STATE OF ALABAMA

PROCLAMATION

BY THE GOVERNOR

WHEREAS, on March 13, 2020, I declared the existence of a state public health emergency based on the appearance of the 2019 novel coronavirus known as COVID-19 in the State of Alabama;

WHEREAS that initial proclamation included provisions designed to assist in preventing the spread of COVID-19 and in mitigating the consequences of COVID-19;

WHEREAS, I have issued supplemental proclamations to further address the occurrence of COVID-19 in the State of Alabama on March 18, 20, 23, and 26, April 2, 3, and 13, May 8 and 21, and June 9 of 2020; and

WHEREAS new implications of COVID-19 come to light on a continual basis, requiring flexibility and adaptability by all levels of government within the State of Alabama;

NOW THEREFORE, I, Kay Ivey, Governor of the State of Alabama, pursuant to the relevant provisions of the Alabama Emergency Management Act of 1955, as amended, Ala. Code §§ 31-9-1, *et seq.*, do hereby proclaim the existence of conditions that warrant implementation of additional extraordinary measures and relief during the state public health emergency now in effect in order to guard public health and protect human life. I therefore proclaim and direct all of the following:

I. Extending the statewide "Safer at Home" health order

A. **Findings.** For the following reasons, I find it necessary to extend the statewide "Safer at Home" health order through an exercise of my powers under the Emergency Management Act.

1. The Emergency Management Act empowers me to take this action because doing so will, among other applicable grounds, "promote and secure the safety and protection of the civilian population." Ala. Code § 31-9-8(a)(5).

   a. COVID-19 remains a serious public health threat. The best information available confirms that COVID-19 is a highly contagious virus that can cause serious illness or death. It can be especially serious or deadly for people over 65 years of age or people with underlying health conditions. Experts predict that it could take many months to develop an effective vaccine or treatment.

   b. At the same time, the initial measures states took to respond to COVID-19 are not sustainable over the long run. Widescale business closures and stay-at-home orders carry significant costs. They impede business investment and expansion. They reduce tax revenues that fund vital public services. And most importantly, they prevent working people from supporting their families. In many ways, public health can suffer as the economy suffers.

   c. The attached Safer at Home order—which is virtually identical to the Safer at Home order currently in effect—embodies a balanced approach to

promoting and securing our civilian population's physical and economic well-being. For every sector of our economy, the Safer at Home order allows businesses to resume operation if—but only if—they adopt practices to reduce the spread of COVID-19.

2. Extending the Safer at Home act likely requires action by me under the Emergency Management Act to comply with state-law procedures governing emergencies.

   a. The Safer at Home order currently in effect is the eighth amendment to an emergency rule first adopted by the State Health Officer, acting on behalf of the State Board of Health, on March 17, 2020. The legal name of that initial emergency rule was "Order of the State Health Officer Suspending Certain Public Health Gatherings Due to Risk of Infection by COVID-19." Every amendment of that initial rule, including the current Safer at Home order, has borne the same name.

   b. Under the Alabama Administrative Procedure Act, emergency rules "may be effective for a period of not longer than 120 days and shall not be renewable." Ala. Code § 41-22-5(b)(1). Indeed, the Act specifically prohibits an agency from adopting "the same or substantially similar emergency rule within one calendar year from its first adoption unless the agency clearly establishes it could not reasonably be foreseen during the initial 120-day period that such emergency would continue or would likely reoccur during the next nine months." *Id.* § 41-22-5(b)(2).

   c. The State Health Officer's authority to adopt a COVID-19-related health order will arguably expire on July 15, 2020, which is 120 days after March 17, 2020. Because it is reasonably foreseeable that the threat of COVID-19 will continue or will likely reoccur during the nine months following July 15, 2020, the State Health Officer arguably will lack authority under the Administrative Procedure Act (beginning that day) to adopt emergency rules to mitigate the spread of COVID-19.

   d. At the same time, the uncertainties of the COVID-19 pandemic will require COVID-19-related rulemaking to be done on an emergency, ad hoc basis for longer than the 120-day emergency period contemplated by the Administrative Procedure Act. The Governor's powers under the Emergency Management Act allow the flexibility to undertake such rulemaking for as long as a declared state public health emergency is in effect.

B. **Extension of the Safer at Home order.** For the foregoing reasons, I hereby extend the current Safer at Home health order by incorporating the attached "Order of the State Health Officer Suspending Certain Public Health Gatherings Due to Risk of Infection by COVID-19" signed today by the State Health Officer into this proclamation as if set forth herein. Further, I specifically promulgate that order as an order, rule, or regulation under the applicable provisions of the Emergency Management Act. *See, e.g.*, Ala. Code §§ 31-9-6(1) & 31-9-13. The law-enforcing authorities of the state shall enforce that order as any other order, rule, or regulation promulgated by the Governor under that Act, *see id.* § 31-9-14, and the penalty for violating it shall be a fine of not more than $500 or imprisonment in the county jail as set forth in the Act, *see, e.g., id.* § 31-9-22.

