



EMERGENCY DECLARATION AUTHORITIES ACROSS ALL STATES AND D.C.

Table

This table provides state statutory and regulatory authorities for emergency declarations in all 50 U.S. States and the District of Columbia. It includes emergency declarations, public health emergency declarations, and other types of declarations that may relate to the public's health as categorized in columns I - IV.

- I. **Emergency/Disaster** provides citations and hyperlinks to legal authorities for state declarations of "emergency," "disaster," and similar terms (as noted in the references) in all 51 jurisdictions.¹
- II. **Public Health Emergency** lists legal authorities for specific declarations of a "public health emergency," which may be based on the Model State Emergency Health Powers Act (MSEHPA),² or other statutory bases for emergency/disaster declarations premised on public health concerns. These authorities were identified in 35 jurisdictions.
- III. **Other Declarations** catalogs other types of declarations that may also relate to public health, as identified in 47 jurisdictions. Note that additional types of emergency declarations are not included if they may not relate to public health.³
- IV. **Posted Declarations** provides hyperlinks to existing online archives of active or expired declarations. These links are illustrative only and may not be current or comprehensive.

State	I. Emergency/ Disaster	II. Public Health Emergency	III. Other Declarations	IV. Posted Declarations
AL	ALA. CODE § 31-9-8	ALA. CODE § 31-9-8(a)	Air Pollution Emergencies (ALA. CODE § 22-28-21); Drought Emergency Conditions (ALA. CODE § 9-13-140)	http://www.ema.alabama.gov http://governor.alabama.gov/newsroom/category/executive-orders/
AK	ALASKA STAT. § 26.23.020	ALASKA STAT. § 18.15.390 ⁴	Terrorist Attack and or National Security Emergency Declaration (ALASKA STAT. § 26.20.040)	http://gov.state.ak.us/admin-orders/index.php

State	I. Emergency/ Disaster	II. Public Health Emergency	III. Other Declarations	IV. Posted Declarations
AZ	ARIZ. REV. STAT. ANN. §§ 35-192, 26-303(D)	ARIZ. REV. STAT. ANN. § 36-787⁵	Local Emergency (ARIZ. REV. STAT. ANN. § 26-311)	http://www.azgovernor.gov/newsroom/Gov_DE.asp
AR	ARK. CODE ANN. § 12-75-107	007-18-2 ARK. CODE R. § VI(B)⁶	Local Disaster Emergency (ARK. CODE ANN. § 12-75-108)	http://governor.arkansas.gov/proclamations/detail
CA	CAL. GOV'T CODE §§ 8625,⁷ 14970, 14120⁸		Local Emergency (CAL. GOV'T CODE § 8630); State of War Emergency (CAL. GOV'T CODE §§ 8558, 8620); Local Health Emergency (CAL. HEALTH & SAFETY CODE § 101080)	http://gov.ca.gov/s_executiveorders.php http://gov.ca.gov/s_proclamations.php
CO	COLO. REV. STAT. § 24-33.5-704		Local Disaster Emergency (COLO. REV. STAT. § 24-33.5-709)	http://www.colorado.gov/cs/Satellite/GovHickenlooper/CBON/1249674959203 http://www.coemergency.com
CT	CONN. GEN. STAT. §§ 28-9,⁹ 13b-4d¹⁰	CONN. GEN. STAT. § 19a-131a	Air Pollution Emergency (CONN. AGENCIES REGS. § 22a-174-6); Public Drinking Water Supply Emergency (CONN. GEN. STAT. § 25-32b); Water Supply Emergency (CONN. GEN. STAT. § 22a-378)	http://www.governor.ct.gov/malloy/cwp/view.asp?a=11&Q=470854
DE	DEL. CODE ANN. tit. 20, § 3115	DEL. CODE ANN. tit. 20, § 3132	Areawide Rabies Emergency (DEL. CODE ANN. tit.3, § 8211(c))	http://dema.delaware.gov/news.shtml http://governor.delaware.gov/orders/index.shtml
DC	D.C. CODE § 7-2304; D.C. MUN. REGS. tit. 24, § 2200	D.C. CODE §§ 7-2304, 7-2304.01		http://mayor.dc.gov/newsroom
FL	FLA. STAT. §§ 252.35, 252.36	FLA. STAT. § 381.00315	Water Shortage Emergency (FLA. STAT. § 373.246 ; FLA. ADMIN. CODE ANN. r. 40E-21.331)	http://www.flgov.com/all-executive-orders/
GA	GA. CODE ANN. § 38-3-51	GA. CODE ANN. § 38-3-51(a)	Air Pollution Emergency (GA. COMP. R. & REGS. 391-3-1-.04)	http://gov.georgia.gov/executive-orders

