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**Connecticut Superior Court
Judicial District of Hartford**

**Connecticut Criminal Defense Lawyers
Association,
Willie Breyette,
Daniel Rodriguez,
Anthony Johnson, and
Marvin Jones,**
Plaintiffs

No. HHD-CV20-_____-S

April 3, 2020

v.

Ned Lamont and Rollin Cook,
Defendants.

Complaint

The Coronavirus pandemic poses an imminent and grave threat to the thousands of men and women confined in Connecticut’s unified prison system. In this action, Plaintiffs—sentenced and unsentenced people, and an organization of criminal defense lawyers—seek intervention from the Court to force the governor and correction commissioner to discharge their statutory and constitutional duties to care for the health of people in their custody. For weeks, Defendants have known about the looming threat to incarcerated people. While Governor Lamont and Commissioner Cook have made attempts to mitigate the dangers posed by the virus, conditions of confinement in prisons prevent them from ensuring the safety and livelihood of thousands of those in their care. As public health experts indicate, the only feasible way to mitigate the disease within prison and jails is to take swift action – *before* the disease hits – to significantly decrease the population in custody so that social distancing may be practiced and at-risk groups are out of harm’s way. The steps taken by Defendants are insufficient in light of

the grave risks presented by the present crisis, necessitating court intervention through the issuance of mandamus.

Parties

1. Plaintiff Connecticut Criminal Defense Lawyers Association (CCDLA) is a non-profit Connecticut organization comprising lawyers who represent people accused of crimes in the state.
2. CCDLA has approximately three hundred members statewide.
3. Its members represent clients held in each of the facilities controlled by the Connecticut Department of Correction (DOC).
4. CCDLA engages in education and advocacy for the fair treatment of those accused of crimes, and for positive changes in Connecticut's criminal and motor vehicle code. CCDLA also serves as an amicus curiae to Connecticut's appellate courts.
5. Plaintiff Willie Breyette is a person incarcerated at MacDougall-Walker Correctional Institution in Suffield. Mr. Breyette has Hashimoto's disease, an autoimmune condition in which a person's immune system attacks their thyroid gland. Mr. Breyette also has asthma.
6. Plaintiff Daniel Rodriguez is a person incarcerated at Osborn Correctional Institution in Somers. Mr. Rodriguez is eligible for halfway house placement in May, but has been told by DOC that no one will be released to a halfway house during the COVID-19 pandemic.
7. Plaintiff Anthony Johnson is a person incarcerated at Willard-Cybulski Correctional Institution in Enfield. Mr. Johnson is sixty-one years old.

8. Plaintiff Marvin Jones is a person being held at the New Haven Correctional Center because he cannot afford his \$5,000 bond. On account of a past injury, he has only one lung.
9. Defendant Ned Lamont is the governor of Connecticut.
10. Defendant Rollin Cook is the commissioner of the Connecticut Department of Correction.

The Viral Pandemic, and the Governor's Emergency Declaration

11. Beginning in December 2019, cases of viral pneumonia caused by a novel pathogen occurred in China; the World Health Organization shortly thereafter named the virus COVID-19.
12. The pathogen “is both highly contagious and deadly,” spreading from person to person through “respiratory droplets, close personal contact, and from contact with contaminated surfaces and objects.” Affidavit of Dr. Jonathan Giftos (attached as Exhibit 19) ¶ 5.
13. There is no vaccine or cure for the virus; the focus on combatting it “is on preventing [its] spread.” *Id.* ¶ 6.
14. Although the virus is highly dangerous to all humans, the United States Centers for Disease Control and Prevention (CDC) has identified particular danger for “adults over 60 years old and people with chronic medical conditions,” which include “lung disease, cancer, heart failure, cerebrovascular disease, renal disease, liver disease, diabetes, immunocompromising conditions, and pregnancy.” *Id.* ¶ 7.

15. By early March 2020, the virus had spread to the New York City metro area, and Connecticut recorded its first diagnosed case.
16. On March 10th, defendant Gov. Lamont declared a dual emergency of public health and civil preparedness until September 2020 on account of the virus. Gov. Lamont, Letter to the Secretary of the State (Mar. 10, 2020), *available at* <https://tinyurl.com/wptdlw6>.
17. Since then, Governor Lamont has issued eighteen Executive Orders intended to protect public health during the growing pandemic.

The Governor's Efforts to Dampen the Spread of the Virus

18. Governor Lamont's Executive Orders have found that COVID-19 "spreads easily from person to person and may result in serious illness or death," and that the "risk of severe illness and death...appears to be higher for individuals who are 60 years of age or older and for those who have chronic health conditions." Gov. Lamont Exec. Order No. 7 at 1 (Mar. 12, 2020) (Exhibit 1).
19. The Executive Orders have also found that there is a dire need for people to keep a six-foot distance from others in order to staunch the airborne transmission of the disease. Most recently, the defendant forbade "social and recreational gatherings of . . . six (6) or more people." Lamont Exec. Order 7N at 4 (Mar. 28, 2020) (Exhibit 15).
20. The defendant has repeatedly highlighted the particular threat COVID-19 poses to institutional and congregant housing. His first order found that "there is an increased risk of rapid spread of COVID-19 among persons who are living in

congregate settings, such as long-term care facilities.” Lamont Exec. Order No. 7 at 1.

21. He later reiterated his findings of the risk posed by congregate settings, adding that such settings include “inpatient or outpatient hospitals, clinics or other facilities for the diagnosis, observation or treatment of persons with psychiatric and intellectual disabilities.” Lamont Exec. Order No. 7C at 2 (Mar. 15, 2020) (Exhibit 4).
22. On March 28, the defendant again acknowledged public health guidance to reduce human density in closed spaces, recognizing that the “Centers for Disease Control has recommended that states, especially those with higher rates of growth in the number of infected people, take measures to reduce density within homeless shelters and other congregant housing situations.” Lamont Exec. Order No. 7P at 2 (Mar. 28, 2020) (Exhibit 17).
23. Governor Lamont has also spoken to the press about the dangers of close quarter living arrangements, in one instance referring to nursing homes as a “petri dish” for the spread of COVID-19. Patrick Skahill, *Connecticut Tracks COVID-19 Cases But Doesn’t Keep Nursing Home Tally*, WNPR, Mar. 27, 2020, <https://www.wnpr.org/post/connecticut-tracks-covid-19-cases-doesnt-keep-nursing-home-tally>.
24. As a result of these conclusions, Governor Lamont has restricted entry into nursing homes and similar facilities; modified in-person open meetings requirements; closed public schools; prohibited bars and restaurants from serving sit-in customers and closed gyms, fitness centers, and movie theaters;

closed malls; postponed the presidential primary; and limited the workplace operations of non-essential businesses and non-profits.

25. Governor Lamont has implemented similar measures targeted specifically at courts, including suspending certain court operations and authorizing remote notarization. *See* Lamont Exec. Order No. 7G at 3-4 (Mar. 19, 2020), (Exhibit 8); Lamont Exec. Order No. 7Q at 2-3 (Mar. 30, 2020) (Exhibit 18).

The People in the Defendants' Custody

26. Although Governor Lamont has shown great concern for the general public and businesses of the state, the interventions he and Commissioner Cook have issued do not adequately protect the people in their custody: those sentenced to incarceration, and those being detained before trial.
27. As of April 2nd, there were 3,241 people in pre-trial detention, and 8,580 people serving sentences of incarceration in Connecticut's prison system.
28. Those figures have not materially changed since the outbreak of the COVID-19 virus in Connecticut. On January 1, 2020, for example, there were 3,393 people detained prior to trial and 8,891 people serving sentences of incarceration in Connecticut's prison system.
29. The threat to the health and lives of Connecticut's incarcerated population falls disproportionately on Black and Latinx prisoners.
30. As of March 1, 2020, Black people comprised 5,349 of the 12,411 people in Connecticut's prisons, or 43.1% of the state's prison population.
31. The 2010 decennial census identified Black people as comprising 11% of Connecticut's population.

32. As of March 1, 2020, Latinx people comprised 3,307 of the 12,411 people in Connecticut's prisons, or 26.7% of the state's prison population.
33. The 2010 decennial census identified Latinx people as comprising 16.5% of Connecticut's population.
34. Many people in the defendants' custody are needlessly facing danger as the pandemic arrives in Connecticut prisons.
35. Approximately 200 people—like Mr. Jones—are being held on a bail of \$50,000 or less, that is, they are in a highly dangerous congregate living situation for lack of the \$5,000 or smaller ten percent cash bond.
36. Approximately 4,000 of the roughly 12,000 people in Connecticut prisons are within ninety days of their sentence end, by which time the pandemic is likely to be still raging.
37. 1,092 are incarcerated for technical violations of parole or probation.
38. 3,339 are parole-eligible, yet remain within the walls of Connecticut prisons as the pandemic bears down on them.
39. In addition, Connecticut's prison population is aging. 595 of the people in the state custody are age sixty or older like Mr. Johnson, a factor that the CDC has identified as a risk for severe complications from a COVID-19 infection. These individuals pose the least risk to the public, yet are most at risk of serious illness or death.
40. Many prisoners have compromised immune systems or, like Mr. Breyette, have autoimmune disorders also identified by CDC as heightening the risk of a serious illness or death from COVID-19.

