment." (quoting *State v. Darden*, 171 Conn. 677, 679–80 (1976)).

election (he already has rescheduled the Presidential primary), increase tax rates or redirect legislative appropriations.⁷⁶ Of course, Governor Lamont's executive orders are far more modest and do not test the full limits of the power granted by § 28-9(b)(1). But the question is whether the statute grants too much authority to the Governor; if it does, his modest use of the authority granted cannot save the statute.⁷⁷

None of this is to say that Connecticut courts are sure to strike down all or even some of the Governor's suspensions. As noted above, the nondelegation doctrine has been almost a dead letter for 80 years now, both in Connecticut and at the federal level. And even under a more robust conception of that doctrine, delegations that "assign[] an essentially fact-finding responsibility to the executive" are broadly regarded as constitutional.⁷⁸ As some commentators have noted, it may be that temporary delegations of even extremely broad authority – when triggered by an executive finding of an emergency – will qualify as constitutional under this principle.⁷⁹ There is also a strong sense, deeply rooted in American law, that the inherent power of the executive is at its apogee when confronted by an emergency. As the U.S. Supreme Court put it 70 years ago in upholding a broad wartime delegation to the President, "[i]n time of crisis nothing could be more tragic and less expressive of the intent of the people than so to construe their Constitution that by its own terms it would substantially hinder rather than help them in defending their national safety."⁸⁰

What Should Be Done?

At the very least, there remain constitutional doubts about the extent of the Governor's suspension authority. And even if that authority is upheld against a constitutional challenge, § 28-9(b)(1) may be narrowly construed in a manner that undercuts some of the Governor's executive orders. Can private citizens rely on the Governor's executive orders even if there is some risk that the orders may be invalidated? Generally, yes. A person could not be criminally prosecuted for failing to comply with statutory requirements suspended or modified by the executive orders because the orders constitute "official statements of the law" that negate criminal liability.⁸¹ Executive orders from the Governor also probably would satisfy the high bar

⁷⁶ Cf. *Eielson v. Parker*, 179 Conn. 552, 560-561 (1980) ("[T]he power of regulating by law the compensation of public officials is inseparable from one of the broadest and most important fields of legislative power, namely, that of creating the whole machinery of government and providing for its administration."); *Bridgeport v. Agostinelli*, 163 Conn. 537, 544 (1972) ("[T]he power to legislate, which our constitution has committed solely to the General Assembly, necessarily includes the power to appropriate funds to finance the operation of the state and its programs.").

⁷⁷ See, e.g., *Mitchell v. King*, 169 Conn. 140, 145, 363 A.2d 68, 71 (1975) (striking down vague legislative standard and holding that "[t]he vice to be guarded against is arbitrary action by officials. The fact that a particular instance or action appears not arbitrary does not save the validity of the authority under which the action was taken." (quoting *Niemotko v. Maryland*, 340 U.S. 268, 285 (1951) (Frankfurter, J., concurring))).

⁷⁸ See *Gundy*, 139 S. Ct. at 2141 (Gorsuch, J., dissenting).

⁷⁹ See, e.g., Harlan G. Cohen. "Waiting For Gundy," *Just Security* (July 19, 2019) (noting that even under the dissent in *Gundy*, "expansive delegations to the president on national security [may] remain untouched" to the extent they require "a finding-of-fact on which action under the statute might turn"), available at <https://www.justsecurity.org/64946/the-national-security-delegation-conundrum/>.

⁸⁰ *Lichter v. United States*, 334 U.S. 742, 780 (1948).

⁸¹ See Conn. Gen. Stat. § 53a-6 ("A person shall not be relieved of criminal liability for conduct because he engages in such conduct under a mistaken belief that it does not, as a matter of law,

for estoppel in a civil action against the State.⁸² In suits between private parties, there are various legal and equitable doctrines that would protect a party's reliance on the Governor's executive orders.⁸³

The General Assembly also can take action to address doubts about the validity of the Governor's executive orders. An example from history suggests the best course. In the early days of the Civil War, President Abraham Lincoln suspended the writ of habeas corpus despite judicial challenge and considerable constitutional doubts.⁸⁴ In response, Congress enacted a statute ratifying the President's suspension of habeas corpus.⁸⁵ Similarly, the Legislature should review Lamont's Executive Orders and, where appropriate, ratify them. This will ensure that the Legislature performs its proper function of amending the law and remove any doubts about the validity of the actions that the Governor has taken to date.⁸⁶

In the longer term, the Legislature should consider amending § 28-9(b)(1) to address the constitutional concerns discussed above. While many states have similar laws granting the Governor some power to suspend statutes in an emergency, most are significantly narrower than Connecticut's law.⁸⁷ With the benefit of 70 years of experience with § 28-9(b)(1) and its

constitute an offense, ... unless (2) such mistaken belief is founded upon an official statement of law contained in ... an administrative order or grant of permission ... officially made or issued by a public servant, agency or body legally charged or empowered with the responsibility or privilege of administering, enforcing or interpreting such statute or law."); State v. Cote, 286 Conn. 603, 630 (2008) ("[O]nce the defendant adduces evidence to implicate this defense, the state bears the burden of disproving beyond a reasonable doubt that the defendant was operating under a mistake of law.").