State	I. Emergency/ Disaster	II. Public Health Emergency	III. Other Declarations	IV. Posted Declarations
HI	HAW. REV. STAT. § 127A-14		Tourism Emergency (HAW. REV. STAT. § 201B-9); ¹¹ Water Supply Emergency (HAW. CODE R. § 13-171-50)	http://governor.hawaii.gov/newsroom/executive-orders/
ID	IDAHO CODE ANN. § 46-1008 ¹²		Drought Emergency (IDAHO CODE ANN. § 42-222A); ¹³ Local Disaster Emergencies (IDAHO CODE ANN. § 46-1011)	http://gov.idaho.gov/mediacenter/execorders/index.html
IL	20 ILL. COMP. STAT. 3305/7	20 ILL. COMP. STAT. 3305/4 ¹⁴	Environmental Emergency (415 ILL. COMP. STAT. 5/34 , ILL. ADMIN. CODE tit. 35, § 244.165); Local Disaster Declaration (20 ILL. COMP. STAT. 3305/11)	http://www.illinois.gov/Government/ExecOrders/Pages/default.aspx
IN	IND. CODE § 10-14-3-12	IND. CODE ANN. § 10-14-3-1(b)(23) ¹⁵	Air Pollution Emergency (326 IND. ADMIN. CODE 1-5-4); Blood Shortage Emergency (IND. CODE § 16-41-12-18); ¹⁶ Drought Emergency (312 IND. ADMIN. CODE 6.3-5-2); Energy Emergency (IND. CODE § 10-14-3-13); ¹⁷ Freshwater Lake Emergency (IND. CODE § 14-25-5-7); ¹⁸ Ground Water Emergency (IND. CODE § 14-25-4-9); Local Disaster Emergency (IND. CODE § 10-14-3-29)	http://www.in.gov/gov/2384.htm
IA	IOWA CODE § 29C.6	IOWA CODE § 29C.6 ¹⁹	State of Public Disorder Emergency (IOWA CODE § 29C.3)	http://www.iowahomelandsecurity.org/quick_links/current_disaster.html https://governor.iowa.gov/news/executive-orders/
KS	KAN. STAT. ANN. § 48-924 ²⁰		Local Disaster Emergency (KAN. STAT. ANN. § 48-932)	http://www.kansastag.gov/kdem.asp?PageID=434 https://governor.ks.gov/media-room/executive-orders
KY	KY. REV. STAT. ANN. § 39A.100 ²¹			http://kyem.ky.gov/DisasterNews/Pages/default.aspx http://migration.kentucky.gov/Newsroom/governor/

State	I. Emergency/ Disaster	II. Public Health Emergency	III. Other Declarations	IV. Posted Declarations
LA	LA. REV. STAT. ANN. § 29:724 ²²	LA. REV. STAT. ANN. § 29:766(A)	Local Disaster Emergency (LA. REV. STAT. ANN. § 29:727); ²³ Pesticide Emergency (LA. ADMIN. CODE tit. 7, § 2905) ²⁴	http://www.gov.state.la.us/index.cfm?md=newsroom&tmp=home&catID=9 http://www.deq.louisiana.gov/portal/Default.aspx?tabid=2570
ME	ME. REV. STAT. tit. 37-B, § 742(1)	ME. REV. STAT. tit. 22, §§ 802(2) , ²⁵ 802(2-A) ²⁶	Energy Emergency (ME. REV. STAT. tit. 37-B, § 742(2)); ²⁷ Marine Resources Emergency (ME. REV. STAT. tit. 12, § 6171-A); ²⁸ Oil Spill Emergency (ME. REV. STAT. tit. 37-B, § 742(3)); ²⁹ Uncontrolled Hazardous Substance Emergency (ME. REV. STAT. tit. 38, § 1368) ³⁰	http://www.maine.gov/governor/lepage/official_documents/index.shtml
MD	MD. CODE ANN., PUB. SAFETY § 14-107	MD. CODE ANN., PUB. SAFETY § 14-3A-02 ³¹	Air Pollution Episode Criteria (MD. CODE REGS. 26.11.05.03); ³² Local State of Emergency (MD. CODE ANN., PUB. SAFETY § 14-111); ³³ Snow Emergency (MD. CODE ANN., TRANSP. § 21-1119) ³⁴	http://news.maryland.gov/mema/category/emergency-news/ http://governor.maryland.gov/category/press-releases/
MA	1950 Mass. Acts ch. 639, § 5 ³⁵	MASS. GEN. LAWS ch. 17, § 2A ³⁶	Air Pollution Emergency (MASS. GEN. LAWS ch. 111, § 2B); ³⁷ Energy Emergency (MASS. GEN. LAWS ch. 25A, § 8); ³⁸ Water Emergency (MASS. GEN. LAWS ch. 21G, § 15) ³⁹	http://www.mass.gov/alert/alertlanding.html http://www.mass.gov/governor/legislation/execorder/execorders/
MI	MICH. COMP. LAWS § 30.403	MICH. COMP. LAWS §§ 10.122; 10.125 ⁴⁰	Animal Emergency (MICH. COMP. LAWS § 287.710); ⁴¹ Energy Emergency (MICH. COMP. LAWS § 10.83); ⁴² Hazardous Waste Emergency (MICH. ADMIN. CODE r. 299.9902); ⁴³ Heightened State of Terror Alert (MICH. COMP. LAWS § 30.421); ⁴⁴ Local Emergency (MICH. COMP. LAWS § 30.410) ⁴⁵	http://www.michigan.gov/snyder/0,4668,7-277-57632---,00.html
MN	MINN. STAT. § 12.31 ⁴⁶	MINN. R. 4735.0100 ⁴⁷	Air Pollution Emergency (MINN. R. 7009.1030); ⁴⁸ Energy Supply Emergency (MINN. R. 7620.0210); ⁴⁹ Local Emergency (MINN. STAT. § 12.29) ⁵⁰	http://mn.gov/governor/resources/executive-orders/