Routine Prison Conditions Lend Themselves to Rapid Spread of the Virus

41. In Connecticut prisons, as elsewhere, people are held in a congregate living situation at least as dense as is found in nursing homes and hospitals.
42. Some prisons have dormitory-style housing, like Willard-Cybulski, where Mr. Johnson is held. His dormitory has one hundred men in it, and, in Mr. Johnson's words, "once the virus comes in, it's going to spread like wildfire." Five prisoners at Willard-Cybulski have already tested positive for the pathogen.
43. In most other prisons, incarcerated people are held two to a cell in close quarters. *See Second Connecticut Prison Inmate Tests Positive for the COVID-19 Virus*, NBC Conn., Mar. 31, 2020, <https://www.nbcconnecticut.com/news/coronavirus/second-connecticut-prison-inmate-tests-positive-for-the-covid-19-virus/2247971/> (reporting that the second person to test positive at Corrigan-Radgowski "was in a two-person cell").
44. In Connecticut prisons as elsewhere, detainees and prisoners do not have the ability to maintain personal hygiene to the same standards as free people do, because people in prison must in many cases live in a cell containing a toilet, are not allowed hand sanitizer, have limited access to cleaning supplies and soap, and have no control over disinfecting common areas or commonly touched surfaces.
45. Connecticut prisoners, like their counterparts nationwide, are given almost all of their medical treatment in the same facility in which they are housed, rather than in a dedicated medical facility such as a clinic or hospital.
46. As a result, "correctional settings increase the risk" of contracting the virus, because in prison, "there are high numbers of people with chronic, often untreated, illnesses housed in a setting with minimal levels of sanitation, limited

access to personal hygiene, limited access to medical care, and no possibility of staying at a distance from others,” Giftos Aff. ¶ 8, such that “there are more people susceptible to getting infected congregated together in a context in which fighting the spread of an infection is *nearly impossible*.” *Id.* ¶ 9 (emphasis added).

47. COVID-19 public health experts have sounded the alarm that prisons are extremely high-risk settings for the spread of COVID-19 since the pandemic’s arrival in the United States. *See* Dr. Lipi Roy, *Infections And Incarceration: Why Jails And Prisons Need To Prepare For COVID-19 Now*, Forbes, Mar. 11, 2020, <https://www.forbes.com/sites/lipiroy/2020/03/11/infections-and-incarceration-why-jails-and-prisons-need-to-prepare-for-covid-19-stat>; Brie Williams et al., *Correctional Facilities in the Shadow of COVID-19: Unique Challenges and Proposed Solutions*, Health Affairs, Mar. 26, 2020, <https://www.healthaffairs.org/doi/10.1377/hblog20200324.784502/full/> (cataloguing the significant differences between combatting the virus inside of prison versus outside of it); Timothy Williams, Benjamin Weiser, and William K. Rashbaum, *‘Jails Are Petri Dishes’: Inmates Freed as the Virus Spreads Behind Bars*, N.Y. Times, Mar. 30, 2020, <https://www.nytimes.com/2020/03/30/us/coronavirus-prisons-jails.html> (reporting that, after the New York City corrections department’s physician warned the mayor that “a storm is coming,” the city “released at least 650 people”).
48. Their warnings have proven tragically accurate. One week ago, Chicago’s Cook County Jail had two COVID-19 diagnoses; as of March 30th, 101 incarcerated

people and 12 staff members have tested positive for the virus. *Compare* Andy Grimm, *Two Cook County Jail Detainees Test Postive for Coronavirus*, Chicago Sun-Times, Mar, 23, 2020,

<https://chicago.suntimes.com/2020/3/23/21191438/two-cook-county-jail-detainees-test-positive-covid-19-coronavirus> *with* Sam Kelly, *101 inmates at Cook County Jail Confirmed Positive for COVID-19*, Chicago Sun-Times, Mar. 30, 2020,

<https://chicago.suntimes.com/coronavirus/2020/3/29/21199171/cook-county-jail-coronavirus-positive-101-cases-covid-19>.

49. In just two weeks, the New York City jail Rikers Island went from one confirmed case of COVID-19 to 231 cases. *Compare* Chelsia Rose Marcius, *Rikers Island Inmate Has Contracted Coronavirus: Officials*, N.Y. Daily News, Mar. 18, 2020, <https://www.nydailynews.com/coronavirus/ny-coronavirus-rikers-island-inmate-tests-positive-20200318-gf3r7q4cefaxzlqmwrmuevzz3y-story.html> *with* The Legal Aid Society, *Covid-19 Tracking in NYC Jails*, Apr. 2, 2020, <https://www.legalaidnyc.org/covid-19-infection-tracking-in-nyc-jails>.
50. As of March 29th, 2020, Rikers Island had a COVID-19 infection rate surpassing every country in the world.
51. Here in Connecticut, as of April 2, sixteen DOC staff members and eight incarcerated people have already tested positive for COVID-19. Connecticut Dep't of Correction, *Covid-19 Tracker*, <https://portal.ct.gov/DOC/Common-Elements/Common-Elements/Health-Information-and-Advisories> (last visited Apr. 2, 2020).

52. The trajectory of other correctional systems make clear that Connecticut has limited time to act to prevent the virus from taking over its facilities and contributing the statewide overload on hospital beds. *See* Andrew Clark et al, *Opinion: Prison Outbreak Affects Health of Entire State*, Conn. Post, Mar. 31, 2020 (explaining that, “[a]s jails and prisons become flashpoints for infection, the outbreak will overwhelm already limited state health care resources,” because correctional facilities are linked to surrounding communities by employees and contractors moving in and out of them); Giftos Aff. ¶ 15 (“Specifically, a surge in COVID-19 infections in a correctional setting could mean that ICU beds in the community hospital would no longer be available to everyone who needed them.”). Other states have concluded that the only effective way to avoid a widespread outbreak in prisons is to reduce the number of people in them. *See* Appendix (Exhibit 21) (listing representative actions by state courts, as well as actions by federal courts in both the criminal and immigration detention contexts); *see also* Consent Order, *In re Request to Commute of Suspend County Jail Sentences*, No. 084230, slip op. at 2 (N.J. Mar. 22, 2020) (“[A]ny inmate currently serving a county jail sentence (1) as a condition of probation, or (2) as a result of a municipal court conviction, shall be ordered released.”), *available at* https://www.aclu-nj.org/files/5415/8496/4744/2020.03.22_-_Consent_Order_Filed_Stamped_Copy-1.pdf; Emergency Order, slip op. at 1 (Me. Dist. and Super. Cts. Mar. 17, 2020) (joint order of trial courts immediately canceling “any outstanding warrants for unpaid fines, unpaid restitution, unpaid court-appointed counsel fees, failure to appear for unpaid fine hearings, and any other failure to appear and pay other fees”), *available at*

<https://www.courts.maine.gov/covid19/emergency-order-vacating-warrants-fines-fees.pdf>.

The Defendants' Prison Medical Staff Will be Quickly Overwhelmed

53. Even prior to the COVID-19 outbreak, Connecticut has long struggled to provide sufficient medical services to the people it holds prisoner. Defendants' medical staff in prisons is now nearly certain to be overrun when the virus begins spreading inside the walls.
54. In July 2019, the Connecticut Mirror reported that DOC had 309 nurses on staff to serve 13,320 prisoners, or one nurse for every 43 prisoners. For medical providers, including doctors and physician assistants, the DOC employs only one for every 579 prisoners. Jenna Carlesso and Kelan Lyons, *One Year after DOC Took Over Inmate Healthcare, Troubles Persist*, Conn. Mirror, July 2, 2019, <https://ctmirror.org/2019/07/02/one-year-after-doc-took-over-inmate-health-care-troubles-persist>.
55. Little has changed since that report. In early 2020, Cheshire Correctional Institution and Corrigan-Radgowski Correctional Center reported employing twenty-nine and twenty-seven nurses, respectively, or thirty-nine prisoners per nurse at Cheshire and forty at Corrigan-Radgowski.
56. Accessing medical doctors at those prisons is difficult: at Cheshire, one psychiatrist and one principal physician are the only doctors serving a population of 1,131. Corrigan-Radgowski, with a population of 1,083, does not employ a single physician beyond a staff psychiatrist.

57. The woeful medical provisions at Cheshire and Corrigan-Radgowski are not unique to those prisons.
58. In February of this year, Commissioner Rollin Cook told members of the Black and Puerto Rican Legislative Caucus that there were 139 healthcare positions vacant out of 843 budgeted. Lisa Backus, *Staffing Shortage Creates 'Dangerous' Situation in CT Prisons*, Conn. Post, Feb. 3, 2020, <https://www.ctpost.com/local/article/Staffing-shortage-creates-dangerous-15027264.php>.
59. This month, a DOC spokesperson suggested that facilities can manage shortages by scheduling medical employees for twelve hours at a time in an emergency. Kelan Lyons, *Elderly Prisoners in Connecticut Vulnerable to Potential Coronavirus Outbreak*, Hartford Courant, Mar. 11, 2020, <https://www.courant.com/coronavirus/hc-pol-coronavirus-connecticut-prisons-20200311-ote3jd6orje77ipl44qgi3bb6i-story.html>
60. However, the Connecticut Mirror reported that healthcare staff were already logging what would appear to be the maximum possible overtime *before* the pandemic, sometimes staying on shift for sixteen to twenty-four hours a day. Carlesso and Lyons, *supra* ¶ 54.
61. And, as of a month ago, head nurses, nurses, and licensed nurse practitioners were among the twenty top wage earners in the DOC based on their overtime pay; at least three nursing staff were making twice their annual pay in overtime. Backus, *supra* ¶ 58.
62. That the DOC is over 100 staff short to provide for ordinary healthcare needs at its facilities is alarming, because retirees and medical students are already being

called to aid overwhelmed medical staff in regions where COVID-19 is rampant. Selena Simmons Duffin, *States Get Creative to Find and Deploy More Workers in COVID-19 Fight*, NPR, Mar. 25, 2020, <https://www.npr.org/sections/health-shots/2020/03/25/820706226/states-get-creative-to-find-and-deploy-more-health-workers-in-covid-19-fight>.

63. DOC medical staff have sounded the alarm about possible systemic failure. Dr. Gerald Valletta, the primary physician at Garner and Manson Youth Institution in Cheshire, told the Courant that “[t]he more people get sick and call out, the more burdened staff will be. We were already facing a huge shortage.” Eliza Fawcett, *With COVID-19 Threat Looming, State Prisons and Jails are on Edge*, Hartford Courant, Mar, 28, 2020, <https://www.courant.com/coronavirus/hc-news-coronavirus-connecticut-prisons-20200328-pvg57sfcafh5zck4wftabooxre-story.html>.
64. Debra Cruz, head nurse at Cheshire, expressed similar concerns, suggesting that even mandating 16-hour shifts, as permitted in the workers’ contract, would not guarantee adequate healthcare. “We’re all just holding our breaths and hoping this passes us by,” the Hartford Courant quotes Cruz as saying on March 11. Lyons, *supra* ¶ 59.

