

*BetsyAnn Wrask, Clerk of the House  
Joint Rules Committee meeting on 11/30/21*

## **Examples of Other State Legislatures' COVID-19 Mitigation Measures**

Beginning in the Year 2020

See also [NCSL's Coronavirus and State Legislatures in the News](#) and related docs

### ***A. Regulation of Members***

COVID-19 mitigation measures were required of members in various ways, including by leadership, by committee, or by chamber rule.<sup>1</sup> While not all chamber documents addressed enforcement of their health-related requirements, those that did handled in different ways members who refused or were unable to comply with COVID-related requirements:

- The Alaska Legislative Council's mask policy left enforcement up to each chamber and leadership.<sup>2</sup> A Council policy updated as of Oct. 5, 2021 requires weekly testing of legislators and staff, but also does not address enforcement.<sup>3</sup>
- The Arkansas Senate by rule provided that if a member refused to abide by health and safety requirements—including masking when unable to physical distance in committees and health screenings prior to committee entry—it may cause the chair to not recognize the member and “may result in discipline” by the chamber.<sup>4</sup>
- The Georgia House Speaker instituted safety protocols that required members and staff to submit to twice-weekly testing.<sup>5</sup> After a House member refused testing and thereafter refused to leave the chamber, the Speaker asked the House whether it supported the testing policy and the House indicated that it did, so the Speaker had the member escorted out of the chamber by a state trooper. The Speaker later alerted the member he would lose his legislative office space until he complied with the testing requirement.<sup>6</sup>
- The Illinois House provided by rule that if a member refused to wear a mask in or pass a temperature check to enter the House floor, galleries, or adjoining hallways and passages, or in House committees, it would be considered a breach of decorum and disorderly behavior, and could subject the member to reprimand, censure,

<sup>1</sup> See also Sec. B of this document (capitol access generally), which includes examples of universal capitol access conditions on members, staff, and the public.

<sup>2</sup> Alaska Leg. Council policy, [http://www.akleg.gov/basis/get\\_documents.asp?session=31&docid=102263](http://www.akleg.gov/basis/get_documents.asp?session=31&docid=102263)

<sup>3</sup> Alaska Leg. Council policy, amended 10/5/21, <https://s3.documentcloud.org/documents/21078208/covid-19-mitigation-policy-updated-oct-5-2021.pdf>

<sup>4</sup> AR, S.R. 1, Sec. 6, [https://custom.statenet.com/public/resources.cgi?id=ID:bill:AR2021000SR1&ciq=ncsl&client\\_md=d5703711d71867076ab766628475ea9e&mode=current\\_text](https://custom.statenet.com/public/resources.cgi?id=ID:bill:AR2021000SR1&ciq=ncsl&client_md=d5703711d71867076ab766628475ea9e&mode=current_text)

<sup>5</sup> [https://www.legis.ga.gov/api/document/docs/default-source/speaker-of-the-house-document-library/memo.pdf?sfvrsn=6cef5cc7\\_4](https://www.legis.ga.gov/api/document/docs/default-source/speaker-of-the-house-document-library/memo.pdf?sfvrsn=6cef5cc7_4)

<sup>6</sup> <https://www.ajc.com/politics/georgia-lawmaker-booted-from-chamber-for-failing-to-get-covid-19-test/UA2BRME7TVEQHOKKFVIONRWJ4E/>

removal from the House chamber, or other discipline except for expulsion and imprisonment, upon majority vote.<sup>7</sup>