State	I. Emergency/ Disaster	II. Public Health Emergency	III. Other Declarations	IV. Posted Declarations
MS	MISS. CODE ANN. § 33-15-11(b)(17) , ⁵¹ (18) ⁵²		Air Pollution Emergency (11-2 MISS. CODE R. §3.3); ⁵³ State of War Emergency (MISS. CODE ANN. § 33-15-13) ⁵⁴	http://www.governorbryant.com/executive-orders/ http://www.msema.org
MO	MO. REV. STAT. § 44.100 ⁵⁵		Air Contaminant Emergency (MO. REV. STAT. § 643.090) ⁵⁶	http://governor.mo.gov/orders/ http://mda.mo.gov/disaster/
MT	MONT. CODE ANN. §§ 10-3-302 , 10-3-303 ⁵⁷		Energy Emergency (MONT. CODE ANN. § 90-4-310 , MONT. ADMIN. R. 14.8.211); ⁵⁸ Local Disaster (MONT. CODE ANN. § 10-3-403); ⁵⁹ Local Emergency (MONT. CODE ANN. § 10-3-402); ⁶⁰ School Closure Emergency (MONT. CODE ANN. § 20-9-806) ⁶¹	http://governor.mt.gov/Home/Newsroom.aspx
NE	NEB. REV. STAT. § 81-829.40(3) ⁶²		Local Emergency (NEB. REV. STAT. § 81-829.50); ⁶³ Vital Resource Emergency (NEB. REV. STAT. § 84-164) ⁶⁴	https://governor.nebraska.gov/press-releases
NV	NEV. REV. STAT. § 414.070 ⁶⁵	NEV. REV. STAT. § 439.970(2)	Local Emergency (NEV. REV. STAT. § 414.090); ⁶⁶ Water or Energy Emergency (NEV. REV. STAT. § 416.090)	http://gov.nv.gov/News-and-Media/Executive-Orders/
NH	N.H. REV. STAT. ANN. § 4:45		Oil Discharge Emergency (N.H. REV. STAT. ANN. § 146-A:12); Public Water Supply Emergency (N.H. REV. STAT. ANN. § 485:23)	http://www.governor.nh.gov/media/orders/index.htm
NJ	N.J. STAT. ANN. § App. A:9-34 ⁶⁷	N.J. STAT. ANN. § 26:13-3	Air Pollution Emergency (N.J. REV. STAT. §26:2C-30); Local Disaster Emergency (N.J. REV. STAT. § App. A:9-40.5); ⁶⁸ State of Water Emergency (N.J. REV. STAT. § 58:1A-4)	http://nj.gov/infobank/circular/eoindex.htm
NM	N.M. STAT. ANN. § 12-10-4 ⁶⁹	N.M. STAT. ANN. § 12-10A-5	Energy Supply Emergency (N.M. STAT. ANN. § 12-12-3) ⁷⁰	http://www.governor.state.nm.us/Press_Releases.aspx
NY	N.Y. EXEC. LAW § 28	N.Y. PUB. HEALTH LAW § 1388 ⁷¹	Local State of Emergency (N.Y. EXEC. LAW § 24)	http://www.dhss.ny.gov/oem/recovery/ http://www.governor.ny.gov/news

State	I. Emergency/ Disaster	II. Public Health Emergency	III. Other Declarations	IV. Posted Declarations
NC	N.C. GEN. STAT. § 166A-19.20 , ⁷² 166A-19.21 ⁷³	25 N.C. ADMIN. CODE § 1N.0401	Energy Crisis (N.C. GEN. STAT. § 113B-20); ⁷⁴ Municipal or County Emergency (N.C. GEN. STAT. § 166A-19.22); ⁷⁵ Offshore Oil and Gas Emergency (N.C. GEN. STAT. § 143-215.94II); ⁷⁶ Public Health Emergency (Shellfish) (15A N.C. ADMIN. CODE 18A.0913); ⁷⁷ Rabies Emergency (N.C. GEN. STAT. § 130A-201); ⁷⁸ Water Shortage Emergency (N.C. GEN. STAT. § 143-355.3) ⁷⁹	http://www.governor.state.nc.us/newsroom/orders-and-proclamations
ND	N.D. CENT. CODE § 37-17.1-05		Animal Health Emergency (N.D. CENT. CODE § 20.1-08-04.11); ⁸⁰ Drought Emergency (N.D. ADMIN. CODE 7-08-01-10 , N.D. ADMIN. CODE 89-11-01-02); ⁸¹ Local Disaster or Emergency (N.D. CENT. CODE § 37-17.1-10) ⁸²	http://governor.nd.gov/media-center/executive-orders http://www.nd.gov/des/news/
OH	OHIO REV. CODE ANN. §§ 5502.22, 5502.28 ⁸³		Air Pollution Emergency (OHIO REV. CODE ANN. § 3704.032); Asbestos Public Health Emergency (OHIO REV. CODE ANN. § 3710.13(B)); ⁸⁴ Energy Emergency (OHIO REV. CODE ANN. § 4935.03); ⁸⁵ Public Health State of Emergency (OHIO REV. CODE ANN. § 3715.74) ⁸⁶	http://www.governor.ohio.gov/MediaRoom/PressReleases.aspx http://ema.ohio.gov/PAO_PressReleases.aspx
OK	OKLA. STAT. tit. 63, § 683.9 ⁸⁷	OKLA. STAT. tit. 63, § 6401 ⁸⁸	Animal Disease Emergency (OKLA. STAT. tit. 2, § 6-401); ⁸⁹ Drought Emergency (OKLA. STAT. tit. 27A, § 2251); Local Emergency (OKLA. STAT. tit. 63, § 683.11)	http://www.ok.gov/OEM/Emergencies_&Disasters/index.html
OR	OR. REV. STAT. § 401.165 ; OR. CONST. art. X-A, § 1 ⁹⁰	OR. REV. STAT. § 433.441(1) ; OR. ADMIN. R. 333-003-0020	Local Emergency (OR. REV. STAT. § 401.309)	http://www.oregon.gov/gov/admin/Pages/executive-orders.aspx
PA	35 PA. CONS. STAT. § 7301 ⁹¹		Local Emergency (35 PA. CONS. STAT. § 7501); Petroleum Product Shortage Emergency (71 PA. CONS. STAT. ANN. § 720.2) ⁹²	http://www.portal.state.pa.us/portal/server.pt?open=514&objID=1072223&parentname=ObjMgr&parentid=396&mode=2

