STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 7K

PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC AND RESPONSE – REMOTE NOTARIZATION, SUSPENSION OF NON-CRITICAL PROBATE AND WORKERS' COMPENSATION OPERATIONS, AND VARIOUS PUBLIC HEALTH MEASURES

WHEREAS, on March 10, 2020, I issued declarations of public health and civil preparedness emergencies, proclaiming a state of emergency throughout the State of Connecticut as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed spread in Connecticut; and

WHEREAS, my Executive Order No. 7, dated March 12, 2020, among other things, prohibited gatherings of 250 people or more for social and recreational activities, including but not limited to, community, civic, leisure, and sporting events; parades; concerts; festivals; movie screenings; plays or performances; conventions; and similar activities, and suspended various statutes and regulations to protect public health and safety; and

WHEREAS, my Executive Order No. 7A, dated March 13, 2020, authorized the Commissioner of Public Health to restrict entrance into nursing homes and similar facilities to protect people who are most vulnerable to COVID-19; and

WHEREAS, my Executive Order No. 7B, dated March 14, 2020, among other things, modified in-person open meetings requirements, waived certain rules to mitigate the critical shortage of hand sanitizer and personal protective equipment (PPE), maintain and increase the availability of childcare, and provide for increased healthcare resources and facilities; and

WHEREAS, my Executive Order No. 7C, dated March 15, 2020, among other things, cancelled classes in public schools for at least two weeks, provided for closure and remote conduct of business at Department of Motor Vehicle branches, extended deadlines for municipal budget preparations, and suspended or modified laws and regulations governing health care data and visitation at certain health care and congregate care settings; and

WHEREAS, my Executive Order No. 7D, dated March 16, 2020, restricted social and recreational gatherings of all types to fewer than 50 people, closed bars and restaurants to all service except food and non-alcoholic beverage takeout and delivery, closed gyms, fitness centers and movie theaters, and prohibited on-site operations at off-track betting facilities; and

WHEREAS, my Executive Order No. 7E, dated March 17, 2020, among other things, waived the requirement for an 180-day school year, limited fingerprinting availability to that for critical requirements, extended the duration of various licenses and permits under the authority of the Commissioner of Emergency Services and public protection, and suspended certain requirements for recoupment of overpayment and hearings conducted by the Department of Social Services; and

WHEREAS, my Executive Order No. 7F, dated March 18, 2020, ordered the closure of Large Shopping Malls, the closure of places of public amusement except public parks and open recreation areas, expanded Medicaid telehealth coverage, waived in-person service, hearing, and screening requirements for certain Probate Court proceedings in vulnerable group care settings, and clarified my order cancelling school classes; and

WHEREAS, my Executive Order No. 7G, dated March 19, 2020, ordered the postponement of the presidential primary, suspended non-critical court operations, expanded the availability of telehealth services, and enacted additional public health measures; and

WHEREAS, my Executive Order No. 7H, dated March 20, 2020, limited the workplace operations of non-essential businesses, and on-profit, created a process to designate those that are essential, and provided for consistency across the state in governmental response to the COVID-19 pandemic; and

WHEREAS, my Executive Order No. 7I, dated March 21, 2020, among other things, granted various forms of financial relief to recipients of public health and economic assistance, enacted measures to protect the health of children in the care of the Department of Children and Families, and enacted a series of measures to allow municipalities and their administrative bodies to conduct essential business while reducing the risk of COVID-19 transmission; and

WHEREAS, my Executive Order No. 7J, dated March 22, 2020, among other things, expanded the availability of temporary retired workers to fill critical staffing needs, provided authority to expedite acquisition and leasing of property to meet emergency response needs, and clarified restrictions on the operations of non-essential businesses; and

WHEREAS, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, the World Health Organization has declared the COVID-19 outbreak a pandemic; and

WHEREAS, the risk of severe illness and death from COVID-19 appears to be higher for individuals who are 60 years of age or older and for those who have chronic health conditions; and

WHEREAS, to reduce spread of COVID-19, the United States Centers for Disease Control and Prevention and the Connecticut Department of Public Health recommend implementation of community mitigation strategies to increase containment of the virus and to slow transmission of the virus, including cancellation of gatherings of fifty people or more and social distancing in smaller gatherings; and

WHEREAS, if COVID-10 is transmitted to an elderly person, there is a high risk of serious illness or mortality; and