Despite Their Efforts to Mitigate the Pandemic’s Impact, Defendants Have Not Demonstrated Ability to Prevent and Treat the Virus in Prisons

65. The risk to incarcerated people is heightened by DOC’s inadequate response to COVID-19 and its facilities’ lack of capacity to safely house people at current densities.

66. Initially, DOC's only plan to address COVID-19 was a repurposed 2007 policy for flu outbreaks, see Connecticut Dep't of Correction, *Pandemic Influenza Response Plan* (February 14, 2007), available at <https://portal.ct.gov/-/media/DOC/Pdf/Coronavirus-3-20/A-7-02a-Pandemic-Influenza-response-plan.pdf>, despite the fact that COVID-19 is understood to be transmitted more easily and in different ways than flu. See, e.g., Johns Hopkins Hosp., *Coronavirus Disease 2019 vs. the Flu*, <https://www.hopkinsmedicine.org/health/conditions-and-diseases/coronavirus/coronavirus-disease-2019-vs-the-flu> (accessed Mar. 30, 2020) (reporting that, unlike influenza, COVID-19 may "spread through the airborne route, meaning that tiny droplets remaining in the air could cause disease in others even after the ill person is no longer near").
67. On March 11th, spokesperson Karen Martucci doubled down on the outdated plan in a press interview. "This isn't new for us. We quarantine for the flu every year," she said. "We didn't have to create a pandemic plan. This was already created." Lyons, *supra* ¶ 59.
68. Though the 2007 plan has now been replaced online with one specific to the current pandemic, the DOC's preventative measures are insufficient to stop the virus once inside prison walls.
69. For example, the DOC's plan permits recreation and programming to take place in groups of up to fifty incarcerated people, ten times the number of people permitted by the Governor's executive order. Compare Conn. Dep't of Correction, *COVID-19 Operational Response Plan 1* (Mar. 20, 2020), available

at <https://portal.ct.gov/-/media/DOC/Pdf/Coronavirus-3-20/Covid-19-Operational-Response-Plan.pdf> with Lamont Exec. Order 7N at 4.

70. However, the sanitation practices inside prisons continues to be woefully insufficient in light of the danger posed by coronavirus. Prisoners in certain facilities do not have adequate access to soap. Corrections staff are not wearing masks or gloves, and prisoners are given supplies with which to disinfect their cells only once a week. Common areas and showers are being cleaned only once a day.
71. In addition, though everyone entering a Connecticut correctional facility must have a wellness screening, including a temperature check, recent data suggests that around 60% of COVID-19 cases are asymptomatic. Jane Qiu, *Covert Coronavirus Infections Could Be Seeding New Outbreaks*, Nature, Mar. 20, 2020, available at <https://www.nature.com/articles/d41586-020-00822-x>. As a result, fevers are not be a reliable indicator of whether someone is a carrier.
72. The prevalence of symptomatic and pre-symptomatic COVID-19 carriers also belie the claim, made by both the defendant and his Department of Correction, that moving prisoners around inside the same sealed buildings will prevent the spread of infection. Asked about prisoner releases in response to COVID-19, a DOC spokeswoman claimed, “Overcrowding is not a concern for our agency. We have space to use.” Lyons, *supra* ¶ 59.
73. On March 24th Governor Lamont refused to consider releasing anyone in his custody but offered that “[w]e are going to do everything we can to make sure that anybody who may be at risk of being a carrier is segregated or quarantined in a separate area.” Kelan Lyons, *Lamont Says No Prison Releases Because of*

COVID-19 Despite Pressure From Advocates, Conn. Mirror, Mar. 24, 2020, <https://ctmirror.org/2020/03/24/lamont-says-no-prison-releases-because-of-covid-19-despite-pressure-from-advocates>.

74. At MacDougall-Walker, where Mr. Breyette is confined, staff have cleared a space for quarantine: “seg,” or the restrictive housing unit where prisoners are placed as punishment.
75. At Osborn, where Mr. Rodriguez is confined, some prisoners work in a factory making filter masks for healthcare providers, but are not given any additional cell disinfection time or materials.
76. Even when carriers are successfully identified and quarantined, additional space within a prison does not address the threat of airborne diseases within sealed buildings; the CDC has emphasized that heating, ventilating, and air conditioning systems can transmit particles of highly infectious diseases. U.S. Centers for Disease Control and Prevention, *Morbidity and Mortality Weekly Report, Prevention and Control of Tuberculosis in Correctional and Detention Facilities: Recommendations from CDC* (July 7, 2006), available at <https://www.cdc.gov/mmwr/preview/mmwrhtml/rr5509a1.htm>.
77. It is therefore unrealistic to think that “screening, social distancing, and quarantining measures can be sufficiently employed within correctional settings to combat the spread of COVID-19,” *Giftos Aff.* ¶ 16, because “[t]here are too many structural limitations, and correctional health care can only do so much.” *Id.* ¶ 17.
78. “Decreasing the incarcerated population so that there is more ability to physically distance within the facility, fewer people who can contract the virus inside the

facility, and more medical care for those who need it is the only way to prevent the complications from surging.” *Id.* ¶ 18.

The Defendants’ Unmet Obligations to the People in Their Custody

79. During a declared civil preparedness emergency like the current COVID-19 one, the governor is required to “take appropriate measures for protecting the health and safety of inmates of state institutions” Conn. Gen. Stat. § 28-9(b)(5).
80. At all times, the commissioner is required to “provide for the relief of any sick or infirm prisoner” Conn. Gen. Stat. § 18-7.
81. During the COVID-19 pandemic, and at all other times, the defendants bear the duty to refrain from depriving anyone of sanitation or medical care on the basis of their “race, color, ancestry, or national origin.” Conn. Const. art. 1, § 20.
82. During the COVID-19 pandemic, and at all other times, the defendants bear the duty to refrain from cruelly and unusually punishing sentenced prisoners of the State in contravention of the Connecticut and United States Constitutions by failing to provide adequate sanitation and medical care.
83. During the COVID-19 pandemic, and at all other times, the defendants bear the duty to refrain from punishing pre-trial detainees of the State through lack of sanitation or medical care, since by virtue of their presumed innocence any such deprivation contravenes the Fourteenth Amendment to the United States Constitution.
84. Defendants’ interventions to date are commendable, but unfortunately insufficient to comply with their constitutional and statutory obligation to ensure the safety of those in their custody. Because the conditions of confinement in

Connecticut prisons leave prisoners in a highly dangerous congregate living situation certain to result in widespread COVID-19 infection, court action is necessary for defendants to execute their non-discretionary duties with respect to the sanitation and medical care of the prisoners and detainees in their custody..

Request for Relief

85. For such reasons stated above, the Court should issue a writ of mandamus compelling the defendants to:

(a) immediately release all people having the CDC heightened risk factors for serious illness or death from COVID-19, directly to a hospital or appropriate medical facility where necessary;

(b) immediately reduce the population density at each and every facility in which they confine people, including by:

(1) releasing all pre-trial detainees facing misdemeanor charges or detained subject to a bond of \$50,000 or less;

(2) immediately release to transitional supervision all those eligible for such;

(3) immediately release to home confinement those eligible for such pursuant to Conn. Gen. Stat. § 18-100h;

(4) immediately release those currently incarcerated only for a technical violation of their parole or probation;

(5) immediately release on furlough all prisoners who are within six months of their end of sentence;

(c) submit for the Court's review a plan:

- (1) to provide adequate sanitation and social distancing in prisons,
 - (2) to diagnose and treat people showing symptoms of COVID-19 in accordance with contemporary standards of care,
 - (3) to approve, within seven days, community or private residences to those qualified for release to such via Conn. Gen. Stat. § 18-100,
 - (4) to approve, within seven days, residences for any prisoner or detainee who is now eligible for release but for the defendant's approval of a residence, and
 - (5) to sufficiently fund transitional housing for the duration of the pandemic; and
- (d) undertake any other task necessary to discharge their duties to those in their custody during the pandemic.

/s/ Dan Barrett
Dan Barrett (# 437438)
Elana Bildner (# 438603)
ACLU Foundation of Connecticut
765 Asylum Avenue
Hartford, CT 06105
(860) 471-8471
e-filings@acluct.org

Hope Metcalf (# 424312)
Allard K. Lowenstein Int'l Human Rights Clinic
Yale Law School
127 Wall Street
New Haven, CT 06511
(203) 432-9404
hope.metcalf@ylsclinics.org

Miriam Gohara (# 437966)
Marisol Orihuela (# 439460)
Jerome N. Frank Legal Services Organization
P.O. Box 209090
New Haven, CT 06520
(203) 432-4800
miriam.gohara@ylsclinics.org
marisol.orihuela@ylsclinics.org

Counsel for the Plaintiffs

Exhibit 1

Lamont Executive Order No. 7

STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 7

RECEIVED
OFFICE OF THE ATTORNEY GENERAL
MAY 13 2020 10 31 AM

**PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID 19 PANDEMIC AND
RESPONSE**

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, 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, there is an increased risk of rapid spread of COVID-19 among persons who are living in congregate settings, such as long-term care facilities, and most residents of long-term care facilities are at increased risk for severe COVID-19; 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 down the transmission of the virus, including cancellation of large gatherings and social distancing in smaller gatherings; and

WHEREAS, Sections 10-15 and 10-16 of the Connecticut General Statutes require that public schools be in session for at least 180 days during each year and for nine hundred hours of actual schoolwork for full-day kindergarten and grades one to twelve, inclusive, and four hundred and fifty hours for half-day kindergarten; and