⁸² See, e.g., *Kimberly-Clark Corp. v. Dubno*, 204 Conn. 137, 149 (1987) (holding that the Commissioner of Revenue Services was estopped by his declaratory ruling concerning tax exemption).

⁸³ For example, payments made in reliance on the Executive Orders likely could not be recovered under the voluntary payment doctrine, which denies restitution for voluntary payments made based on a mistake of law. See, e.g., *Trenwick Am. Reinsurance Corp. v. W.R. Berkley Corp.*, 138 Conn. App. 741, 756 (2012) (citing *Rockwell v. New Departure Mfg. Co.*, 102 Conn. 255 (1925)).

⁸⁴ See *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 637 n.3 (1952) (Jackson, J., concurring) ("Since the Constitution implies that the writ of habeas corpus may be suspended in certain circumstances but does not say by whom, President Lincoln asserted and maintained it as an executive function in the face of judicial challenge and doubt."); *Ex parte Merryman*, 17 F. Cas. 144, 152 (C.C.D. Md. 1861) (Taney, J.) (holding that Lincoln's suspension of habeas corpus was unconstitutional on the grounds that only Congress could suspend the writ of habeas corpus).

⁸⁵ See *An Act Relating to Habeas Corpus, and regulating Judicial Proceedings in Certain Cases*, § 4, 12 Stat. 755, 756 (March 3, 1863).

⁸⁶ This also would be in keeping with a tradition of coordination between the branches of government to elaborate the law while avoiding separation of powers problems. See, e.g., *State v. DeJesus*, 288 Conn. 418, 447 (2008) (describing coordination between the Legislature and the judiciary to create the state's Code of Evidence); *Bartholomew v. Schweizer*, 217 Conn. 671, 681 (1991) (construing § 52-216b, which concerns submission of damages calculations to the jury, as consistent with the judiciary's power to monitor and control closing arguments).

⁸⁷ See Patricia Sweeney, Ryan Joyce, "Gubernatorial Emergency Management Powers: Testing the Limits in Pennsylvania," 6 *Pittsburgh Journal of Environmental and Public Health Law*, 149, 165–66 (2012) (surveying state emergency statutes and concluding that "the majority of governors are specifically authorized to suspend 'regulatory statutes' or the 'provisions of any regulatory statute.' Only seven states authorize their governors to suspend any statute or law whatsoever."). Even among these seven states, the power is narrower than § 28-9(b)(1). For example, New York generally authorizes suspension rather than modification of statutes, makes the suspension power "[s]ubject to the state constitution, the federal

invocation in a variety of emergencies, the Legislature should be able to craft a more limited suspension power.



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constitution and federal statutes and regulations," and prescribes a number of limits on the suspension power. N.Y. Exec. Law § 29-a(1).

Appendix: Summary of the Governor's Executive Orders 7-7T

EO	Para.	Directive	Statutory Basis ⁸⁸	Categorization
7	1	Prohibits gatherings of 250 people or more.	§ 28-9(b)(7)-(8)	Social Distancing
7	2	Modifies the right of nursing home patients under § 19a-550(b)(12) to receive visitors, and authorizes the Commissioner of Public Health to impose additional limits on patient visits.	§ 28-9(b)(1)	Social Distancing
7	3	Suspends the requirement of 180-day school year in §§ 10-15, -16.	§ 28-9(b)(1)	Social Distancing
7	4	Authorizes Commissioner of Motor Vehicles to issue orders suspending DMV requirements pursuant to § 14-5c.	§ 14-5c	Social Distancing
7	5	Suspends Conn. Agency Reg. § 7-294e-15 governing attendance requirements at State Police Academies.	§ 28-9(b)(1)	Social Distancing
7A	1	Supersedes Executive Order No. 7, paragraph 2, and expands authority of Commissioner of Public Health to limit the right of nursing home patients under § 19a-550(b)(12) to receive visitors.	§ 28-9(b)(1)	Social Distancing
7B	1	Suspends in-person open meeting requirements applicable to state agencies under §§ 1-206, -225 and -226, and imposes recording and publishing requirements.	§ 28-9(b)(1)	Social Distancing
7B	2	Suspends registration requirement for manufacturers of hand sanitizer under § 21a-70(b), subject to regulations by the Commissioner of Consumer Protection.	§ 28-9(b)(1)	Healthcare Facilitation
7B	3	Suspends garbing requirements under § 20-633b for manufacturing nonhazardous sterile pharmaceuticals during period of shortage of personal protective equipment, subject to rules by the Commissioner of Consumer Protection.	§ 28-9(b)(1)	Healthcare Facilitation
7B	4	Modifies § 30-39(b)(2) to authorize the Commissioner of Consumer Protection to cancel and refund application fees for liquor permits to applicants that cancel public gatherings.	§ 28-9(b)(1)	Impact Mitigation
7B	5	Suspends § 17b-688c to authorize the Commissioner of Social Services to waive prohibitions on temporary family assistance prior to an applicant's employment services interview, consider COVID-19 in making its finding of good cause and issue implementing orders.	§ 28-9(b)(1)	Social Distancing