WHEREAS, the existing COVID-19 pandemic and the accelerating spread of the disease in the State of Connecticut warrants the modification or suspension of certain public health statutes and regulations delineated below or any part thereof that conflict with the execution of civil preparedness functions or the protection of public health; and

WHEREAS, nursing homes and related facilities throughout Connecticut are experiencing staffing shortages as a result of the closure of schools and other effects of the COVID-19 pandemic, increasing the risk to patients, residents and staff; and

WHEREAS, certain documents require the in-person services of a Notary Public or Commissioner of the Superior Court and such interactions should be avoided to the maximum extent possible in order to promote social distancing and the mitigation of the spread of COVID-19; and

WHEREAS, in consultation with the Chairman of the Workers Compensation Commission, I have determined that there exists a compelling state interest that the Workers Compensation Commission conduct only essential business in order to minimize the spread of COVID-19; and

WHEREAS, in consultation with the Probate Court Administrator, I have determined that there exists a compelling state interest that the Probate Courts conduct only essential business in order to minimize the spread of COVID-19; and

WHEREAS, upon a proclamation that a civil preparedness emergency exists, section 28-9(b) of the Connecticut General Statutes authorizes the modification or suspension in whole or in part by executive order of any statute or regulation or requirement or part thereof that conflicts with the efficient and expeditious execution of civil preparedness functions or the protection of public health;

NOW, THEREFORE, I, NED LAMONT, Governor of the State of Connecticut, by virtue of the authority vested in me by the Constitution and the laws of the State of Connecticut, do hereby **ORDER AND DIRECT:**

1. **Suspension of Non-Critical Probate Court Operations and Associated Requirements.** Notwithstanding any provision of the Connecticut General Statutes, Probate Court Rules of Procedure or other provisions of law, I hereby suspend all statutory (1) reporting and filing requirements of the Office of the Probate Court Administrator concerning Probate Court operations; (2) Probate Court facility, location or venue requirements; (3) time requirements, statutes of limitation or other limitations or deadlines relating to service of process, court proceedings or court filings; and (4) all time requirements or deadlines related to the Probate Courts or their judicial officials to issue notices, hold court, hear matters and/or render decisions, including, but not limited to, the following chapters and sections of the Connecticut General Statutes:

    a. Chapter 801, relating to administrative procedures;

b. Chapter 802b, relating to decedents' estates;
c. Chapter 802c, relating to trusts;
d. Chapter 802d, relating to Uniform Transfers to Minors Act;
e. Chapter 802g, relating to disclaimer of property;
f. Chapter 802h, relating to protected persons including minors, conservatorships and guardians of adults with intellectual disability;
g. Chapter 803, relating to termination of parental rights and adoption;
h. Chapter 815p, relating to Uniform Child Custody Jurisdiction Act;
i. Sections 46b-150 through 46b-150i, relating to emancipation;
j. Section 46b-172a, relating to paternity;
k. Chapter 319, relating to commitment of mentally ill children;
l. Chapter 319a, relating to Interstate Compact;
m. Section 17a-274, relating to involuntary placement with DDS;
n. Chapter 319i, relating to adults with psychiatric disabilities;
o. Sections 17a-685 and 17a-686, relating to treatment of alcohol or drug dependent persons.

Nothing in this order shall preclude a Probate Court from holding hearings or rendering decisions in such time frames as the circumstances of the particular matter warrants and the interest of the parties requires.

2. **Suspension of Non-Critical Workers' Compensation Commission Operations and Associated Requirements.** Notwithstanding any provision of the Connecticut General Statutes or of any regulation, local rule or other provision of law, I hereby suspend all: (1) location or venue requirements; (2) time requirements, statutes of limitation or other limitations or deadlines relating to chapter 568 and the statutes enumerated in (b) below; and (3) all time requirements, or deadlines of the Workers' Compensation Commission relating to the Workers' Compensation Act and other statutory programs and schemes over which the Workers' Compensation Commission provides adjudication, dispute resolution, administrative oversight or support, including, but not limited to, the following:

a. Chapter 568, relating to the Connecticut Workers' Compensation Act;
b. Section 5-142, relating to disability compensation;
c. Section 5-142a, relating to injury or death of sheriff;
d. Section 5-145a, relating to hypertension or heart disease in certain university, aeronautics, State Capitol police, correction, mental health, criminal justice or hazardous duty personnel;
e. Section 5-145b, relating to hypertension or heart disease in motor vehicle inspectors;
f. Section 5-145c, relating to hypertension or heart disease in chief inspectors or inspectors in the division of criminal justice;
g. Section 7-314a, relating to death, disability and injury benefits;