WHEREAS, due to these unprecedented circumstances and because of the existence of this public health emergency and the anticipated temporary closure of schools due to COVID-19 risks where such local and regional boards of education deem it necessary to protect the safety and public health, multiple school districts may not be able to fulfill these requirements; and

WHEREAS, the Connecticut Department of Public Health and my administration continue to manage the public health aspects of this incident;

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. **Prohibition of Large Gatherings.** Throughout the State, gatherings of 250 people or more for social and recreational activities including, but not limited to, community, civic, leisure, or sporting events; parades; concerts; festivals; movie screenings; plays or performances; conventions; and similar activities; are prohibited. Such prohibition shall remain in effect until midnight on April 30, 2020, unless modified by a future Executive Order. Nothing in this order shall prohibit any spiritual gathering or worship service. Violators of this order may be subject to criminal penalties pursuant to Section 28-22 of the Connecticut General Statutes.
2. **Limits on Nursing Home Visitors.** Section 19a-550(b)(12) of the Connecticut General Statutes, specifically providing that each patient in a nursing home facility, residential care home or chronic disease hospital "may associate ... privately with persons of the patient's choice, including other patients," is hereby modified to provide that the Commissioner of Public Health may issue restrictions on the number, category and frequency of outside visitors and the screening and protective measures as the Commissioner may deem necessary to assure the health and welfare of patients in a nursing home facility, residential care home or chronic disease hospital, provided that nothing in this order or any order by the Commissioner may prohibit a visit, where sufficient protective measures are able to be put in place, from 1) at least one family member, domestic partner, or other person designated by the patient, each day; 2) a patient's attorney, conservator, or any process server related to matters under the jurisdiction of the Probate Court; 3) persons necessary to conduct hearings under the jurisdiction of the Probate Court; or 4) a person authorized by law to oversee or investigate the provision of care and services (e.g. ombudsman). Except as provided herein regarding visitors, nothing in this order shall suspend or modify the provisions of Sec. 19a-550(b)(12) providing the right to communicate privately with persons of the patient's choice, send and receive the patient's personal mail unopened and make and receive telephone calls privately, unless medically contraindicated, as documented by the patient's physician or advanced practice registered nurse in the patient's medical record.
3. **Waiver of 180-Day School Year.** For the 2019-2020 school year, the mandates of Sections 10-15 and 10-16 of the Connecticut General Statutes, and any associated implementing regulations or policies, requiring 180 school day sessions and the associated requirements for a threshold number of hours of actual school work, are immediately suspended for all schools that are closed for any period of time due to COVID-19 risks and, upon the reopening of the schools, hold school sessions through June 30, 2020. Nothing in this order shall preclude schools from satisfying the existing mandates of Sections 10-15 and 10-16 sooner than June 30, 2020 through distance learning or other alternatives approved by the Commissioner of Education. The Commissioner shall approve any such alternatives if they are filed with the State Department of Education on or before June 1, 2020 and consist of an attestation by the Superintendent or school leadership official, and signed

by the Chair of the local or regional board of education, stating that the alternative methods comply with all legal and regulatory requirements.

4. **Extension of DMV Licensing Renewal Deadlines and Suspension of Other DMV Requirements.** Pursuant to Section 14-5c of the Connecticut General Statutes, the Commissioner of Motor Vehicles is authorized for the duration of the aforementioned public health and civil preparedness emergency to issue such orders pursuant to such section as she deems necessary.
5. **Modification of Police Academy Attendance Requirements.** Section 7-294e-15 of the Regulations of Connecticut State Agencies, which prohibits police training academy recruits from being absent from any basic training program for more than five days, is hereby suspended. The Commissioner of Emergency Services and Public Protection or his designee, subject to their discretion, may permit leave in excess of five days for any recruit if they determine such leave to be necessary as a result of the effects of or response to the COVID 19 pandemic; may permit a recruit on such leave to continue basic training via distance learning; and may permit a recruit who is unable, because of extended absence as a result of the COVID 19 pandemic, to complete the basic training in the next available or a future training class.

This order shall take effect immediately and shall remain in effect for the duration of the aforementioned state of emergency, unless earlier modified by me.

Dated at Hartford, Connecticut, this 12th day of March, 2020.



Ned Lamont
Governor

By His Excellency's Command



Denise W. Merrill
Secretary of the State



Exhibit 2

Lamont Executive Order No. 7A

STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 7A

**PROTECTION OF RESIDENTS OF NURSING HOME FACILITIES,
RESIDENTIAL CARE HOMES AND CHRONIC DISEASE HOSPITALS
DURING COVID-19 PANDEMIC**

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, 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 is higher for people who are 60 years old or older and for those who have chronic health conditions; and

WHEREAS, there is an increased risk of rapid spread of COVID-19 among persons who are living in congregate settings, such as long-term care facilities, and residents of long-term care facilities are at increased risk for severe COVID-19; and

WHEREAS, to reduce the 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 down the transmission of the virus, including cancellation of large gatherings and social distancing in smaller gatherings; and

WHEREAS, on March 12, 2020, I issued Executive Order No. 7, which, among other things, authorized the Commissioner of Public Health to restrict visitation in nursing home facilities, residential care homes and chronic disease hospitals, with certain exceptions; 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 risks to patients, residents, and staff; and

WHEREAS, there exists a compelling state interest in restricting visitation in nursing home facilities, residential care homes and chronic disease hospitals to protect the health and safety of their patients, residents, and staff;

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. For the duration of the aforementioned public health and civil preparedness emergencies, or until such time as I repeal or modify this executive order, notwithstanding Section 19a-550(b)(12) of the Connecticut General Statutes or any other statute, regulation, local rule or ordinance or provision of law, the Commissioner of Public Health is authorized to issue any and all orders restricting entrance into nursing home facilities, residential care homes or chronic disease hospitals that she deems necessary to protect the health and welfare of patients, residents and staff.
2. This order supersedes paragraph 2 of Executive Order No. 7 ("Limits on Nursing Home Visitors"). All other provisions of Executive Order No. 7 remain in effect.

This order shall take effect immediately.

Dated at Hartford, Connecticut, this 13th day of March, 2020.

Ned Lamont

Ned Lamont
Governor

By His Excellency's Command

Denise W. Merrill

Denise W. Merrill
Secretary of the State



Exhibit 3

Lamont Executive Order No. 7B

STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 7B

**PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC
AND RESPONSE – FURTHER SUSPENSION OR MODIFICATION OF STATUTES**

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, 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, 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, there is an increased risk of rapid spread of COVID-19 among persons living in congregate settings, such as long-term care facilities, and most residents of long-term care facilities are at increased risk for severe COVID-19; 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 large gatherings and social distancing in smaller gatherings; and

WHEREAS, attendance at public meetings and proceedings is likely to increase the risk of transmission of COVID-19; and

WHEREAS, increased demand on the healthcare system resulting from the COVID-19 pandemic has created an imminent shortage of personal protective equipment (PPE); and

WHEREAS, the imminent shortage of personal protective equipment (PPE) will significantly impact pharmacies compounding sterile pharmaceuticals in the State of Connecticut due to their inability to comply with statutorily mandated garbing requirements;

WHEREAS, the Department of Consumer Protection has issued liquor permits to persons and organizations sponsoring public outings, picnics, social or charitable events that would draw crowds of people, but fees for such permits are currently non-refundable;

WHEREAS, the need to enact social distancing, limit large crowds, and other measures, combined with the closure of schools and workplaces to limit the transmission of COVID-19, has vastly expanded the need for childcare for families throughout the State; and

WHEREAS, Section 19a-420 (1) of the Connecticut General Statutes provides in relevant part that youth camps operate based on a summer instructional program schedule; and

WHEREAS, due to unprecedented circumstances and because of the existence of this public health emergency and the anticipated need for additional childcare for families faced with multiple school closures, it is deemed necessary to allow camps to open and provide care for a period longer than the summer season; and

WHEREAS, Section 10-16p (6) of the Connecticut General Statutes requires School Readiness programs to remain open for 50 weeks of the year; and

WHEREAS, due to the unprecedented circumstances and because of the existence of this public health emergency and the temporary closure of School Readiness programs due to COVID-19 risks, where such School Readiness programs deem it necessary to protect the safety and public health, multiple School Readiness programs may not be able to fulfill this requirement; and

WHEREAS, the Executive Director of the Office of Health Strategy directs and oversees the Health Systems Planning Unit established under section 19a-612 and all of its duties and responsibilities as set forth in Sections 19-610 through 19-689 of the Connecticut General Statutes; and

WHEREAS, the Health Systems Planning Unit oversees the Certificate of Need program, hospital financial reporting and other functions; and

WHEREAS, healthcare providers in the state of Connecticut may need the flexibility to establish temporary health care facilities to test, diagnose and treat patients exhibiting symptoms of COVID-19 in response to the anticipated surge in COVID-19 cases; and

WHEREAS, the current licensed bed capacity within the state of Connecticut may be insufficient to accommodate and facilitate the safe and effective treatment of individuals diagnosed with COVID-19; and

WHEREAS, the utilization of certain imaging equipment is required to diagnose, treat, and monitor the progression of COVID-19; and

WHEREAS, Section 19a-638(a) of the Connecticut General Statutes requires a certificate of need for the establishment of a new health care facility; the establishment of a freestanding emergency department; the acquisition of computed tomography scanners; and an increase in licensed bed capacity of a health care facility in the state of Connecticut; and

WHEREAS, Section 19a-639a through 19a-639f of the Connecticut General Statutes sets forth notice requirements and timelines related to the certificate of need analytic process, and sets forth a process to request public hearings;