- The Maine Legislature, by its Legislative Council’s COVID-19 Prevention Policy, required legislators to wear a mask in legislative spaces unless they were unable to do so due to a medical condition, in which case they were required to participate remotely. In addition, legislators were required to undergo daily screenings to enter the State House, and those who failed the screening were required to refrain from entering the space.<sup>8</sup>
- The Massachusetts House adopted a resolution requiring all House members and staff to be fully vaccinated against COVID-19 or obtain a medical or religious accommodation as a condition of entry to the capitol, with members and staff who have not complied being required to work remotely.<sup>9</sup> The similar Senate requirement appears to have been required by Senate President directive.<sup>10</sup>
- The Minnesota House Rules Committee adopted a policy that required all House members and employees to wear a mask in the House chamber, House committees, and other House spaces, unless in a private office with the door closed or when directed by a physician not to wear a mask. The presiding officer was prohibited from recognizing a non-compliant member, and any member who failed to comply ceded the floor and any motion made by them was not to be recognized. A member violating this policy was subject to referral to the ethics committee and House disciplinary action.<sup>11</sup>
- The Nevada House by resolution required members to comply with face masks and physical distancing in the chamber and other legislative meeting spaces, and a member found guilty by the House of breaching this rule was prohibited from voting or speaking on the floor or in committee except to explain and apologize for the breach, until the House was satisfied by the member’s response. House members who could not wear a mask due to a medical condition were required to submit a physician’s statement to the Clerk.<sup>12</sup>
- The New Mexico Senate by resolution required members to wear masks in the Senate chamber and Senate rooms, with failure to do so constituting a violation of rules subjecting the violator to disciplinary action and removal from the chamber or committee room, with that member allowed to participate remotely.<sup>13</sup>

<sup>7</sup> IL H.R. 72, Rule 51.5, <https://www.ilga.gov/legislation/102/HR/PDF/10200HR0072lv.pdf>

<sup>8</sup> ME Legislative Council COVID-19 Prevention Policy, <http://legislature.maine.gov/doc/4778>

<sup>9</sup> MA House Order No. 4121, <https://malegislature.gov/Bills/192/H4121>

<sup>10</sup> <https://www.wbur.org/news/2021/08/25/massachusetts-senate-vaccine-requirement>

<sup>11</sup> MN Rules Committee policy, showing amendments that subsequently revised many of these provisions to instead require compliance with MN Dept. of Health and CDC guidelines re: masks, [https://www.house.leg.state.mn.us/comm/docs/6BdlWpi-UU\\_HjO9Nn78tew.pdf](https://www.house.leg.state.mn.us/comm/docs/6BdlWpi-UU_HjO9Nn78tew.pdf)

<sup>12</sup> NV, A.R. 1, Rule 150,

[https://custom.statenet.com/public/resources.cgi?id=ID:bill:NV2021000AR1&ciq=ncsl&client\\_md=d4f3edcf8168928ecc32b375e7ec8bb0&mode=current\\_text](https://custom.statenet.com/public/resources.cgi?id=ID:bill:NV2021000AR1&ciq=ncsl&client_md=d4f3edcf8168928ecc32b375e7ec8bb0&mode=current_text)

<sup>13</sup> NM, S.R. 1, Sec. 7-19,

[https://www.nmlegis.gov/Sessions/21%20Regular/Amendments\\_In\\_Context/SR01.pdf](https://www.nmlegis.gov/Sessions/21%20Regular/Amendments_In_Context/SR01.pdf)

- The New Mexico House by resolution required members, staff, and guests to wear masks at all times in the capitol except in private offices. Failure to do so constituted a violation of rules, subjecting the violator to investigation.<sup>14</sup>
- North Dakota's Joint Rule 805 (pg. 63)<sup>15</sup> provided that chairs of committees could require face masks in committee, and a Legislative Council memo<sup>16</sup> opined that each chamber's presiding officer could apply that rule to the chamber and rule a member out of order and require that member to leave, with such a member able to exercise remote participation options.
- The West Virginia House by resolution provided that a member refusing to wear a face mask would be assigned a place in the House gallery<sup>17</sup>

### ***B. Capitol Access Generally***

Various state legislatures conditioned or restricted access to their capitols generally in order to mitigate COVID-19 exposure:

- The Alabama Senate allowed members of the media in the gallery, and upon reaching capacity, members of the public could watch video feeds in a separate public access room.<sup>18</sup>
- The Alaska Senate permitted one member of the press to sit in the gallery at a time, with the Press Corps responsible for determining that member.<sup>19</sup>
- The Arizona House advised that members of the public may be asked to leave the House building for failure to comply with COVID requirements, which included face masks.<sup>20</sup>
- The Arkansas Senate arranged seating in committee rooms for physical distancing, and individuals were not permitted to enter a committee room once the available seating was filled. Members of the public had to wear masks and undergo a health