⁸⁸ The Executive Orders cite to § 28-29(b)(1) in the whereas clauses but do not cite to statutory authority in each paragraph. This table assumes that paragraphs that "modify," "suspend," "amend," "waive" or operate "notwithstanding" a statute or regulation are based on § 28-29(b)(1) unless the cited statute or regulation authorizes the Governor to suspend or modify its requirements. All citations to § are to sections of the Connecticut General Statutes unless otherwise indicated.

EO	Para.	Directive	Statutory Basis ⁸⁸	Categorization
7B	6	Modifies §§ 10-16p(6), 10-530, 19a-77, 19a-79 to -87f, 19a-420 to -429 and any associated rules or regulations to authorize the Commissioner of the office of Early Childhood to temporarily waive requirements as necessary "to maintain a sufficient capacity of childcare services or otherwise respond to the need for childcare" and to issue implementing orders.	§ 28-9(b)(1)	Impact Mitigation
7B	7	Modifies §§ 19a-610 to 689 concerning certificates of need, establishment of healthcare facilities, and related rules and regulations to authorize the Executive Director of the Office of Health Strategy to waive statutory requirements as necessary "to ensure that adequate healthcare resources and facilities are available."	§ 28-9(b)(1)	Healthcare Facilitation
7C	1	Cancels public school classes from March 17 to 31.	Unclear	Social Distancing
7C	2	Modifies §§ 10-16b, 10-221, and any associated rules and regulations to authorize the Commissioner of Education to temporarily waive any requirements he "deems necessary to address the impact of COVID-19 and school cancellations."	§ 28-9(b)(1)	Impact Mitigation
7C	3	Modifies § 10-145a and associated rules and regulations to authorize the Commissioner of Education to temporarily waive any requirements he "deems necessary to address the repercussions of college, university, and school class cancellations on students pursuing secondary education programs."	§ 28-9(b)(1)	Impact Mitigation
7C	4	Modifies §§ 10-145, -145b, -145d, -151b, 151, 220a to authorize the Commissioner of Education to waive temporarily any professional development requirements "as he deems necessary to address the impact of the school class cancelations and COVID-19 risks when classes resume and students return."	§ 28-9(b)(1)	Impact Mitigation
7C	5	Extends municipal budget deadlines falling on or before May 15 by 30 days, "[n]otwithstanding any provision of the Connecticut General Statutes, including Title 7, or any special act, municipal charter or ordinance."	§ 28-9(b)(1)	Time Extension
7C	6	Extends school district budget deadlines falling on or before May 15 by 30 days, "[n]otwithstanding any provision of the Connecticut General Statutes, including Title 10, or any special act, municipal charter or ordinance."	§ 28-9(b)(1)	Time Extension

EO	Para.	Directive	Statutory Basis ⁸⁸	Categorization
7C	7	Modifies Title 14 to authorize the Commissioner of Motor Vehicles to close DMV branches, to provide for remote work and to extend timelines for notice or a hearing by up to 90 days.	§ 28-9(b)(1)	Social Distancing; Time Extension
7C	8	Modifies § 17a-547 and any other statute or law to authorize the Commissioners of the Department of Mental Health and Addiction Services and the Department of Public Health to issue orders restricting entrance to the Whiting Forensic Hospital Facilities or other facilities.	§ 28-9(b)(1)	Social Distancing
7C	9	Modifies § 17a-238 and any other statute or law to authorize the Commissioners of the Department of Developmental Services and the Department of Public Health to issue orders restricting entrance to the Southbury Training Facilities or other facilities.	§ 28-9(b)(1)	Social Distancing
7C	10	Amends § 15-146f to permit the Commissioner of Public Health and Local Health Directors to disclose communications or records to report cases of COVID-19 as required by § 19a-215 and, as necessary, to limit further spread of COVID-19 or to further respond to the emergency.	§ 28-9(b)(1)	Healthcare Facilitation; Social Distancing
7D	1	Modifies prior Executive Order No. 7 to prohibit social gatherings of more than 50 people through April 30.	§ 28-9(b)(7)-(8)	Social Distancing
7D	2	Requires bars and restaurants to provide food and beverages only for off-premises consumption through April 30.	Unclear	Social Distancing
7D	3	Requires facilities engaged in off-track betting to cease operation through April 30.	Unclear	Social Distancing
7D	4	Requires gyms and movie theaters to cease operation through April 30.	Unclear	Social Distancing
7E	1	Modifies §§ 10-15, -16 to waive the 180-day requirement and permit schools that reopen in the spring of 2020 to end on normally scheduled dates.	§ 28-9(b)(1)	Social Distancing
7E	2	Suspends fingerprinting requirements of § 29-17c(a) and authorizes the chief of police or Commissioner of Emergency Services and Public Protection or his designee, "subject to their discretion," to limit or eliminate fingerprinting hours to limit COVID-19 transmission or to focus resources on critical public safety needs. Fingerprinting of long-term care providers pursuant to § 19a-491c is to continue at the Commission's headquarters.	§ 28-9(b)(1)	Social Distancing