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 In-Person Open Meeting Requirements.** Sections 1-206, 1-225, and 1-226 of the Connecticut General Statutes, and any open meeting provision of any municipal charter, ordinance, or regulation that conflicts with this order, are suspended to the extent necessary to permit any public agency to meet and take such actions authorized by the law without permitting or requiring in-person, public access to such meetings, and to hold such meetings or proceedings remotely by conference call, videoconference or other technology, provided that: 1) the public has the ability to view or listen to each meeting or proceeding in real time, by telephone, video, or other technology; 2) any such meeting or proceeding is recorded or transcribed, and such recording or transcript shall be posted on the agency's website within seven (7) days of the meeting or proceeding, and made available within a reasonable time in the agency's office; 3) the required notice and agenda for each meeting or proceeding is posted on the agency's website and shall include information about how the meeting will be conducted and how the public can access it; 4) any materials relevant to matters on the agenda, including but not limited to materials related to specific applications, if applicable, shall be submitted to the agency a minimum of twenty four (24) hours prior and posted to the agency's website for public inspection prior to, during, and after the meeting, and any exhibits to be submitted by members of the public shall, to the extent feasible, also be submitted to the agency a minimum of twenty-four (24) hours prior to the meeting and posted to the agency's website for public inspection prior to, during, and after the meeting; and 5) all speakers taking part in any such meeting or proceeding shall clearly state their name and title, if applicable, before speaking on each occasion that they speak.
2. **Waiver of Manufacturer Registration Requirement for Hand Sanitizer:** The requirement for a manufacturer registration under 21a-70(b) of the Connecticut General

Statutes, and any associated implementing regulations or policies, is suspended to authorize the Commissioner of Consumer Protection to allow pharmacists licensed pursuant to chapter 400j to compound and sell finished hand sanitizer products over the counter to customers requesting this product, provided that the Commissioner shall issue an implementing order to prescribe the rules for such activity, and such activity shall be allowed only upon issuance of such order.

3. **Suspension of Garbing Requirements For Non-Hazardous Compounding of Sterile Pharmaceuticals.** The requirement in Section 20-633b of the Connecticut General Statutes that pharmacies compounding sterile pharmaceuticals, in community pharmacies and institutional pharmacies, meet the garbing requirements set forth in United States Pharmacopeia (USP) Chapter 797 is suspended for the purpose of allowing such pharmacies to continue compounding non-hazardous sterile pharmaceuticals. This suspension shall apply only to the garbing requirements for non-hazardous compounding of sterile pharmaceuticals and shall apply only for the duration of this imminent shortage of personal protective equipment (PPE), as determined by the Commissioner of Consumer Protection. Pharmacies compounding sterile pharmaceuticals shall follow all other relevant state and federal laws and shall comply with all other requirements set forth in United States Pharmacopeia (USP) Chapter 797. Additionally, all deviations from current Standard Operating Procedures (SOPs) for garbing shall be memorialized and dated. The Commissioner of Consumer Protection may issue any implementing orders that she deems necessary.
4. **Refunds of Certain Liquor License Application Fees Permissible.** Section 30-39(b)(2) of the Connecticut General Statutes, is modified to authorize the Commissioner of Consumer Protection to cancel and refund the application fee for a liquor permit to any person or organization who cancels public outings, picnics, social or charitable events, and no longer requires the liquor permit granted for use at the event. The Commissioner may issue any such implementing orders as she deems necessary.
5. **Waiver of Face-to-Face Interview Requirements for Temporary Family Assistance.** Section 17b-688c of the Connecticut General Statutes is suspended to authorize the Commissioner of Social Services to 1) waive prohibitions on temporary family assistance to applicants prior to an applicant's attendance at an employment services interview or participation in development of an employment services plan, 2) to consider the effects of or a pandemic or the response to it as good cause when assessing compliance with any provision of Section 17b-688c, and 3) issue any implementing orders that she deems necessary.
6. **Flexibility to Maintain Adequate Childcare Resources.** The provisions of Sections 10-16p (6), 10-530, 19a-420 through 19a-429, 19a-77, 19a-79 through 19a-87f and 10-530 of the Connecticut General Statutes and any associated regulations, rules, and policies regarding youth camps, family childcare homes, childcare centers, and group childcare homes, are modified to authorize the Commissioner of Early Childhood to temporarily waive any requirements, including licensing requirements, contained therein as she deems

necessary to maintain a sufficient capacity of childcare services or otherwise respond to the need for childcare during this public health and civil preparedness emergency. The Commissioner may issue any implementing orders that she deems necessary.

7. **Flexibility to Provide For Adequate Healthcare Resources and Facilities.** Sections 19a-610 through 19a-689 of the Connecticut General Statutes and any related regulations, rules, or policies are modified to authorize the Executive Director of the Office of Health Strategy to waive provisions of such sections as she deems necessary to ensure that adequate healthcare resources and facilities are available to respond to the COVID-19 pandemic, and to issue any implementing orders that she deems necessary.

Unless 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.

Dated at Hartford, Connecticut, this 14th day of March, 2020.



Ned Lamont
Governor

By His Excellency's Command



Denise W. Merrill
Secretary of the State



Exhibit 4

Lamont Executive Order No. 7C

STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 7C

**PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC
AND RESPONSE – FURTHER SUSPENSION OR MODIFICATION OF STATUTES**

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, 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, 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 large gatherings and social distancing in smaller gatherings; and

WHEREAS, attendance at public meetings and proceedings is likely to increase the risk of transmission of COVID-19; and

WHEREAS, there is an increased risk of rapid spread of COVID-19 among persons residing in congregate settings, such as inpatient or outpatient hospitals, clinics or other facilities for the diagnosis, observation or treatment of persons with psychiatric and intellectual disabilities; and

WHEREAS, there exists a compelling state interest in collecting health information pertaining to COVID-19 and its spread throughout the state; and

WHEREAS, the Commissioner of the Department of Public Health has added COVID-19 to the list of reportable diseases under Section 19a-215 of the Connecticut General Statutes; and

WHEREAS, Section 17a-547 of the Connecticut General Statutes governs the rights of patients to receive visitors at regular visiting hours at inpatient or outpatient hospitals, clinics or other facilities for the diagnosis, observation or treatment of persons with psychiatric and intellectual disabilities; and

WHEREAS, Section 17a-238 of the Connecticut General Statutes governs the rights of persons under the supervision of the Commissioner of Developmental Services to communicate freely and privately with any person; and

WHEREAS, Section 52-146e of the Connecticut General Statutes limits the disclosure of information that identifies a patient to any person, corporation or governmental agency without the consent of the patient or the patient's authorized representative; and

WHEREAS, Section 52-146f of the Connecticut General Statutes provides exceptions to Section 52-146e of the Connecticut General Statutes;

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. **Cancellation of School Classes.** To promote and secure the safety and protection of children in schools related to the risks of COVID-19, all public school classes will be cancelled for all students effective Tuesday, March 17, 2020 until March 31, 2020, unless extended beyond that date. Private schools and other non-public schools are encouraged to follow the same schedule. The Connecticut State Department of Education, the Connecticut Department of Public Health, the Department of Children and Families, and the Connecticut Office of Early Childhood, are directed to immediately work together to implement measures to provide for the health, nutrition, safety, educational needs and well-being of children during the class cancellation period.

2. **Flexibility of Graduation Requirements, and Prescribed Courses of Study.** The provisions of Sections 10-16b and 10-221a, and any associated regulations, rules, and policies regarding prescribed courses of study and graduation requirements are modified to authorize the Commissioner of Education to temporarily waive any requirements contained therein as he deems necessary to address the impact of COVID-19 and school class cancellations.
3. **Flexibility for Educator Prep Programs.** The provisions of Section 10-145a, and any associated regulations, rules, and policies regarding educator preparation programs are modified to authorize the Commissioner of Education to temporarily waive any requirements, contained therein as he deems necessary to address the repercussions of college, university, and school class cancellations on students pursuing secondary education programs. The Commissioner may issue any order that he deems necessary to implement this order.
4. **Flexibility for Educator Certification Timelines, Educator Evaluations, and School In-Services.** The provisions of Sections 10-145, 10-145b, 10-145d, 10-151b, 10-151 and 10-220a, and any associated regulations, rules, and policies regarding educator certification timelines, evaluations, and professional development requirements are modified to authorize the Commissioner of Education to temporarily waive any requirements contained therein as he deems necessary to address the impact the school class cancellations and COVID-19 risks when classes resume and students return. The Commissioner may issue any order that he deems necessary to implement this order.
5. **Extension of Municipal Budget Adoption Deadlines.** Notwithstanding any provision of the Connecticut General Statutes, including Title 7, or any special act, municipal charter or ordinance, that conflicts with this order, all municipal budget deadlines for the preparation of the municipal budget for the fiscal year ending June 30, 2021 that fall on any date prior to and including May 15, 2020 are extended by thirty (30) days. The legislative body of the municipality, or in a municipality where the legislative body is a town meeting, the board of selectmen, may alter or modify the schedules and deadlines pertaining to the preparation and submission of a proposed budget and the deliberation or actions on said budget by the legislative body or other fiscal authority, including any required public hearing(s), publication, referendum or final budget adoption. All submission dates may be postponed until such time as the legislative body approves said modified schedule and deadline, consistent with the thirty (30) day extension.
6. **Extension of Regional Board of Education Budget Adoption Deadlines.** Notwithstanding any provision of the Connecticut General Statutes, including Title 10, or any special act, municipal charter or ordinance, that conflicts with this order, all budget deadlines for the preparation of regional school district budgets for the fiscal year ending June 30, 2021 that fall on any date prior to and including May 15, 2020 may be extended by thirty (30) days. Any regional board of education may alter or modify the schedules and deadlines pertaining to the preparation and submission of a proposed budget and the

deliberation or actions on said budget by the legislative body or other fiscal authority, including any required public hearing(s), publication, referendum or final budget adoption.

