



NATIONAL CONFERENCE OF STATE LEGISLATURES
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Examples of States that Expressly Include/Define Cyber Incidents in Emergency Management or Disaster Statutes

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At least seven states expressly include or define cyber incidents in emergency management or disaster statutes: California, New York, North Carolina, North Dakota, Texas, Utah and Virginia. Excerpts from and links to the statutes are below.

CALIFORNIA

GOVERNMENT CODE (§§ 1 — 500000–500049)

Title 2 Government of the State of California (Divs. 1 — 5)

Division 1 General (Chs. 1 — 16)

Chapter 7 California Emergency Services Act (Arts. 1 — 22)

Article 2 General Definitions (§§ 8555 — 8562)

[Cal Gov Code § 8558](#). **Conditions or degrees of emergency**

Three conditions or degrees of emergency are established by this chapter:...

(b) “State of emergency” means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions such as air pollution, fire, flood, storm, epidemic, riot, drought, **cyberterrorism**, sudden and severe energy shortage, plant or animal infestation or disease, the Governor’s warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy or conditions causing a “state of war emergency,” which, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.

(c) “Local emergency” means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by conditions such as air pollution, fire, flood, storm, epidemic, riot, drought, **cyberterrorism**, sudden and severe energy shortage, plant or animal infestation or disease, the Governor’s warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.

NEW YORK

Executive Law (Arts. 1 — 50)

Article 2-B State and Local Natural and Man-Made Disaster Preparedness (§§ 20 — 29-k)

N.Y. Exec. Law § 20. Natural and man-made disasters; policy; definitions.

2. As used in this article the following terms shall have the following meanings:

a. “disaster” means occurrence or imminent threat of wide spread or severe damage, injury, or loss of life or property resulting from any natural or man-made causes, including, but not limited to, fire, flood, earthquake, hurricane, tornado, high water, landslide, mudslide, wind, storm, wave action, volcanic activity, epidemic, air contamination, terrorism, **cyber event**, blight, drought, infestation, explosion, radiological accident, nuclear, chemical, biological, or bacteriological release, water contamination, bridge failure or bridge collapse.

NORTH CAROLINA

Article 1A.

North Carolina Emergency Management Act.

Part 1. General Provisions.

[NCGS § 166A-19.3.](#) Definitions.

The following definitions apply in this Article:

(6) Emergency. - An occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made accidental, military, paramilitary, terrorism, weather-related, public health, explosion-related, riot-related cause, or technological failure or accident, including, but not limited to, **a cyber incident**, an explosion, a transportation accident, a radiological accident, or a chemical or other hazardous material incident.

NORTH DAKOTA

TITLE 37 Military (Chs. 37-01 — 37-29)

CHAPTER 37-17.1 Emergency Services (§§ 37-17.1-01 — 37-17.1-29)

[N.D. Cent. Code § 37-17.1-04.](#) Definitions.

As used in this chapter ...

2. “Disaster” means the occurrence of widespread or severe damage, injury, or loss of life or property resulting from any natural or manmade cause, including fire, flood, earthquake, severe high and low temperatures, tornado storm, wave action, chemical spill, or other water or air contamination, epidemic, blight, drought, infestation, explosion, riot, or hostile military or paramilitary action, or **cyber attack** which is determined by the governor to require state or state and federal assistance or actions to supplement the recovery efforts of local governments in alleviating the damage, loss, hardship, or suffering caused thereby.

TEXAS

Title 4 Executive Branch (Subts. A — I)

Subtitle B Law Enforcement and Public Protection (Chs. 411 — 430)

Chapter 418 Emergency Management (Subchs. A — I)

Subchapter A General Provisions (§§ 418.001 — 418.010)

[Tex. Govt. Code § 418.004.](#) Definitions.

In this chapter:

(1) “Disaster” means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, extreme heat, **cybersecurity** event, other public calamity requiring emergency action, or energy emergency.

UTAH

Title 53 Public Safety Code (Chs. 1 — 18)

Chapter 2a Emergency Management Act (Pts. 1 — 14)

Part 1 Emergency Management Act (§§ 53-2a-101 — 53-2a-106)

Utah Code § 53-2a-102. Definitions.

As used in this chapter:

- (1) "Alerting authority" means a political subdivision that has received access to send alerts through the Integrated Public Alert and Warning System.
- (2) "Attack" means a nuclear, **cyber**, conventional, biological, act of terrorism, or chemical warfare action against the United States of America or this state.

VIRGINIA

TITLE 44. MILITARY AND EMERGENCY LAWS

CHAPTER 3.2. EMERGENCY SERVICES AND DISASTER LAW

Code of Va. § 44-146.16. Definitions

As used in this chapter, unless the context requires a different meaning:

"Communicable disease of public health threat" means ...

"**Cyber incident**" means an event occurring on or conducted through a computer network that actually or imminently jeopardizes the integrity, confidentiality, or availability of computers, information or communications systems or networks, physical or virtual infrastructure controlled by computers or information systems, or information resident thereon. "**Cyber incident**" includes a vulnerability in information systems, system security procedures, internal controls, or implementations that could be exploited by a threat source.

"Disaster" means (i) any man-made disaster, including any condition following an attack by any enemy or foreign nation upon the United States resulting in substantial damage of property or injury to persons in the United States including by use of bombs, missiles, shell fire, or nuclear, radiological, chemical, or biological means or other weapons or by overt paramilitary actions; terrorism, foreign and domestic; **cyber incidents**; and any industrial, nuclear, or transportation accident, explosion, conflagration, power failure, resources shortage, or other condition such as sabotage, oil spills, and other injurious environmental contaminations that threaten or cause damage to property, human suffering, hardship, or loss of life and (ii) any natural disaster, including any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, communicable disease of public health threat, or other natural catastrophe resulting in damage, hardship, suffering, or possible loss of life. (2020 [H.B. 1082](#))

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