EO	Para.	Directive	Statutory Basis ⁸⁸	Categorization
7E	3	Modifies §§ 21-40, -47d, 29-28a, -147, -152h, -155b, -161m, -161q, 161z, -349 and -356 to authorize the Commissioner of Emergency Services and Public Protection to extend by 90 days the expiration date of any permit, license or other credential expiring on or after March 1. The Commissioner may revoke such extensions "as he deems necessary in his sole discretion to protect public safety, and to further extend such expiration dates or deadlines" during the emergency.	§ 28-9(b)(1)	Time Extension
7E	4	Modifies § 17b-88 and any implementing regulations to authorize the Commissioner of Social Services to temporarily suspend recoupment of nonfraudulent overpayments for public assistance programs for the duration of the emergency.	§ 28-9(b)(1)	Impact Mitigation
7E	5	Modifies § 17b-60 to authorize the Commissioner of Social Services to suspend the requirement that an aggrieved person attend a fairness hearing in person.	§ 28-9(b)(1)	Social Distancing
7F	1	Closes large shopping malls through April 30.	Unclear	Social Distancing
7F	2	Closes amusement parks and other places of public amusement through April 30.	Unclear	Social Distancing
7F	3	Modifies § 17b-262 and related regulations to authorize the Commissioner of Social Services to temporarily waive any requirements as "the Commissioner deems necessary to enable the Connecticut Medical Assistance Program to cover applicable services provided through audio-only telehealth services."	§ 28-9(b)(1)	Social Distancing
7F	4	Waives personal service and in-person conservatorship, guardianship, civil commitment, disability and competency meetings, hearings or screenings for persons located in a facility with restricted access pursuant to a state emergency executive order, "[n]otwithstanding" §§ 52-57(a), 45a-644 to -667u, 17a-495 to -528, 17a-540 to -550, 45a-669 to -683, and 45a-703.	§ 28-9(b)(1)	Social Distancing
7F	5	Exempts Connecticut Unified School Districts 1 and 2 and Department of Mental Health and Addiction Services classes from the school closure requirements under Executive Order 7C.	Unclear	Unclear
7G	1	Modifies § 9-464 to postpone the presidential primary to June 2.	§ 28-9(b)(1)	Social Distancing

EO	Para.	Directive	Statutory Basis ⁸⁸	Categorization
7G	2	Suspends all statutory (1) location or venue requirements; (2) statutes of limitation or deadlines for service of process, court filings, or court proceedings; and (3) time requirements or deadlines relating for judges or judicial officials to issue notices or hold hearings.	§ 28-9(b)(1)	Time Extension
7G	3	Clarifies Executive Order 7D to permit restaurants to sell sealed alcoholic beverages in connection with takeout orders.	Unclear	Social Distancing
7G	4	Closes barbershops, hair salons, tattoo or piercing parlors, and related businesses.	Unclear	Social Distancing
7G	5	Modifies § 19a-906 to expand and facilitate the provision of telehealth services.	§ 28-9(b)(1)	Healthcare Facilitation; Social Distancing
7G	6	Modifies § 17b-452 to authorize the Commissioner of Social Services to waive required in-person visits to elderly persons to investigate claim of suspected abuse, exploitation or abandonment.	§ 28-9(b)(1)	Social Distancing
7G	7	Modifies § 17-452 to authorize the Commissioner of Social Services to extend by up to 90 days the 45-day time limit for disclosing investigation results.	§ 28-9(b)(1)	Time Extension
7H	1	Requires all nonessential businesses to reduce their "in-person workforces at any workplace locations by 100%" from March 23 to April 22.	Unclear	Social Distancing
7H	2	Modifies § 28-8 to prohibit municipal chief executive officers or designees from issuing orders that conflict with the Governor's executive orders, including shelter-in-place orders or limitations on travel, without first receiving written permission from the Department of Emergency Services and Public Protection.	§ 28-9(b)(1)	Unclear
7I	1	Modifies § 17b-104 to authorize the Commissioner of Social Services to suspend or extend the time frames for eligibility investigations for public assistance programs.	§ 28-9(b)(1)	Time Extension
7I	2	Modifies § 17b-265d(c) to eliminate copayments for full benefit dually eligible Medicare Part D beneficiaries.	§ 28-9(b)(1)	Healthcare Facilitation
7I	3	Modifies § 17b-295(a) to eliminate copayments for HUSKY B (Connecticut's Children's Health Insurance Program) and authorizes the Department of Social Services to reimburse providers for the full reimbursement amount.	§ 28-9(b)(1)	Healthcare Facilitation
7I	4	Modifies § 17-134d(1) and any implementing regulations to authorize the Commissioner of Social Services to reimburse providers for medications for HUSKY B beneficiaries for a period of 90 days.	§ 28-9(b)(1)	Healthcare Facilitation