7. **Remote Conduct of DMV Operations.** To protect public health and safety, particularly the risk of transmission of COVID-19, by reducing in-person interactions, Title 14 of the Connecticut General Statutes is hereby modified to authorize the Commissioner of Motor Vehicles to issue any and all orders she deems necessary to close any DMV branch to transaction of business by the public, facilitate the conduct of business remotely using online methods or any other feasible means, including provision of any notice or conduct of any hearing required pursuant to that Title, waive the suspension of licenses and other credentials as required, and waive, modify or suspend related requirements in Title 14 that result from closure of DMV branch offices to the public. The Commissioner may suspend any timeline or deadline for any notice or hearing required by this Title or by the Uniform Administrative Procedure Act for up to 90 days. The Department of Motor Vehicles shall post a plan on its website to instruct customers how to conduct business remotely and provide updated information on services conducted by its partners. The DMV shall implement its plan as soon as feasible, and shall review the plan weekly to determine whether any modifications are necessary.
8. **Limits on Visitors to Facilities That Treat Persons with Psychiatric Disabilities.** For the duration of the aforementioned public health and civil preparedness emergencies, or until such time as I repeal or modify this executive order, notwithstanding Section 17a-547 of the Connecticut General Statutes or any other statute, regulation, local rule or ordinance or provision of law, the Commissioners of the Department of Mental Health and Addiction Services and the Department of Public Health are authorized to issue any and all orders restricting entrance into facilities, as defined in Section 17a-540(1) of the Connecticut General Statutes, including Whiting Forensic Hospital, that the Commissioners deem necessary to protect the health and welfare of patients, residents and staff.
9. **Limits on Visitors to the Southbury Training School.** For the duration of the aforementioned public health and civil preparedness emergencies, or until such time as I repeal or modify this executive order, notwithstanding Section 17a-238 of the of the Connecticut General Statutes or any other statute, regulation, local rule or ordinance or provision of law, the Commissioners of the Department of Developmental Services and the Department of Public Health are authorized to issue any and all orders restricting entrance into facilities, as referenced in Section 17a-231(1), the Southbury Training School and any other facility operated by the Department of Developmental Services that the Commissioners deem necessary to protect the health and welfare of patients, residents and staff.
10. **COVID-19 Information Sharing Between Facilities That Treat Persons with Psychiatric Disabilities, DPH, and Local Health Directors.** For the duration of the aforementioned public health and civil preparedness emergencies, or until such time as I

repeal or modify this executive order, Section 52-146f of the Connecticut General Statutes is amended to permit the Commissioner of Public Health and Local Health Directors to disclose communications or records to report cases of COVID-19 as required under Section 19a-215 of the Connecticut General Statutes and as they may deem necessary to limit the further spread of COVID-19 or respond to this public health and civil preparedness emergency.

Unless 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.

Dated at Hartford, Connecticut, this 15th day of March, 2020.

Ned Lamont

Ned Lamont
Governor



By His Excellency's Command

Denise W. Merrill

Denise W. Merrill
Secretary of the State

Exhibit 5

Lamont Executive Order No. 7D

STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 7D

**PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC
AND RESPONSE – CROWD REDUCTION AND SOCIAL DISTANCING**

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 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, 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, the Commissioner of the Department of Public Health has added COVID-19 to the list of reportable diseases under Section 19a-215 of the Connecticut General Statutes; and

WHEREAS, Connecticut is coordinating with other states to develop consistent strategies to mitigate the spread of COVID-19 infections throughout the state and region;

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. Further Reduction of Large Crowds. Effective immediately, and through April 30, 2020, unless earlier modified, extended, or terminated by me, the prior order set forth in Executive Order No. 7 prohibiting social and recreational gatherings of 250 people or more is hereby amended and modified to require that all such gatherings of 50 or more people, including but not limited to, community, civic, leisure, or sporting events; parades; concerts; festivals; plays or live performances; conventions; and similar activities, as well as religious, spiritual or worship gatherings of such size, are prohibited throughout the State of Connecticut.
2. Limits on Restaurant, Bar and Private Club Operations. Effective at 8 p.m. on March 16, 2020 and through April 30, 2020, unless earlier modified, extended, or terminated by me, any restaurant or eating establishment and any location licensed for on-premise consumption of alcoholic liquor in the State of Connecticut, except for Class III and Class II Tribal Gaming enterprises, shall only serve food or non-alcoholic beverages for off-premises consumption. The Governor continues to work with the state's federally recognized tribes on the temporary closure of their casino operations and, if necessary, reserves the right to address on-premises consumption of alcoholic beverages on tribal lands in a future Executive Order.
3. Closure of Off-Track Betting Facility Operations. Effective at 8 p.m. on March 16, 2020 and through April 30, 2020, unless earlier modified, extended, or terminated by me, any facility authorized to conduct off-track betting shall cease on-site operations.

4. Restriction on Gym, Sports, Fitness and Recreation Facility and Movie Theater Operations. Effective at 8 p.m. on March 16, 2020 and through April 30, 2020, unless earlier modified, extended, or terminated by me, any indoor gym, fitness center, or similar facility or studio offering in-person fitness, sporting or recreational opportunities or instructions, and all movie theaters shall cease all operations.

Dated at Hartford, Connecticut, this 16th day of March, 2020.



Ned Lamont
Governor

By His Excellency's Command



Denise W. Merrill
Secretary of the State



Exhibit 6

Lamont Executive Order No. 7E

STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 7E

**PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC
AND RESPONSE – FURTHER SUSPENSION OR MODIFICATION OF STATUTES**

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 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 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, 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, Sections 10-15 and 10-16 of the Connecticut General Statutes require that public schools be in session for at least 180 days during each year and for nine hundred hours of actual schoolwork for full-day kindergarten and grades one to twelve, inclusive, and four hundred and fifty hours for half-day kindergarten; and

WHEREAS, due to these unprecedented circumstances and because of the existence of this public health emergency and the anticipated temporary closure of schools due to COVID-19 risks where such local and regional boards of education deem it necessary to protect the safety and public health, multiple school districts may not be able to fulfill these requirements; and

WHEREAS, the Department of Emergency Services and Public Protection and State Police are critical to the response to this public health and civil preparedness emergency, and must prioritize personnel and resources to critical public safety needs, as well as limit transmission of COVID-19; and

WHEREAS, to ensure that the pandemic does not cause undue hardship for the state's poorest residents, and to ensure that the Department of Social Services has the necessary flexibility to prioritize work during a period of diminished operational capacity; and

WHEREAS, in-person attendance at a fair hearing held by the Department of Social Services (DSS) is likely to increase the risk of transmission of COVID-19, and DSS must fulfill its statutory responsibilities concerning fair hearings in the event of the closure of buildings or staff reduction as a result of the COVID-19 pandemic by holding telephonic hearings;

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. **Waiver of 180-Day School Year.** The provisions of Sections 10-15 and 10-16, and any associated regulations, rules, and policies regarding the requirement for 180 days of school per year and certain hours of schoolwork are modified to allow all public schools, upon reopening in the spring 2020, to close school on

their normally scheduled end-dates, so long as local and regional boards of education provide opportunities for continuity of education to all students, to the greatest extent possible, and consistent with federal and state guidance. This order modifies my previous Executive Order No. 7 issued on March 12, 2020, as a result of evolving circumstances, including my Executive Order No. 7C issued March 15, 2020, which cancelled classes in all Connecticut schools from March 17, 2020 until at least March 31, 2020, and the potential impact on schools that may be subject to longer-term cancellations of in-school classes.

2. **Suspension of Required Fingerprinting Availability.** Section 29-17c (a) of the Connecticut General Statutes, which prohibits employees of a municipal police department or the Division of State Police within the Department of Emergency Services and Public Protection from refusing to collect the fingerprints of a person requesting such fingerprinting for the purposes of a criminal history records check, is hereby suspended. The chief of police or Commissioner of Emergency Services and Public Protection or his designee, subject to their discretion, may limit or eliminate fingerprinting hours to limit the transmission of COVID-19 or focus resources on critical public safety needs. The Department of Emergency Services and Public Protection shall continue to perform fingerprinting services for long term care providers pursuant to section 19a-491c of the general statutes at its headquarters in Middletown. Unless modified by further order of the Commissioner or me, State Police barracks will continue to remain open to the general public for other business.
3. **Extension of Time Period for Permits.** Connecticut General Statutes §§ 21-40, 21-47d, 29-28a, 29-147, 29-152h, 29-155b, 29-161m, 29-161q, 29-161z, 29-349, 29-357 are modified to authorize the Commissioner of Emergency Services and Public Protection to extend the expiration date of any permit, license or other credential governed by such sections that expires or expired at any time on or after March 1, 2020, by 90 days, provided that he is authorized to revoke such extensions as he deems necessary in his sole discretion to protect public safety, and to further extend such expiration dates or deadlines for the duration of this public health and civil preparedness emergency, unless extended or terminated by me, and to issue such implementing orders as he deems necessary.
4. **Suspension of the Immediate Recoupment of Public Assistance Benefit Overpayments.** Section 17b-88 and any implementing regulations are modified to authorize the Commissioner of Social Services, to the extent permitted by federal law, to temporarily suspend recoupment of non-fraudulent overpayments for public assistance programs for the duration of this public health and civil preparedness emergency, and issue any implementing orders she deems necessary.

5. Suspension of In-Person Hearing Attendance at DSS Fair Hearings.

Section 17b-60 of the Connecticut General Statutes is hereby modified to authorize the Commissioner of Social Services to suspend any requirement that an aggrieved person authorized by law to request a fair hearing on a decision of the Commissioner appear in person at such hearing.

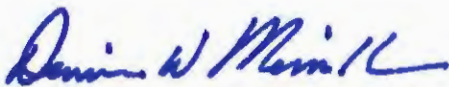
Unless specified herein, this order shall take effect immediately and shall remain in effect for the duration of the public health and civil preparedness emergency, unless earlier modified by me.

Dated at Hartford, Connecticut, this 17th day of March, 2020.