State	I. Emergency/ Disaster	II. Public Health Emergency	III. Other Declarations	IV. Posted Declarations
RI	R.I. GEN. LAWS § 30-15-9 ⁹³	R.I. GEN. LAWS § 30-15-2 ⁹⁴	Local Disaster Emergency (R.I. GEN. LAWS § 30-15-13)	http://www.ri.gov/press/ http://www.governor.ri.gov/newsroom/orders/
SC	S.C. CODE ANN. § 25-1-440(a)(2)	S.C. CODE ANN. § 25-1-440(d)(2) ; S.C. CODE REGS. 61-112	Drought Emergency (S.C. CODE ANN. § 49-23-80)	http://governor.sc.gov/ExecutiveOffice/Pages/ExecutiveOrders.aspx
SD	S.D. CODIFIED LAWS § 34-48A-5 ⁹⁵	S.D. CODIFIED LAWS § 34-22-42 ⁹⁶		http://dps.sd.gov/emergency_services/emergency_management/disaster_info.aspx http://sd.gov/governor/PressReleases.aspx
TN	TENN. CODE ANN. § 58-2-107(b) ⁹⁷		Local Emergency (TENN. CODE ANN. § 58-8-104)	http://www.tnema.org
TX	TEX. GOV'T CODE ANN. § 418.014 ⁹⁸	TEX. HEALTH & SAFETY CODE ANN. §§ 81.003(7)(a), 81.082(d) ; 22 TEX. ADMIN. CODE § 166.1(f)(5) ⁹⁹	Civil Emergency (TEX. LOC. GOV'T CODE ANN. § 362.002) Air Emergency (TEX WATER CODE ANN. § 5.514)	http://governor.state.tx.us/news/proclamation/
UT	UTAH CODE ANN. § 53-2a-206	UTAH ADMIN. CODE r. 386-702-11	Local Emergency (UTAH CODE ANN. § 53-2a-208)	http://www.utah.gov/governor/news_media/index.html
VT	VT. STAT. ANN. tit 20, § 9			http://governor.vermont.gov/executive_orders
VA	VA. CODE ANN. § 44-146.17 ¹⁰⁰	VA. CODE ANN. § 44-146.17 ¹⁰¹	Electrical Energy Emergency (VA. CODE ANN. § 56-586.1); ¹⁰² Local Emergency (VA. CODE ANN. § 44-146.21)	http://www.governor.virginia.gov/PolicyOffice/ExecutiveOrders/ http://www.vaemergency.gov/news

State	I. Emergency/ Disaster	II. Public Health Emergency	III. Other Declarations	IV. Posted Declarations
WA	WASH. REV. CODE §§ 38.52.050,¹⁰³ 43.06.210	WASH. REV. CODE § 70.119A.040¹⁰⁴	Air Pollution Emergency (WASH. REV. CODE § 70.94.720); Energy Supply Emergency (WASH. REV. CODE § 43.21G.040) ¹⁰⁵	http://www.wadisasternews.com/go/site/1105/ http://www.governor.wa.gov/office-governor/official-actions/proclamations
WV	W. VA. CODE § 15-5-6¹⁰⁶	W. VA. CODE R. § 65-7-2(2.9)¹⁰⁷	Air Pollution Emergency (W. VA. CODE R. § 45-11-7)	http://www.governor.wv.gov/media/pressreleases/Pages/default.aspx
WI	WIS. STAT. § 323.10¹⁰⁸	WIS. STAT. § 323.10	Local Emergency (WIS. STAT. § 323.11)	http://walker.wi.gov/newsroom/executive-orders
WY	WYO. STAT. ANN. §§ 19-13-102; 19-13-104¹⁰⁹	WYO. STAT. ANN. § 35-4-115(a)(1)	Air, Water or Other Pollution Emergency (WYO. STAT. ANN. § 35-11-115)	http://www-wsl.state.wy.us/sis/wydocs/execorders.html http://governor.wy.gov/media/pressReleases/Pages/PressReleases.aspx

As of June 16, 2015

Supporters



Robert Wood Johnson Foundation

This document was developed originally by Daniel G. Orenstein, J.D., Deputy Director, Network for Public Health Law– Western Region, and Lexi C. White, J.D., Ph.D. student and legal researcher, with assistance from Asha Agrawal, J.D. candidate and senior legal researcher, and was reviewed by Kim Weidenaar, J.D., Deputy Director, Network for Public Health Law– Western Region and James G. Hodge, Jr., J.D., LL.M., Director, Network for Public Health Law – Western Region at the Sandra Day O’Connor College of Law at Arizona State University.