EO	Para.	Directive	Statutory Basis ⁸⁸	Categorization
71	5	Modifies §§ 10-234aa to -234dd to authorize the Commissioner of Education to permit sharing of student information between schools and contractors if necessary to provide quality online educational opportunities to students while classes are canceled due to COVID-19.	§ 28-9(b)(1)	Social Distancing
71	6	Modifies § 17a-10a to authorize the Commissioner of the Department of Children and Families to limit visitation of children in the Commissioner's custody and care if "the Commissioner deems necessary to protect the health and welfare of such children and staff."	§ 28-9(b)(1)	Social Distancing
71	7	Modifies § 17a-16 and any other rule or provision of law to authorize the Commissioner of the Department of Children and Families to restrict entrance into facilities if necessary to protect the health and welfare of patients, residents and staff.	§ 28-9(b)(1)	Social Distancing
71	8	Waives requirements of personal service and in-person hearings, screenings or meetings under §§ 17a-76 and -77 for mentally ill children in facilities with limited visitation, pursuant to an executive order.	§ 28-9(b)(1)	Social Distancing
71	9	Modifies § 20-616(b) to permit pharmacists to refill 72-hour prescriptions for noncontrolled drugs for a period of up to 30 days.	§ 28-9(b)(1)	Social Distancing; Healthcare Facilitation
71	10	Modifies Conn. Agencies Regs. § 20-576-59 to permit the Commissioner of the Department of Consumer Protection, rather than the Commissioner of Pharmacy to waive or modify regulations pertaining to the operation of pharmacies.	§ 28-9(b)(1)	Unclear
71	11	Modifies § 33-703 to add a subsection (c) authorizing the Board of Directors of a corporation to provide for remote shareholder meetings.	§ 28-9(b)(1)	Social Distancing
71	12	Clarifies Executive Order 7C ¶ 5 concerning suspension of budget adoption deadlines.	§ 28-9(b)(1)	Time Extension
71	13	Suspends in-person attendance requirements for adopting of municipal budgets, "[n]otwithstanding any contrary provision of the Connecticut General Statutes, including Title 7, or any special act, municipal charter or ordinance that conflicts with this order."	§ 28-9(b)(1)	Social Distancing

EO	Para.	Directive	Statutory Basis ⁸⁸	Categorization
7I	14	Suspends in-person attendance requirements for adopting of school district budgets, "[n]otwithstanding any contrary provision of the Connecticut General Statutes, including Title 10, or any special act, municipal charter or ordinance that conflicts with this order."	§ 28-9(b)(1)	Social Distancing
7I	15	Extends without penalty the deadlines for municipal planning assessment and taxation in §§ 10-261a(c), -261b, and 12-19a, -20b, -63c, -110, -111, -117 and -120.	§ 28-9(b)(1)	Time Extension
7I	16	Suspends requirements of in-person appearance at meetings and hearings under §§ 12-110, -111, -117 and -170aa.	§ 28-9(b)(1)	Social Distancing
7I	17	Suspends appeals deadlines for real estate valuations and related matters under §§ 12-19b and 12-20b.	§ 28-9(b)(1)	Time Extension
7I	18	Suspends reporting requirements for certain tax exemptions under Section 85 of Public Act 20-1 and §12-81(60), (70), (72) and (76).	§ 28-9(b)(1)	Time Extension
7I	19	Modifies requirements for municipal decision-making under General Statutes Chapters 14, 97a, 98, 103, 124, 126, 246, 368k, 440, 444, 446i and repealed § 14-55 (if revived by judicial action) to extend deadlines and eliminate need for in-person meetings.	§ 28-9(b)(1)	Social Distancing; Time Extension
7J	1	Clarifies Executive Order 7H to permit (1) nonessential retailers to be staffed on-site but solely to support remote ordering or curbside pickup, and (2) nonessential businesses and nonprofits may have staff and third parties on-site to the minimum extent necessary to provide security, maintenance, receipt of packages or other services deemed necessary by the Department of Economic and Community Development	Unclear	Social Distancing
7J	2	Modifies Conn. Agency Regs. § 7-3231-18a(d)(1) to authorize the Commissioner of Emergency Services and Public Protection to extend by 90 days the time for completing requirements for a given level of certification for fire service personnel.	§ 28-9(b)(1)	Government Mobilization; Time Extension
7J	3	Modifies § 21a-252 to permit the delivery of take-home doses of methadone for the treatment of drug-dependent patients who are determined to be unable to travel due to COVID-19 or related concerns.	§ 28-9(b)(1)	Social Distancing; Healthcare Facilitation
7J	4	Suspends executive orders of Rell and Malloy and § 6(b)(F) of Public Act 03-01 and Section 6(b)(G) of Public Act 03-02 to remove limits on state agencies' rehiring of retired state employees.	§ 28-9(b)(1)	Government Mobilization