Ned Lamont
Governor

By His Excellency's Command



Denise W. Merrill
Secretary of the State



Exhibit 7

Lamont Executive Order No. 7F

STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 7F

**PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC
AND RESPONSE – FURTHER CROWD REDUCTION AND OTHER 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 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 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 7E, dated March 17, 2020, among other things, waived the requirement for an 180-day school year, suspended 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, 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, there exists a critical need to protect the health of residents and patients of various types of nursing, long term care, and psychiatric facilities while providing for essential legal proceedings under the authority of the Probate Court in order to protect the legal rights of certain such residents; and

WHEREAS, Executive Order No. 7C ordered the cancellation of classes at all public schools throughout the State; and

WHEREAS, Connecticut Unified School District 1 (established per Section 18-99a) and Unified School District 2 (established per Section 17a-37), and Connecticut Department of Mental Health and Addiction Services inpatient facilities providing school classes, are uniquely situated entities and require individualized considerations to maintain stability for the population; and

WHEREAS, the existing COVID-19 pandemic and the accelerating spread of the disease in Connecticut require additional, extraordinary mitigation and social distancing measures, particularly in response to incidents of large gatherings resulting from school cancellations, to protect the public health and safety of our citizens; and

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. **Closure of Large Shopping Malls.** For purposes of this Order, "Large Shopping Malls" means the Brass Mill Center in Waterbury, the Connecticut Post Mall in Milford, the Crystal Mall in Waterford, the Danbury Fair Mall in Danbury, the Stamford Town Center in Stamford, The Shoppes at Buckland Hills in Manchester, the SoNo Collection in Norwalk, Westfarms Mall in

Farmington, the Westfield Mall in Meriden and the Westfield Mall in Trumbull. Effective at 8 p.m. on March 19, 2020 and through April 30, 2020, unless earlier modified, extended, or terminated by me, all indoor common areas of Large Shopping Malls shall be closed to the public. Any stores, pharmacies, restaurants or other establishments located within or connected to Large Shopping Malls, which have their own external entrances and exits, separate from the general entrances to the Large Shopping Malls, may remain open to the public, provided that (a) only the separate entrances and exits are used; (b) any restaurant or eating establishment and any location licensed for on-premise consumption of alcoholic liquor shall remain subject to Executive Order No. 7D, which requires all such restaurants and establishments to only serve food or non-alcoholic beverages for off-premises consumption; (c) any interior entrances to common areas of the Large Shopping Malls remain closed to the public; and (d) they abide by and comply with all state and local health and safety codes and ordinances and any other existing or future Executive Orders issued pursuant to the current Public Health and Civil Preparedness Emergency.

2. **Closure of Places of Public Amusement.** Effective at 8:00 p.m. on March 19, 2020 and through April 30, 2020, unless earlier modified, extended, or terminated by me, all places of public amusement, whether indoors or outdoors, including but not limited to, locations with amusement rides, carnivals, amusement parks, water parks, aquariums, zoos, arcades, fairs, funplexes, theme parks, bowling alleys, and other family and children's amusement attractions shall be closed to the public. This directive shall not apply to public parks and open recreation areas.
3. **Expansion of Medicaid Telehealth Coverage to Audio-Only Telephone.** Section 17b-262 of the Connecticut General Statutes and any implementing regulations, policies rules or other directives related to the Connecticut Medical Assistance Program, whether or not specifically adopted pursuant to said statute, are modified to authorize the Commissioner of Social Services to temporarily waive any requirements contained therein as the Commissioner deems necessary to enable the Connecticut Medical Assistance Program to cover applicable services provided through audio-only telehealth services. The Commissioner may issue any order and take other action that she deems necessary to implement this order.
4. **Waiver of In-Person Service, Hearing, and Screening Requirements for Facilities that Have Issued Orders Limiting Visitor Access to Protect the Public Health.** Notwithstanding sections 52-57(a), 45a-644 through 45a-667u, 17a-495 through 17a-528, 17a-540 through 17a-550, 45a-669 through 45a-683, and 45a-703 of the Connecticut General Statutes, 1) any requirement for personal service is waived as it relates to any person currently located in a facility that has restricted visitor access under an emergency order issued by a

state agency pursuant to an Executive Order, and service may be made by serving an administrator or the administrator's designee provided that the administrator or administrator's designee shall sign a certification, provided by the process server, that the named party is currently located in the facility and that the administrator or administrator's designee will personally serve the named party; and 2) any requirement for an in-person meeting, hearing, or screening is waived and meetings, hearings, or screenings may take place by any other method that allows for the participation of the interested parties. For the purposes of this order, "administrator" shall mean the nursing home administrator or such other person with administrative oversight of the facility who is on site at the time of service.

5. **Continuation of Classes and Programming at Certain State-operated Schools.** Connecticut Unified School District 1, established per Section 18-99a of the Connecticut General Statutes, Unified School District 2, established pursuant to Section 17a-37, and Connecticut Department of Mental Health and Addiction Services inpatient facilities providing school classes or programs are exempt from Section 1 of Executive Order No. 7C, which cancelled school classes throughout the state.

Unless 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 by me.

Dated at Hartford, Connecticut, this 18th day of March, 2020.



Ned Lamont
Governor



By His Excellency's Command



Denise W. Merrill
Secretary of the State

Exhibit 8

Lamont Executive Order No. 7G

STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 7G

**PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC
AND RESPONSE – PRESIDENTIAL PRIMARY POSTPONEMENT AND
ADDITIONAL 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, suspended 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, 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, healthcare providers providing services to patients and those with Medical coverage, need flexibility in testing, diagnosis and treatment while supporting adequate social distancing measures, and to provide healthcare services during the course of the COVID-19 pandemic through the increased utilization of the delivery of health care or other health services through certain modes of telehealth service; and

WHEREAS, subsection (a)(11) of Section 19a-906 of the Connecticut General Statutes provides, in part, that “telehealth” does not include, in part, the use of audio-only telephone as a mode of delivering health care or health services via information and communication technologies to facilitate the diagnosis, consultation and treatment, education, care management and self-management of a patient’s physical and mental health; and

WHEREAS, subsection (a)(12) of Section 19a-906 of the Connecticut General Statutes provides, in part, that a “telehealth provider” means health care providers specifically licensed pursuant to the Connecticut General Statutes governing those health care professions; and

WHEREAS, subsection (f) of Section 19a-906 provides, in part, that the provision of telehealth services and health records maintained and disclosed as part of a telehealth interaction shall comply with the provisions of the Health Insurance Portability and Accountability Act of 1996 P.L. 104-191, as amended from time to time; and

WHEREAS, an in-person visit to investigate a report that an elderly person allegedly is being, or has been, abused, neglected exploited or abandoned, or is in need of protective services, is likely to increase the risk of transmission of COVID-19; and

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

WHEREAS, the Department of Social Services (“DSS”) can fulfill its statutory obligation to investigate such reports without making an in-person visit of the elderly person by using alternative means of communication; and

WHEREAS, DSS staff may be reduced as a result of illness or the need to self-isolate due to COVID-19, and may need additional time to disclose the results of its investigation of such reports; and

WHEREAS, attendance at public proceedings is likely to increase the risk of transmission of COVID-19; and

WHEREAS, in consultation with the Chief Court Administrator on behalf of the Chief Justice of the Supreme Court and the Judicial Branch, I have determined that there exists a compelling state interest that courts conduct only essential business in order to minimize the spread of COVID-19; and

WHEREAS, there is a compelling interest in reducing the risk of transmission of COVID-19 among voters, poll workers, and residents, which risk would be heightened in the settings of indoor polling places and potential lines for voting, especially in polling places such as senior centers, schools, community centers, and other public facilities;

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. **Postponement of Presidential Primary to June 2.** Under my sole authority pursuant to the declaration of public health and civil preparedness emergency, and to protect the health and safety of voters, poll workers, and the most vulnerable members of our population, I hereby modify Section 9-464 of the Connecticut General Statutes to provide that on June 2, 2020 each party shall conduct a primary in each town if the names of two or more candidates for President of the United States are to be placed on such party's ballot in accordance with the provisions of chapter 154 of the General Statutes.
2. **Suspension of Non-Critical Court 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, for the duration of this public health and civil preparedness emergency, unless earlier modified or terminated by me, all statutory (1) location or venue requirements; (2) time requirements, statutes of limitation or

other limitations or deadlines relating to service of process, court proceedings or court filings; and (3) all time requirements or deadlines related to the Supreme, Appellate and Superior courts or their judicial officials to issue notices, hold court, hear matters and/or render decisions including, but not limited to, the following:

- a. All time limitations in Chapters 959, 959a, 960 and 961 of the General Statutes including, but not limited to, C.G.S. § 54-1g concerning the time of arraignments
- b. and C.G.S. § 54-82m concerning the right to a speedy trial;
- c. All time limitations for rendering judgments in civil actions provided in C.G.S. § 51-183b;
- d. All time limitations concerning civil process, service and return provided in Chapter 896 of the General Statutes;
- e. All statutes of limitations provided in Chapter 926 of the General Statutes;
- f. All time limitations concerning the automatic review of terms of probation provided in C.G.S. § 53a-29(g);
- g. All time constraints for the filing of administrative appeals provided in C.G.S. § 4-183;
- h. All time limitations concerning hearings and rulings pertaining to primary and election disputes provided in Chapter 149 of the General Statutes;
- i. All time limitations in Title 46b of the General Statutes including, but not limited to, family, juvenile and child support matters;
- j. All venue and filing requirements including, but not limited to, C.G.S. §§ 51-345, 51-348, 51-352 and 51-353, provided in Chapter 890 of the General Statutes;
- k. The times and places for the sitting of the Superior Court provided in C.G.S. § 51-181;
- l. The notice of sessions provided in C.G.S. § 51-182;

3. Further Clarification of Limits on Restaurants, Bars and Private Clubs.

Effective at 12:00 p.m. on March 20, 2020, Executive Order 7D, which, among other things, restricted sales of alcoholic beverages by certain licensees, is modified as follows: Any business with an active restaurant, café or tavern liquor permit issued by the Department of Consumer Protection shall be permitted to sell sealed containers of alcoholic liquor for pick up at such restaurant, café or tavern under the following conditions: (i) the sale shall accompany a pick-up order of food prepared on the premises; (ii) the type of alcoholic liquor sold for off-premise consumption shall be the same as what the permit type would have permitted for on-premise consumption prior to Executive Order 7D, and (iii) the hours of such sales that include alcoholic liquor as part of the take-out order shall be the same as those for a package store.