The Network for Public Health Law is a national initiative of the Robert Wood Johnson Foundation with direction and technical assistance by the Public Health Law Center at William Mitchell College of Law. The Network provides information and technical assistance on issues related to public health. The legal information and assistance provided in this document does not constitute legal advice or legal representation. For legal advice, please consult specific legal counsel.

¹ The search terms “emergency,” “disaster,” “emergency declaration,” “disaster declaration,” “catastrophe” and “emergency proclamation” were used to find these provisions and other emergency declarations potentially affecting the public’s health.

² The text of the Model State Emergency Health Powers Act (MSEHPA) is available at: <http://biotech.law.lsu.edu/blaw/bt/MSEHPA2.pdf>. A Summary Matrix of states which have adopted provisions based on the MSEHPA is available at: https://www.networkforphl.org/_asset/80p3y7/MSEHPA-States-Table-022812.pdf. Additionally, cited provisions have been compared to those identified in a recent statutory analysis by other researchers in this area. See Lainie Rutkow, et al. *The Public Health Workforce and Willingness to Respond to Emergencies: A 50-State Analysis of Potentially Influential Laws*, 42(1) J. L. MED. & ETHICS 64, 69 (2014).

³ Examples of such excluded provisions include Alabama's "Banking Emergency," authorizing the Superintendent of Banks to declare an emergency bank holiday when an emergency exists and South Dakota's "Major Grasshopper Infestation Emergency," authorizing the governor to declare an agricultural emergency pursuant to a threat of grasshopper population surge.

⁴ Alaska provides for expanded public health authorities during a public health disaster, defined as a disaster emergency due to an outbreak or credible threat of an imminent outbreak of disease ([ALASKA STAT. §18.15.390](#)). However, there is no separate declaration beyond that in [ALASKA STAT. § 26.23.020](#).

⁵ Public health threats may support declaration of an emergency or disaster, and Arizona provides significant public health authority under [ARIZ. REV. STAT. ANN. § 36-787\(A\)](#), among other statutes, but state law does not separately authorize declaration of a specific public health emergency.

⁶ If the Director of the Arkansas Department of Health determines a public health emergency exists, Arkansas allows the state Department of Health to acquire an emergency water supply, but does not specifically authorize declaration of a public health emergency.

⁷ California has three types of emergency: "state of war emergency," "state of emergency" and "local emergency." All are defined in [CAL. GOV'T CODE § 8558](#).

⁸ California also authorizes the director of the Department of Transportation to declare an emergency.

⁹ Connecticut refers to emergencies as "Civil Preparedness Emergencies."

¹⁰ Connecticut also authorizes the director of the Department of Transportation to declare an emergency.

¹¹ Hawaii authorizes the governor to declare a "tourism emergency" in the event that a terrorist threat, natural disaster, outbreak of disease or other catastrophe affects the tourism industry and tourists within the state. In the event of such a declaration, the governor may provide assistance to tourists within Hawaii as well as those in the tourism industry.

¹² Idaho refers to emergencies as "disaster emergencies."

¹³ Idaho authorizes declaration of drought emergencies by the Department of Water Resources. These declarations only affect administrative processing of water rights. A list of these drought emergencies by county is maintained and updated at <http://www.idwr.idaho.gov/News/drought/drought.htm>.

¹⁴ Illinois defines "public health emergencies" in [20 ILL. COMP. STAT. 3305/4](#) as among the circumstances supporting a declaration of "disaster." While Illinois also separately includes a statutory definition of "public health emergency" that tracks the MSEHPA in the same section, there is no provision for a separate and distinct type of declaration.

¹⁵ Indiana lists a public health emergency as a condition supporting declaration of a disaster ([IND. CODE ANN. § 10-14-3-1\(b\)\(23\)](#)), and separately grants authority under [IND. CODE ANN. § 10-14-3-19\(a\)](#) for the governor or executive director to establish mobile support units to respond to a public health emergency, but does not provide for a separate declaration of "public health emergency."

¹⁶ Indiana authorizes blood centers to declare an emergency regarding a shortage of a specific type of blood, but the Department of Public Health must approve the declaration.

¹⁷ Indiana authorizes the governor to declare an energy emergency when there is a shortage of energy supplies "that threatens to seriously disrupt or diminish energy supplies to the extent that life, health, or property may be jeopardized" ([IND. CODE ANN. § 10-14-3-5](#)).

¹⁸ Indiana authorizes the director the Department of Natural Resources to declare a ground water or surface water emergency when a particular underground well, aquifer, lake, or river appears to be excessively depleted or contaminated.

¹⁹ Iowa authorizes declaration of a public health emergency through the same authority as a "state of disaster emergency."

²⁰ Kansas refers to emergencies as "disaster emergencies."

²¹ Kentucky also authorizes the chief executive of a county or city to declare an emergency in extreme situations.

²² Louisiana separately defines "disaster" and "emergency." A disaster is "the result of a natural or man-made event which causes loss of life, injury, and property damage, including but not limited to natural disasters such as hurricane, tornado, storm, flood, high winds, and other weather related events, forest and marsh fires, and man-made disasters, including but not limited to nuclear power plant incidents, hazardous materials incidents, oil spills, explosion, civil disturbances, public calamity, acts of terrorism, hostile military action, and other events related thereto." An emergency is "(i) Any natural or man-made event which results in an interruption in the delivery of utility services to any consumer of such services and which affects the safety, health, or welfare of a Louisiana resident, (ii) Any instance in which a utility's property is damaged and such damage creates a dangerous condition to the public, and (iii) Any national or state emergency, including acts of terrorism or a congressional authorization or presidential declaration pursuant to the War Powers Resolution ([50 U.S.C. § 1541](#) et seq.)." Despite the difference in the two terms, they can be declared simultaneously or separately and both use the same channels for declaration.