EO	Para.	Directive	Statutory Basis ⁸⁸	Categorization
7J	5	Modifies §§ 4b-3, -23, -29, -33, -34 and -67g to suspend certain notice, approval and disclosure requirements for leasing of real property by state executive agencies, and authorizes the Secretary of the Office of Policy and Management or the Commissioner of Administrative Services to expedite such leasing.	§ 28-9(b)(1)	Government Mobilization
7J	6	Modifies §§ 4-252, 4a-57, 4b-91, 4e-29 -30 and -70 and § 9-612(f)(2)(E) to suspend certain state contracting requirements for leasing of real property by state executive agencies, and authorizes the Secretary of the Office of Policy and Management or the Commissioner of Administrative Services to expedite such leasing.	§ 28-9(b)(1)	Government Mobilization
7J	7	Requires the Department of Administrative Services to submit all proposed real estate transactions covered by ¶¶ 5-6 of Executive Order 7J for approval to the Deputy Secretary of the Office of Policy and Management.	Unclear	Government Mobilization
7K	1	Suspends all Probate Court statutory reporting and filing requirements, location and venue requirements, and statutes of limitation and time requirements, including but not limited to Chapters 801, 802b, 802c, 802d, 802g, 802h, 803, 815p, 319, 319a and 319i and §§ 46b-150 to -150i, 46b-172a, 17a-274 and 17a-685 to -686.	§ 28-9(b)(1)	Time Extension; Social Distancing
7K	2	Suspends all location and venue requirements and statutes of limitation and time requirements for the Workers' Compensation Commission, including Chapter 568 and §§ 5-142, -142a, -145a, -145b, -145c, 7-314a, -314b, -322a, -322b, -433c, 28-14, -14a, 29-4a, 31-40a, -40v and 21-283a.	§ 28-9(b)(1)	Time Extension
7K	3	Modifies "all relevant state laws and regulations" to permit any required "notarial act" to be performed remotely, subject to certain procedures to remotely confirm the signatory's identity.	§ 28-9(b)(1)	Social Distancing
7K	4	"Notwithstanding" the requirements of the Uniform Administrative Procedure Act, the Commissioner of Public Health is authorized to temporarily waive, modify or suspend regulations adopted by the Commission or any Boards or Commissions under Chapters 368a, 368d, 368v, 369-81a, 382a, 383, to 388-99, 400a, 400c and 474 if the Commissioner deems it "necessary to reduce the spread of COVID-19 and protect the public health."	§ 28-9(b)(1)	Social Distancing; Healthcare Facilitation

EO	Para.	Directive	Statutory Basis ⁸⁸	Categorization
7K	5	Suspends § 19a-491c(c)(1) requiring national criminal history record checks for employees or volunteers at long-term care providers; providers are required to make employment conditional on completion of a subsequent background check.	§ 28-9(b)(1)	Healthcare Facilitation
7L	1	Continues cancellation of public-school classes through April 20, 2020 in Executive Order 7C, and encourages private and other non-public schools to follow the same schedule; continues to exempt School Districts 1-2, and classes provided by the Department of Mental Health and Addiction Services.	Unclear	Social Distancing
7L	2	Modifies § 26-112 to provide that there is no closed season for fishing in the inland waters of Connecticut unless terminated or modified by the Department of Energy and Environmental Protection. "Anglers shall practice social distancing measures, such as remaining six feet apart."	§ 28-9(b)(1)	Impact Mitigation
7L	3	Suspends requirements of § 7-438(b) for the duration of the public health and civil preparedness emergency to permit municipalities to hire retired municipal employees receiving retirement allowances without hourly or durational limitations.	§ 28-9(b)(1)	Government Mobilization
7L	4	Modifies §§ 21a-408c and -408d and Conn. Agencies Regs §§ 21a-408-2, -18, -24, -29(2), -42 and -43 to facilitate prescription and supply of medical marijuana.	§ 28-9(b)(1)	Healthcare Facilitation; Social Distancing
7L	5	Modifies § 19a-533 to extend the time for an application to transfer nursing homes.	§ 28-9(b)(1)	Time Extension
7L	6	Modifies § 7-42 to authorize the Commissioner of Public Health to register births, deaths and marriages in order to assist local registrars of vital statistics.	§ 28-9(b)(1)	Government Mobilization
7L	7	Modifies § 7-51a(a) to suspend requirement of in-person purchase or access to vital records.	§ 28-9(b)(1)	Social Distancing
7L	8	Modifies § 46b-24 to allow a couple planning to marry in a town where the registrar of vital statistics is closed to due to COVID-19 to register in another town.	§ 28-9(b)(1)	Government Mobilization
7M	1	Modifies § 13b-31f(1) to authorize the Commissioner of Transportation to toll the 90-day deadline for review and final determination on encroachment permit applications.	§ 28-9(b)(1)	Time Extension
7M	2	Suspends the time requirements of § 1-206(b)(1) for filing and decision of appeals to the Freedom of Information Commission.	§ 28-9(b)(1)	Time Extension