Delivery of alcoholic liquor by licensees with these permit types is not permitted. In addition:

- a. Any business whose liquor permit allows for the manufacture of alcoholic liquor, in addition to sales for on-premise and off-premise consumption, shall be permitted to sell sealed bottles of alcoholic liquor for off-premise consumption in a manner consistent with their manufacturer permit. Delivery of alcoholic liquor by these permit types is not permitted.
- b. The Commissioner of Consumer Protection may issue any implementing orders and guidance that she deems necessary to implement this order.

4. **Restriction on Operation of Barbershops, Hair Salons, Tattoo or Piercing Parlors and Related Public Businesses.** Throughout the State, effective at 8:00 p.m. on March 20, 2020, the rendering of services by barbers, hairdressers and cosmeticians, nail technicians, electrologists, estheticians, eyelash technicians, and tattoo and piercing providers is prohibited in all public settings including, but not limited to, barbershops, beauty shops, hairdressing salons, nail salons, spas, kiosks, and tattoo or piercing establishments. The Commissioner of Public Health may issue any order she deems necessary to implement or modify such prohibition without further order from me.

5. **Flexibility for Medicaid Enrolled Providers and In-Network Providers for Commercial Fully Insured Health Insurance to Perform Telehealth Through Additional Methods.** The provisions of Section 19a-906 of the Connecticut General Statutes and any associated regulations, rules and policies regarding the delivery of telehealth are modified or suspended as follows:

- a. Subsection (a)(11)'s definition of "telehealth" is modified such that for telehealth providers that are Medicaid enrolled providers providing covered telehealth services to established patients who are Medicaid recipients, or telehealth providers that are in-network providers for commercial fully insured health insurance providing covered telehealth services to patients with whom there is an existing provider-patient relationship, these providers may engage in telehealth through the use of audio-only telephone;
- b. Subsection (a)(12)'s requirements for the licensure, certification or registration of telehealth providers shall be suspended for such telehealth providers that are Medicaid enrolled providers or in-network providers for commercial fully insured health insurance providing telehealth services to patients, in accordance with any related orders issued by the Commissioner of Public Health pursuant to her established authority as a result of this declared public health and civil preparedness

emergency and in accordance with Sections 19a-131a, 19a-131j and 28-9.

- c. Subsection (f)'s requirements that the provision of telehealth services and health records maintained and disclosed as part of a telehealth interaction shall comply with the provisions of the Health Insurance Portability and Accountability Act of 1996 P.L. 104-191, as amended from time to time (HIPAA), is modified to permit telehealth providers that are Medicaid enrolled providers or in-network providers for commercial fully insured health insurance providing telehealth services to patients to utilize additional information and communication technologies consistent and in accordance with any direction, modification or revision of requirements for HIPAA compliance as related to telehealth remote communications as directed by the United States Department of Health and Human Services, Office of Civil Rights during the COVID-19 pandemic.
 - d. Notwithstanding paragraphs a through c herein, a provider who elects to provide telehealth services for a patient who is not a Medicaid beneficiary or covered by a fully-insured commercial plan, may engage in "telehealth" services as defined in such paragraphs for such patient, provided that any provider engaging in telehealth services under this section must, prior to engaging in such services, determine whether a patient is covered by a health plan other than Medicaid or a fully-insured commercial plan, and whether such plan provides coverage for such telehealth services. A provider who receives payment under such health plan shall not bill a patient for any additional charges beyond the reimbursement received under such health plan. A provider who determines that payment is not available under another such health plan or who determines a patient is uninsured, shall accept as reimbursement for that service as payment in full, the amount that Medicare reimburses for such service, provided that if the provider determines that the patient is uninsured or otherwise unable to pay for such services, the provider shall offer financial assistance, if such provider is otherwise required to provide financial assistance under state or federal law.
 - e. Any related regulatory requirement that such telehealth services be provided from a provider's licensed facility is hereby waived.
6. **Temporary Suspension of In-Person Investigative Visits Regarding Reports of Elder Abuse.** Section 17b-452 is modified to provide the Commissioner of Social Services with authority to waive the required in-person visit to an elderly person in connection with investigation of a report of suspected abuse, neglect, exploitation or abandonment, or a need for protective

services, and, if possible and appropriate, use alternative means to conduct such in-person visit.

7. **Extension of Time for Disclosure of Investigation Results.** Section 17b-452 of the Connecticut General Statutes is modified to provide the Commissioner of Social Services with authority to extend by up to ninety (90) days the requirement that the Commissioner of Social Services, not later than forty-five (45) days after completing an investigation, disclose, in general terms, the result of the investigation to the person or persons who reported the suspected abuse, neglect, exploitation or abandonment or a need for protective services.

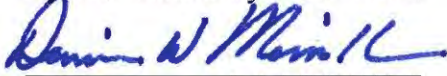
Unless otherwise specified herein, this order shall take effect immediately and shall remain in effect for the duration of the public health and civil preparedness emergency, unless earlier modified by me.

Dated at Hartford, Connecticut, this 19th day of March, 2020.



Ned Lamont
Governor

By His Excellency's Command



Denise W. Merrill
Secretary of the State



Exhibit 9

Lamont Executive Order No. 7H

STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 7H

**PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC
AND RESPONSE – RESTRICTIONS ON WORKPLACES FOR NON-ESSENTIAL
BUSINESSES, COORDINATED RESPONSE EFFORT**

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, suspended 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;

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 people and social distancing in smaller gatherings; and

WHEREAS, to facilitate the most timely and effective response to the COVID-19 emergency disaster, it is critical for the State of Connecticut to act quickly to gather, coordinate, and deploy goods, services, professionals, and volunteers of all kinds;

WHEREAS, in a short period of time, COVID-19 has rapidly spread throughout Connecticut, necessitating updated and more stringent guidance from federal, state, and local officials; and

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. **Restrictions on Workplaces for Non-Essential Businesses.** Effective on March 23, 2020 at 8:00 p.m. and through April 22, 2020, unless earlier modified, extended, or terminated by me, all businesses and not-for-profit entities in the state shall employ, to the maximum extent possible, any telecommuting or work from home procedures that they can safely employ. Non-essential businesses or not-for-profit entities shall reduce their in-person

workforces at any workplace locations by 100% not later than March 23, 2020 at 8:00 p.m. Any essential business or entity providing essential goods, services or functions shall not be subject to these in-person restrictions.

Not later than 8 p.m. on March 22, 2020, the Department of Economic and Community Development ("DECD") shall issue lawfully binding guidance about which businesses are essential. Those business shall include, but not be limited to, the 16 critical infrastructure sectors as defined by the Department of Homeland Security and available at <https://www.cisa.gov/critical-infrastructure-sectors>, essential health care operations including hospitals, clinics, dentists, pharmacies, elder care and home health care workers, companies and institutions involved in the research and development, manufacture, distribution, warehousing, and supplying of pharmaceuticals, biotechnology therapies, health care data, consumer health products, medical devices, diagnostics, equipment, services and any other healthcare related supplies or services; essential infrastructure, including utilities, wastewater and drinking water, telecommunications, airports and transportation infrastructure; manufacturing, including food processing, pharmaceuticals, and industries supporting the essential services required to meet national security commitments to the federal government and U.S. Military; the defense industrial base, including aerospace, mechanical and software engineers, manufacturing/production workers, aircraft and weapon system mechanics and maintainers; essential retail, including grocery stores and big-box stores or wholesale clubs, provided they also sell groceries; pharmacies, gas stations and convenience stores; food and beverage retailers (including liquor/package stores and manufacturer permittees) and restaurants, provided they comply with previous and future executive orders issued during the existing declared public health and civil preparedness emergency; essential services including trash and recycling collection, hauling, and processing, mail and shipping services; news media; legal and accounting services; banks, insurance companies, check cashing services, and other financial institutions; providers of basic necessities to economically disadvantaged populations; construction; vendors of essential services and goods necessary to maintain the safety, sanitation and essential operations of residences or other essential businesses, including pest control and landscaping services; vendors that provide essential services or products, including logistics and technology support, child care and services needed to ensure the continuing operation of government agencies and the provision of goods, services or functions necessary for the health, safety and welfare of the public.

Any other business may be deemed essential after requesting an opinion from DECD, which shall review and grant such request, should it determine that it is in the best interest of the state to have the workforce continue at full capacity to properly respond to this emergency.

2. **Coordinated Response Effort.** Effective immediately and for the duration of the public health and civil preparedness emergency, notwithstanding Section 28-8a of the Connecticut General Statutes, in order to ensure the coordinated, clear and expeditious execution of civil preparedness functions for the protection of the public health, and pursuant to my emergency powers, including but not limited to Section 28-9(b) of the Connecticut General Statutes, no municipal chief executive officer or designee may enact or enforce any order that conflicts with any provision of any of my Executive Orders or an order issued by an executive agency pursuant to the existing public health and civil preparedness emergency, or issue any shelter-in-place order or order prohibiting travel, unless they first seek and receive written permission from the Department of Emergency Services and Public Protection. The provisions of this order shall not be deemed to invalidate any order previously issued by a municipal chief executive or designee or preclude a municipality from enforcing any existing local rule or ordinance that does not conflict with any executive order issued pursuant to my March 10, 2020 declaration of public health and civil preparedness emergency.

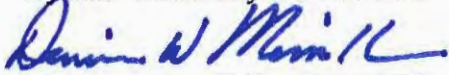
Dated at Hartford, Connecticut, this 20th day of March, 2020.



Ned Lamont
Governor



By His Excellency's Command



Denise W. Merrill
Secretary of the State