²³ Louisiana only authorizes parish presidents to declare local disasters or emergencies.

²⁴ Louisiana authorizes the director of the Department of Agriculture and Forestry to declare an emergency when a situation involving pesticides presents immediate danger to human health.

²⁵ Maine authorizes the Department of Public Health to declare a "health emergency" in the event of an actual or threatened epidemic event.

²⁶ Maine gives the governor separate authority to declare an "extreme public health emergency" using the disaster declaration procedure found in [ME. REV. STAT. ANN. tit. 37-B, § 742\(1\)](#).

²⁷ Maine authorizes the governor to declare an "energy emergency" in the event that a shortage of energy presents a threat to the public's health, safety, or welfare.

²⁸ Maine authorizes the Commissioner of the Marine Resources Division to amend rules on an emergency basis to protect the public's health, public safety, property damage, or economic harm in the event of a threat to an area where marine resources are harvested.

²⁹ Maine authorizes the Commissioner of Environmental Protection to take over duties of the governor in the event of a disaster due to an oil spill.

³⁰ Maine authorizes the Commissioner of Environmental Protection to urge the governor to declare an emergency in response to an uncontrolled hazardous substance site.

³¹ Maryland refers to public health emergencies as "catastrophic health emergencies."

³² Maryland does not have a separate air quality emergency like other states, but state regulations for pollution levels require the governor or designee to declare an emergency if certain pollutant levels are exceeded.

³³ Maryland authorizes the principle executive officers of political subdivisions to declare an emergency for that area.

³⁴ Maryland authorizes the Secretary of State Police to declare a "snow emergency" which requires the use of snow tires or chains on previously designated "snow emergency routes."

³⁵ Massachusetts authorizes the governor to declare an emergency, however the provision is found in their session laws from 1950, not their general statutes. Massachusetts also authorizes the governor, in the event of an emergency, to take over all Massachusetts Bay Transportation facilities and lines ([MASS. GEN. LAWS ch. 161A, § 37](#)).