EO	Para.	Directive	Statutory Basis⁸⁸	Categorization
7M	3	Authorizes every department head, commissioner, agency head, and board and commission of the State to extend any statutory or regulatory time requirements or deadlines as necessary to respond to the COVID-19 pandemic or its effects, "[n]otwithstanding any provision of the Connecticut General Statutes, any regulation, or other provision of law."	§ 28-9(b)(1)	Time Extension
7N	1	Modifies Executive Order 7D to prohibit social gatherings of six people or more except for religious, government and business activities.	Unclear	Social Distancing
7N	2	Requires restaurants and bars to limit entrance of customers to the minimum extent necessary to pick up and pay for takeout orders.	Unclear	Social Distancing
7N	3	Firearms dealers may conduct firearm transactions, which often require background checks, by appointment only.	Unclear	Social Distancing
7N	4	Suspends provisions of § 22a-24a (2020 Supp.) imposing a tax on single-use plastic checkout bags.	§ 28-9(b)(1)	Social Distancing
7N	5	Prohibits retailers from requiring employees to bag items in customer-provided reusable bags.	Unclear	Social Distancing
7N	6	Suspends 21-month time limit in § 17b-112 on receipt of Temporary Family Assistance.	§ 28-9(b)(1)	Social Distancing
7N	7	Suspends school testing requirements of §§ 10-14n, 10-14t and 10-265g for the 2019-20 school year.	§ 28-9(b)(1)	Social Distancing
7O	1	Modifies "any statute, regulation, or requirement or part thereof relating to license renewals by the Department of Public Health" to authorize the Commissioner of Public Health to waive licensing, renewal and inspection requirements pursuant to § 19a-131j(b), (c) and (d).	§ 19a-131j; 28-9(b)(1)	Healthcare Facilitation
7O	2	Modifies § 19a-905 to allow healthcare providers with an identification badge from a different healthcare facility that contains the identifying information required by the statute to provide direct patient care at a healthcare facility with the facility's permission.	§ 28-9(b)(1)	Healthcare Facilitation
7O	3	Modifies § 21a-70(b) to authorize nontraditional manufacturers to make alcohol-based hand sanitizer and personal protective equipment, subject to Food and Drug Administration, CDC and National Institute for Occupational Safety and Health guidelines and implementing regulations by the Commissioner of Consumer Protection.	§ 28-9(b)(1)	Healthcare Facilitation

EO	Para.	Directive	Statutory Basis ⁸⁸	Categorization
7O	4	Modifies § 17a-248g(e) and related regulations to authorize the Commissioner of the office of Early Childhood to waive fees for remote early-intervention services.	§ 28-9(b)(1)	Healthcare Facilitation; Impact Mitigation
7P	1	Authorizes the Commissioner of Public Health, the sSecretary of the Office of Policy and Management, and the Commissioners of Emergency Services and Public Protection and Housing to issue such orders as necessary to arrange non-congregant housing with sufficient physical distancing for those with increased risk of exposure to COVID-19 and to seek reimbursement of resulting expenditures from federal agencies or other sources.	Unclear	Social Distancing
7Q	1	Modifies § 19a-79 to require child care facilities to limit group sizes to no more than 10 children in one space, and authorizes the Commissioner of the office of Early Childhood to Issue Implementing Regulations.	§ 28-9(b)(1)	Social Distancing
7Q	2	Requires enhanced healthcare screening and sanitation practices at all operating child care programs.	Unclear	Healthcare Facilitation
7Q	3	Amends remote notarization procedures prescribed in Executive Order 7K, and modifies "[a]ll relevant state laws and regulations" to permit notarial acts by remote notarization.	§ 28-9(b)(1)	Social Distancing
7R	1	Directs the Department of Education to continue to process appropriate state grant funds to support boards of education, and directs municipalities to continue providing funding to local boards of education pursuant to annual budgets.	Unclear	Government Mobilization
7R	2	Directs schools to continue to employ public school staff or restore employment to staff who have been laid off, and authorizes them to require staff to provide services consistent with executive orders and public health guidance.	Unclear	Government Mobilization
7R	3	Directs boards of education and municipalities to amend student transportation service contracts to accomplish specified goals.	Unclear	Government Mobilization
7R	4	Authorizes the Commissioner of Energy and Environmental Protection to issue orders restricting entrance into state parks, "[n]otwithstanding the provisions of Section 23-4" in order to limit "close person-to-person contact."	§ 28-9(b)(1)	Social Distancing
7R	5	Modifies § 30-20, -74(c) and Conn Agencies Regs. §§ 30-6-B55(b) to allow package store owners to provide curbside pickup of alcoholic beverages.	§ 28-9(b)(1)	Social Distancing