h. Section 7-314b, relating to collection of workers' compensation benefits by volunteer firefighters and members of volunteer ambulance services;
i. Section 7-322a, relating to benefits for volunteers rendering service to another fire company;
j. Section 7-322b, relating to volunteers serving in municipality where employed;
k. Section 7-433c, relating to benefits for policemen or firemen due to hypertension or heart disease;
l. Section 28-14, relating to compensation for death, disability or injury;
m. Section 28-14a, relating to compensation of volunteers involved in homeland security drills;
n. Section 29-4a, relating to death or disability from hypertension or heart disease;
o. Section 31-40a, relating to reports of occupational diseases;
p. Section 31-40v, relating to the establishment of safety and health committees;
q. Section 31-283a, relating to rehabilitation programs.

3. **Remote Notarization.** Effective immediately and through June 23, 2020, unless modified, extended or terminated by me, all relevant state laws and regulations are hereby modified to permit any notarial act that is required under Connecticut law to be performed using an electronic device or process that allows a notary public commissioned by the Connecticut Secretary of the State pursuant to section 3-94b of the Connecticut General Statutes ("Notary Public") or a Commissioner of the Superior Court as defined by section 51-85 of the Connecticut General Statutes ("Commissioner") and a remotely located individual to communicate with each other simultaneously by sight and sound ("Communication Technology"), provided that the following conditions are met:

   a. The person seeking the notarial act ("Signatory") from a Notary Public or Commissioner, if not personally known to the Notary Public or Commissioner, shall present satisfactory evidence of identity, as defined by subsection 10 of section 3-94a of the General Statutes, while connected to the Communication Technology, not merely transmit it prior to or after the transaction;

   b. The Communication Technology must be capable of recording the complete notarial act and such recording shall be made and retained by the Notary Public or Commissioner for a period of not less than ten (10) years;

   c. The Signatory must affirmatively represent via the Communication Technology that he or she is physically situated in the State of Connecticut;

d. The Signatory must transmit by fax or electronic means a legible copy of the signed document directly to the Notary Public or Commissioner on the same date it was executed;

e. The Notary Public or Commissioner may notarize the transmitted copy of the document and transmit the same back to the Signatory by fax or electronic means;

f. The Notary Public or Commissioner may repeat the notarization of the original signed document as of the date of execution provided the Notary Public or Commissioner receives such original signed document, together with the electronically notarized copy, within thirty days after the date of execution;

g. Notwithstanding the foregoing, only an attorney admitted to practice law in the State of Connecticut and in good standing may remotely administer a self-proving affidavit to a Last Will and Testament pursuant to section 45a-285 of the General Statues or conduct a real estate closing as required by Public Act 19-88.

4. **Suspension or Modification of Regulatory Requirements to Protect Public Health and Safety.** Notwithstanding Sections 4-168 to 4-174, inclusive, of the Connecticut General Statutes, the Commissioner of Public Health may temporarily waive, modify or suspend any regulatory requirements adopted by the Commissioner of Public Health or any Boards or Commissions under Chapters 368a, 368d, 368v, 369 to 381a, inclusive, 382a, 383 to 388, inclusive, 398 to 399, inclusive, 400a, 400c and 474 of the Connecticut General Statutes as the Commissioner of Public Health deems necessary to reduce the spread of COVID-19 and to protect the public health.

5. **Temporary Suspension of National Criminal History Records Checks for Long Term Care Providers.** Section 19a-491c(c)(1) of the Connecticut General Statutes, which requires long-term care facilities to submit background searches, including checks of state and national criminal history records conducted in accordance with section 29-17a, to the Department of Public Health prior to extending an offer of employment to, or entering into a contract for, the provision of long-term care services with any individual who will have direct access, or prior to allowing any individual to begin volunteering at such long-term care facility when the long-term care facility reasonably expects such volunteer will regularly perform duties that are substantially similar to those of an employee with direct access, the requirement for checks of state and national criminal history records conducted in accordance with section 29-17a, is suspended. During this suspension period, all long-term care facilities shall

comply with the requirements contained in section 19a-491c(f)(2)(A) to (D), inclusive, of the Connecticut General Statutes.

Unless otherwise specified herein, 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.

Dated at Hartford, Connecticut, this 23nd day of March, 2020.

Ned Lamont
Governor

By His Excellency's Command

Denise W. Merrill
Secretary of the State