- ³⁶ Following an emergency declaration by the governor, if public health is threatened, the Commissioner of the Department of Public Health with the approval of the governor and public health council can take the actions deemed necessary to maintain the public's health and prevent disease. In addition, if a Public Health Commissioner observes prison conditions that he believes are a serious threat to the health or safety of inmates or employees at a correctional facility, he shall so notify the Commissioner of Correction, the Secretary of Human Services, and the Governor, and request that the Governor declare under [MASS. GEN. LAWS ch. 17, § 2A](#), that an emergency exists which is detrimental to the public health ([105 MASS. CODE REGS. 451.410](#)).
- ³⁷ Massachusetts authorizes the Commissioner of Environmental Protection to declare an air pollution emergency if the air conditions present a threat to the public's health and authorizes him or her to implement plans designed to mitigate the pollution problem.
- ³⁸ Massachusetts authorizes the governor to declare an energy emergency in the event of an actual or imminent energy interruption and authorizes him or her to enact plans to mitigate the shortage.
- ³⁹ Massachusetts authorizes the Department of Environmental Protection to declare a water emergency for municipalities if threat of or actual water shortage exists and authorizes him or her to implement measures to mitigate the emergency.
- ⁴⁰ Michigan authorizes the governor to declare a public health emergency when there is a reasonable basis to believe that a consumer product presents a threat to the public's health. The governor may order the removal and segregation of the product as well as any other limitations deemed necessary to protect the public.
- ⁴¹ Michigan authorizes the governor to declare an emergency at the request of the director of the Department of Agriculture if animal disease presents a threat to the livestock industry, the public's health, or animal products for human consumption.
- ⁴² Michigan authorizes the governor to declare an energy emergency in response to a potential hazard to the people of the state in the event of a potential or actual energy shortage.
- ⁴³ Michigan authorizes the Director of the Department of Environmental Quality to declare a hazardous waste emergency and take corrective action to prevent harm if hazardous waste presents a threat to the environment.
- ⁴⁴ Michigan authorizes the governor to declare a "heightened state of alert" if there is a threat of terrorism or terrorist activity in the state. The governor may exercise all of the powers available in the event of a declared emergency.
- ⁴⁵ Michigan authorizes appointed emergency management coordinators of municipalities and counties to declare a local state of emergency. Additionally, if another official perceives that an emergency exists, he or she can request a declaration from the designated coordinator or governor under [MICH. COMP. LAWS § 30.414](#).
- ⁴⁶ Minnesota has two types of emergency declaration: "national security emergency" and "peacetime emergency." A national security emergency may be declared by the governor when information from the federal government indicates a national security threat to the state. A peacetime emergency may be declared by the governor when there is a threat of "act of nature, a technological failure or malfunction, a terrorist incident, an industrial accident, a hazardous materials accident, or a civil disturbance [that] endangers life and property."
- ⁴⁷ Minnesota defines public health emergency and public health hazard ([MINN. R. 4735.0100](#)). Minnesota also grants power to the state commissioner of health "in the event of a public health emergency" to suspend terms of agreements with local boards of health regarding shared responsibility for data collection ([MINN. R. 4735.0110](#)). However, there are no specifically denoted procedures for declaring a public health emergency.
- ⁴⁸ Minnesota authorizes the Commissioner of the pollution control agency to declare an air pollution emergency when air pollution levels reach a critical set amount.
- ⁴⁹ Minnesota authorizes the governor in conjunction with his lieutenant governor, secretary of state and attorney general to declare an energy emergency if there is an impending or actual shortage of fuel.
- ⁵⁰ Minnesota authorizes municipal officials to declare emergencies for up to 3 days before the governing body must be consulted.
- ⁵¹ Mississippi authorizes the governor to declare an emergency and designate an emergency impact area.
- ⁵² Mississippi defines multiple types of emergency and disaster in its statutes including "man-made emergency," "natural emergency," "catastrophic disaster," "major disaster," "minor disaster," and "technological emergency."
- ⁵³ Mississippi authorizes the Director of the Mississippi Department of Natural Resources to declare an air pollution emergency when certain ambient pollutant levels are present.
- ⁵⁴ Mississippi authorizes the governor to declare a state of war emergency in the event of actual or impending enemy attack.
- ⁵⁵ Missouri authorizes either the governor or the legislature by resolution to declare an emergency.
- ⁵⁶ Missouri authorizes the commissioner of Air Conservation to declare an air contaminant emergency when build up presents a risk to public health or safety.
- ⁵⁷ Montana authorizes the governor to declare either an emergency or disaster. A "disaster" is defined as "the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or artificial cause, including tornadoes, windstorms, snowstorms, wind-driven water, high water, floods, wave action, earthquakes, landslides, mudslides, volcanic action, fires, explosions, air or water contamination requiring emergency action to avert danger or damage, blight, droughts, infestations, riots, sabotage, hostile military or paramilitary action, disruption of state services, accidents involving radiation byproducts or other hazardous materials, outbreak of disease, bioterrorism, or incidents involving weapons of mass destruction." An "emergency" is defined as "the imminent threat of a disaster causing immediate peril to life or property that timely action can avert or minimize."
- ⁵⁸ Montana authorizes the governor to declare an "energy emergency" when a situation exists that threatens to disrupt energy supply in a way that endangers public health and safety.
- ⁵⁹ Montana authorizes the executive officials of municipalities to declare local disasters.
- ⁶⁰ Montana authorizes the executive officials of municipalities to declare local emergencies.
- ⁶¹ Montana authorizes the board of trustees of a school district to declare an emergency and close schools in the event of a natural or other disaster.
- ⁶² Nebraska separately defines "emergency," "disaster" and "civil defense emergency," however all are declared as an "emergency" by the governor.
- ⁶³ Nebraska authorizes the executive official of a local government to declare an emergency.
- ⁶⁴ Nebraska authorizes the governor to declare a "vital resource emergency" when a vital resource crisis is imminent or has occurred.
- ⁶⁵ Nevada authorizes either the governor or the legislature by resolution to declare an emergency.
- ⁶⁶ While the statute does not explicitly authorize municipalities to declare an emergency, the Nevada Supreme Court decided in [Nylund v. Carson City](#) (117 Nev. 913, 34 P.3d 578 (2001)) that [NEV. REV. STAT. §§ 414.090](#) and [414.0345](#) should be construed to grant municipalities that authority, absent the governor's declaration of an emergency if their city code provides for such a declaration.
- ⁶⁷ New Jersey does not lay out specific procedures for emergency declaration, however the power to declare an emergency is implied by the provision that gives the governor express authority to take action during an emergency. New Jersey separately defines "emergency," "war emergency" and "disaster."
- ⁶⁸ New Jersey authorizes the emergency management coordinators within a municipality to declare a local disaster emergency.
- ⁶⁹ New Mexico's governor has general authority over homeland security and emergency management, including implied authority to declare an emergency.
- ⁷⁰ New Mexico authorizes the governor to declare an energy supply emergency.