EO	Para.	Directive	Statutory Basis ⁸⁸	Categorization
7S	1	Modifies Executive Order 7N to require retailers to comply with additional required protective measures to be prescribed by the Commissioner of Economic and Community Development in consultation with the Commissioner of Public Health.	Unclear	Social Distancing
7S	2	Imposes a 60-day grace period for premium payments, policy cancellations and nonrenewals of insurance policies.	Unclear	Time Extension
7S	3	Modifies § 30-48(b) and Conn. Agencies Regs. §§ 30-6-A36, -37 to extend 30-day limit to 90 days for extension of credit to liquor permittees.	§ 28-9(b)(1)	Time Extension
7S	4	Modifies § 12-575(h) to permit licensees authorized to operate off-track betting to pay taxes on a weekly rather than a daily basis.	§ 28-9(b)(1)	Impact Mitigation
7S	5	Modifies § 17b-8 to authorize the Commissioner of Social Services to submit to U.S. Health and Human Services Medicaid waivers relating to COVID-19 without prior review by joint standing committees of the General Assembly. Modification is "retroactive to the declaration of public health and civil preparedness emergency on March 10, 2020."	§ 28-9(b)(1)	Healthcare Facilitation
7S	6	Establishes deferment and low-interest rate programs for payment of municipal and local taxes and assessments, and directs each municipality to participate in either or both programs, "[n]otwithstanding any contrary provisions of Chapter 204 ... or of any special act, charter, home-rule ordinance, local ordinance, or other local law."	§ 28-9(b)(1)	Time Extension
7S	7	Suspends in-person voting requirements for votes on certain critical and time-sensitive municipal fiscal deadlines, "[n]otwithstanding any contrary provisions of Chapter 204 ... or of any special act, municipal charter, ordinance, or resolution that conflicts with this order."	§ 28-9(b)(1)	Social Distancing
7S	8	Suspends §§ 12-170aa(e)-(f), -129, -129 requiring biennial filings for taxpayers under the homeowners' elderly/disabled circuit-breaker tax relief program and the homeowners' elderly/disabled freeze tax relief program.	§ 28-9(b)(1)	Time Extension
7S	9	Modifies inspection requirements of § 12-62 for October Grand List revaluations that require full interior property inspection requirements to instead require sending a questionnaire, per § 12-62(b)(4).	§ 28-9(b)(1)	Social Distancing
7S	10	Modifies § 12-63c to extend the property tax filing deadline to August 15.	§ 28-9(b)(1)	Time Extension

EO	Para.	Directive	Statutory Basis ⁸⁸	Categorization
7S	11	Prohibits tax sales until 30 days after the end of public health or civil preparedness emergency "[n]otwithstanding any contrary provision of the Connecticut General Statutes, including but not limited to Section 12-157 or Section 7-258 or any special act, municipal charter or ordinance that conflicts with this order."	§ 28-9(b)(1)	Time Extension
7I	1	Prohibits hotels, motels and similar establishments from providing any nonessential lodging, "[n]otwithstanding any provision of the General Statutes or of any regulation, rule, policy, procedure, charter, or ordinance," including local orders issued under § 28-8(a).	§ 28-9(b)(1)	Government Mobilization
7I	2	Clarifies Executive Order No. 7G to permit delivery of alcoholic beverages in closed containers in connection with delivery orders.	Unclear	Social Distancing
7I	3	Modifies § 4a-60(c)(2)(C) to authorize the Commissioner of Economic and Community Development to accept a nondiscrimination certificate in a form prescribed by the Commissioner in place of a notarized affidavit.	§ 28-9(b)(1)	Social Distancing
7I	4	Modifies §§ 10-16n to -16u, -262u, -266p, -266q, 262u, -505, -506, -509, 17b-749, -749a, -749c and -749i; Conn. Agency Regs. §§ 17b-749-01 to -23; and any associated rules or regulations to authorize the Commissioner of the office of Early Childhood to temporarily waive any requirements "as she deems necessary to maintain a sufficient capacity of child care services or stabilize child care providers during this public health and civil preparedness emergency."	§ 28-9(b)(1)	Impact Mitigation
7I	5	Modifies § 17b-238(b) "to suspend the right to rehearing only regarding the overall magnitude and methodology of temporary rate increases paid to facilities in response to the COVID-19 pandemic."	§ 28-9(b)(1)	Healthcare Facilitation
7I	6	Modifies §§ 46b-15, -16a and any other statutory requirement of an affidavit to obtain an order of protection and relief to permit submission of a statement of facts under penalty of perjury in lieu of an affidavit.	§ 28-9(b)(1)	Social Distancing