<sup>14</sup> NM, H.R. 1, Sec. 7-19,

[https://custom.statenet.com/public/resources.cgi?id=ID:bill:NM2021000HR1&ciq=ncsl&client\\_md=3f445fe2905748dfad0b355e2218b5bb&mode=current\\_text](https://custom.statenet.com/public/resources.cgi?id=ID:bill:NM2021000HR1&ciq=ncsl&client_md=3f445fe2905748dfad0b355e2218b5bb&mode=current_text)

<sup>15</sup> <https://www.legis.nd.gov/files/resource/legislative-rules/rules21a.pdf>

<sup>16</sup> <https://bloximages.chicago2.vip.townnews.com/bismarcktribune.com/content/tncms/assets/v3/editorial/1/4e/14e74b07-da0a-572d-a31d-888626598a3a/5fc576a366fc7.pdf.pdf>

<sup>17</sup> WV, H.R. 5,

[https://www.wvlegislature.gov/Bill\\_Status/bills\\_text.cfm?billdoc=hr5%20intr.htm&yr=2021&sesstype=RS&i=5&houseorig=h&billtype=r](https://www.wvlegislature.gov/Bill_Status/bills_text.cfm?billdoc=hr5%20intr.htm&yr=2021&sesstype=RS&i=5&houseorig=h&billtype=r)

<sup>18</sup> AL State House Security Protocols,

[http://www.legislature.state.al.us/aliswww/ISD/Senate%20Health%20%20Safety%20Protocols%20\(public\).pdf](http://www.legislature.state.al.us/aliswww/ISD/Senate%20Health%20%20Safety%20Protocols%20(public).pdf)

<sup>19</sup> AK Senate Safety Policies, [http://www.akleg.gov/basis/get\\_documents.asp?session=31&docid=102263](http://www.akleg.gov/basis/get_documents.asp?session=31&docid=102263)

<sup>20</sup> AZ House CDC-based Guidelines, <https://www.azhouse.gov/alispdfs/StaySafeHealthySignage.pdf>

screening, and thereafter wear an armband authorizing admittance. Senate staff were placed in all committee rooms to ensure compliance with these requirements.<sup>21</sup>

- The Arkansas House required masks, physical distancing, and temperature checks or other health screenings of all members, staff, and public.<sup>22</sup>
- The Illinois House provided by rule a limit of five representatives of the press in committee rooms and in the chamber. Within the chamber, press were limited to gallery space designated by the Speaker. The rule provided for overflow spaces for the public to view the proceedings, with space limited in those spaces. The rule also provided that members of the public who refused to wear a mask or submit to a temperature check could be removed from the House chamber, galleries, or adjoining hallways and passages.<sup>23</sup>
- Maine closed its State House and committee rooms to all but legislators, staff, and “essential third parties,” who were defined as members of the press, contractors, and delivery staff.<sup>24</sup>
- New Jersey’s State Capitol Joint Management Commission requires proof of COVID-19 vaccination or a negative PCR test taken within past 72 hours as a condition of entry to Capitol, which applies to legislators, staff, and members of the public. It also includes a mask mandate and temperature checks.<sup>25</sup>
- The New Mexico Senate provided by resolution that staff and press working in the state capitol had to be tested weekly and that capitol access was limited, but webcasting legislative proceedings provided for public access, and standing committees were required to allow remote witness testimony and public comments by email.<sup>26</sup>
- The Oklahoma House COVID-19 Protocol Working Group instituted protocols that placed capacity limits in the chamber and in committee rooms, with enforcement by the Sergeant at Arms. Seating in committees was reserved first for members and staff, followed by the public.<sup>27</sup>
- The Oklahoma Senate adopted protocols that established capacity limits in committee rooms, with seating preferences given to senators and staff, witnesses invited by the