- ⁷¹ New York authorizes declaration of the existence of an emergency in “case of great and imminent peril to the health of the general public from . . . exposure to toxic substances emanating from landfills” and authorizes the commissioner of the state health department to take measures deemed “reasonably necessary and proper for the preservation and protection of the public health” ([N.Y. PUB. HEALTH LAW § 1388](#)).
- ⁷² North Carolina authorizes either the governor or the state legislature to declare an emergency.
- ⁷³ North Carolina defines emergency and disaster separately and authorizes the governor only to declare a disaster after a damage assessment has been made following an emergency declaration either by the governor, legislature, local municipality, or federal government. An “emergency” is defined as “an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made accidental, military, paramilitary, weather-related, or riot-related cause.” Disasters are divided into three types, which are defined in [N.C. GEN. STAT. § 166A-19.21](#).
- ⁷⁴ North Carolina authorizes the governor to declare an “energy crisis” when the health, safety or welfare of the citizens of the state is threatened by an actual or impending energy shortage.
- ⁷⁵ North Carolina authorizes the executive officials of counties or municipalities to declare local emergencies.
- ⁷⁶ North Carolina authorizes the governor or the lieutenant governor to declare an emergency if threat of emergency exists from discharge of oil or other pollutant into the environment.
- ⁷⁷ North Carolina authorizes the Division of Marine Fisheries to declare a “public health emergency” and require the closure of all shellfish waters in the event of shellfish contamination.
- ⁷⁸ North Carolina authorizes the State Health Director to declare a “rabies emergency” when there is a positive diagnosis of rabies in any wild animal in the wild population (with the exception of bats).
- ⁷⁹ North Carolina gives the governor authority to declare a “water shortage emergency” in areas affected by water shortage.
- ⁸⁰ North Dakota authorizes the governor to declare an animal health emergency when state wildlife is threatened by disease or bioterrorism.
- ⁸¹ North Dakota authorizes the governor to declare a drought emergency in the event of an impending or actual drought.
- ⁸² North Dakota authorizes the executive officer of a city or county to declare a local disaster or emergency.
- ⁸³ While there are no specific provisions that authorize the governor explicitly, the authority is derived generally from the emergency management provisions authorizing the governor to mobilize resources.
- ⁸⁴ Ohio authorizes the Department of Health and Safety to declare an asbestos public health emergency in the event that a building is contaminated with asbestos and presents a threat to the public’s health.
- ⁸⁵ Ohio authorizes the Public Utilities Commission, alongside the governor to declare an energy emergency in the event that there will be a disruption in power, fuels or other energy product in order to protect the public’s health and safety.
- ⁸⁶ Ohio authorizes the governor to declare a public health state of emergency in the event that a consumer product is or possibly is contaminated and presents a threat to the public’s health.
- ⁸⁷ Oklahoma separately defines “emergency,” “man-made disaster,” and “natural disaster.”
- ⁸⁸ Oklahoma refers to public health emergencies as “catastrophic health emergencies.”
- ⁸⁹ Oklahoma authorizes the governor to declare an emergency in response to animal disease threatening the domestic animal population or public welfare.
- ⁹⁰ Oregon authorizes the governor or the legislature to declare an emergency, but the governor also has constitutional authority to declare a “catastrophic disaster” based on an act of terrorism, earthquake, flood, public health emergency, tsunami, volcanic eruption, or war.
- ⁹¹ Pennsylvania refers to emergencies as “disaster emergencies.”
- ⁹² Pennsylvania authorizes the governor to declare a petroleum products shortage state of emergency when there is an actual or threatened shortage of petroleum fuel that poses a threat to the health, safety or welfare of the public.
- ⁹³ Rhode Island refers to emergencies as “disaster emergencies.”
- ⁹⁴ Bases for declaring a general emergency include “public health emergency” ([R.I. GEN. LAWS § 30-15-2](#)).
- ⁹⁵ South Dakota separately defines “emergency” and “disaster,” however both can be declared by [S.D. CODIFIED LAWS § 34-48A-5](#). A “disaster” is “any natural, nuclear, man-made, war- related, or other catastrophe producing phenomena in any part of the state which, in the determination of the Governor, causes damage of sufficient severity and magnitude to warrant all state assistance that is reasonably available, above and beyond emergency resource commitments.” An “emergency” is “any natural, nuclear, man-made, war- related, or other catastrophe producing phenomena in any part of the state which in the determination of the Governor requires the commitment of less than all available state resources to supplement local efforts of political subdivisions of the state to save lives and to protect property, public health, and safety or to avert or lessen the threat of a disaster.”
- ⁹⁶ South Dakota authorizes the Secretary of Health and Safety to declare a public health emergency.
- ⁹⁷ Tennessee separately defines “emergency,” “disaster,” “energy emergency,” “manmade emergency,” “natural emergency,” and “technological emergency.”
- ⁹⁸ Texas authorizes the governor to declare a “disaster” defined as “the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, extreme heat, other public calamity requiring emergency action, or energy emergency.”
- ⁹⁹ Texas states that the governor declares a “public health emergency” in its provision explaining physician registration.
- ¹⁰⁰ Virginia defines disaster and emergency separately however both are declared in the same provision.
- ¹⁰¹ [VA. CODE ANN. § 44-146.17](#) indicates that the governor may declare a state of emergency in response to a State Health Commissioner’s issuance of quarantine orders regarding a “communicable disease of public health threat.”
- ¹⁰² Virginia authorizes the governor to declare an electrical energy emergency when a hurricane, ice storm, windstorm or other natural phenomenon threatens to or does interrupt the supply of power to the states’ residents.
- ¹⁰³ While Washington does not explicitly authorize the governor to declare an emergency, the authority to do so is derived from the statutes regarding emergency management and the general executive authority of the governor.
- ¹⁰⁴ This authority relates primarily to public water systems.
- ¹⁰⁵ Washington authorizes the governor to declare an energy supply emergency when a shortage of energy presents a “clear and foreseeable danger to the public health, safety, and general welfare” ([WASH. REV. CODE § 43.21G.020](#)).
- ¹⁰⁶ West Virginia authorizes either the governor or the legislature to declare an emergency.
- ¹⁰⁷ West Virginia recognizes “Emergency Circumstances That Pose a Threat To Public Health” as a basis upon which a declaration of emergency may be declared under W. VA. CODE § 15-5-6 ([W. VA. CODE R. § 65-7-2\(2.9\)](#)).

¹⁰⁸ Wisconsin uses the same provision to give the governor authority to declare an “emergency” or a “public health emergency.” Wisconsin also defines “disaster” in its emergency management section; however, there is no provision for declaring a “disaster” specifically.

¹⁰⁹ Wyoming does not have a specific provision that gives the governor explicit authority to declare an emergency; however, the powers provided to the governor in [WYO. STAT. ANN. § 19-13-102](#) and [WYO. STAT. ANN. § 19-13-104](#) are construed to give the governor such authority.