<sup>21</sup> AR S.R. 1, Sec. 6,

[https://custom.statenet.com/public/resources.cgi?id=ID:bill:AR2021000SR1&ciq=nsl&client\\_md=d5703711d71867076ab766628475ea9e&mode=current\\_text](https://custom.statenet.com/public/resources.cgi?id=ID:bill:AR2021000SR1&ciq=nsl&client_md=d5703711d71867076ab766628475ea9e&mode=current_text)

<sup>22</sup> AR, H.R. 1005, Sec. 2,

[https://custom.statenet.com/public/resources.cgi?id=ID:bill:AR2021000HR1005&ciq=nsl&client\\_md=911e7cf2c559a2e2d9acee3e03d0e6c8&mode=current\\_text](https://custom.statenet.com/public/resources.cgi?id=ID:bill:AR2021000HR1005&ciq=nsl&client_md=911e7cf2c559a2e2d9acee3e03d0e6c8&mode=current_text)

<sup>23</sup> IL, H.R. 846,

[https://custom.statenet.com/public/resources.cgi?id=ID:bill:IL2019000HR846&ciq=nsl&client\\_md=2ab0c40a38b8c26d880d906d7fd2f66f&mode=current\\_text](https://custom.statenet.com/public/resources.cgi?id=ID:bill:IL2019000HR846&ciq=nsl&client_md=2ab0c40a38b8c26d880d906d7fd2f66f&mode=current_text)

<sup>24</sup> ME Leg. Council COVID-19 Prevention Policy, <http://legislature.maine.gov/doc/4778>

<sup>25</sup> New Jersey State Capitol Joint Management Commission Resolution, implementing COVID-19 rules for accessing the State Capitol Complex, <https://www.senatenj.com/uploads/Draft-Resolution-re-State-House-COVID-19-vaccination-policy-10.25.21.pdf>

<sup>26</sup> NM, S.R. 1, [https://www.nmlegis.gov/Sessions/21%20Regular/Amendments\\_In\\_Context/SR01.pdf](https://www.nmlegis.gov/Sessions/21%20Regular/Amendments_In_Context/SR01.pdf)

<sup>27</sup> OK House COVID-19 Protocols, <https://www.okhouse.gov/Information/COVID19.aspx>

chair, followed by credentialed media and the public. Senate committee proceedings were livestreamed for public viewing. The Senate chamber also had enforceable capacity limits, Senate proceedings were livestreamed, and senators unable to attend in-person due to COVID-19 were able to use proxy voting.<sup>28</sup>

- The Oregon Legislature limited access to the capitol to authorized personnel.<sup>29</sup>
- The Texas Senate adopted rules to limit public seating in the chamber gallery, and members of the public were required to wear a wristband demonstrating a negative COVID test to enter. Members were required to have a negative COVID test result that day to enter the Senate floor to attend a committee hearing, and members' staff were required to be tested weekly, and before accessing the chamber or attending a committee hearing. A person who demonstrated proof of vaccination was entitled to a wristband in lieu of testing. Members and staff were required to wear masks in common areas.<sup>30</sup>
- The Texas House adopted rules to require masks in the chamber and in committee rooms, and credentialed media were permitted in the chamber gallery, subject to available seating.<sup>31</sup>
- The Washington Senate restricted access to Senate buildings only for Senators, Senate staff, and a limited press pool, with committee and floor proceedings being broadcast to the public (citing their constitutional Open Doors Provision).<sup>32</sup>

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<sup>28</sup> OK Senate COVID-19 Protocols, <https://oksenate.gov/covid19-protocols>

<sup>29</sup> OR Capitol Operations Safety Plan, <https://www.oregonlegislature.gov/Documents/2021%20Session%20Capitol%20Operations%20Plan.pdf>

<sup>30</sup> TX, S.R. 1, Sec. 17, <https://journals.senate.texas.gov/SJRNL/87R/PDF/87RSJ01-13-F.PDF>

<sup>31</sup> TX, H.R. 4.

<sup>32</sup> Washington Senate Emergency Parliamentary Rules, <https://leg.wa.gov/Senate/Administration/Pages/Emergency-Parliamentary-Rules.aspx>