FURTHER, to the extent a provision in this supplemental proclamation conflicts with any provision of state law, that law is hereby suspended for the duration of this state of emergency, and this proclamation shall control.

FURTHER, I declare that this proclamation and all subsequent orders, laws, rules, or regulations issued pursuant hereto shall remain in full force and effect for the duration of the public health emergency unless rescinded or extended by proclamation.

IN WITNESS, WHEREOF, I have hereunto set my hand and caused the Great Seal to be affixed by the Secretary of State at the State Capitol in the City of Montgomery on this 30th of June, 2020.

Kay Ivey

Kay Ivey
Governor

ATTEST:

John H. Merrill

John H. Merrill
Secretary of State

ORDER OF THE STATE HEALTH OFFICER
SUSPENDING CERTAIN PUBLIC GATHERINGS
DUE TO RISK OF INFECTION BY COVID-19

(APPLICABLE STATEWIDE)

AMENDED JUNE 30, 2020

WHEREAS Coronavirus Disease 2019 (COVID-19) has been detected in Alabama;

WHEREAS the appearance of COVID-19 in the State poses the potential of widespread exposure to an infectious agent that poses significant risk of substantial harm to a large number of people;

WHEREAS the State Board of Health has designated COVID-19 to be a disease of epidemic potential, a threat to the health and welfare of the public, or otherwise of public health importance;

WHEREAS on March 13, 2020, on recommendation of the State Health Officer, Kay Ivey, Governor of the State of Alabama, declared a state public health emergency exists in the State of Alabama;

WHEREAS on March 16, 2020, the Jefferson County Health Officer, in response to a rapidly growing number of cases of COVID-19 being detected in Jefferson County, issued an order suspending certain public gatherings in that county;

WHEREAS on March 17, 2020, the State Health Officer issued a similar order for counties surrounding Jefferson, including Blount, St. Clair, Shelby, Tuscaloosa, and Walker Counties,

WHEREAS on March 19, 2020, the State Health Officer issued an order, and on March 20, 2020, March 27, 2020, April 3, 2020, April 28, 2020, May 8, 2020, and May 21, 2020, amended orders, of statewide application suspending certain public gatherings;

WHEREAS social-distancing and related measures remain necessary on a statewide basis to prevent the spread of COVID-19; and

WHEREAS Ala. Code § 22-2-2 authorizes the State Health Officer, on behalf of the State Board of Health, to direct that conditions prejudicial to health in public places within the State be abated;

NOW THEREFORE, THESE PREMISES CONSIDERED, it is ordered that the following ***Safer at Home*** order be implemented statewide:

1. **Recommendations for individuals.** Effective April 30, 2020, at 5:00 P.M., all individuals—and especially vulnerable persons—are encouraged to exercise personal responsibility in slowing the spread of COVID-19 by:

a. Minimizing travel outside the home, especially if sick;

b. Wearing face coverings around people from other households when it is necessary to leave the home;

c. Washing hands frequently with soap and water or hand sanitizer, especially after touching frequently used items or surfaces;

d. Refraining from touching one's face;

e. Sneezing or coughing into a tissue, or the inside of one's elbow; and

f. Disinfecting frequently used items and surfaces as much as possible.

"Vulnerable persons" means individuals 65 years and older or individuals with serious underlying health conditions, including high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune system is compromised such as by chemotherapy for cancer and other conditions requiring such therapy.

2. **Quarantine for infected persons.** Effective immediately, any person who has tested positive for COVID-19—other than institutionalized persons—shall be quarantined to their place of residence for a period of 14 days, or other period of time as directed by the State Health Officer, or his designee, after receiving positive test results. Any person quarantined pursuant to this provision shall not leave their place of residence for any reason other than to seek necessary medical treatment. Any person requiring assistance while under quarantine may contact Alabama Voluntary Organizations Active in Disaster, http://alvoad.communityos.org/cms. While under quarantine, the person shall take precautions as directed by his or her health care provider or the Alabama Department of Public Health to prevent the spread of the disease to others.

3. **Non-work related gatherings.** Effective May 11, 2020, all non-work related gatherings of any size, including drive-in gatherings, that cannot maintain a consistent six-foot distance between persons from different households are prohibited.

Organizers of religious gatherings are strongly encouraged to read and implement the Alabama Department of Public Health's "Guidelines for Places of Worship," available at https://alabamapublichealth.gov/covid19/assets/cov-sah-worship.pdf.

4. **Protections for employees.** Effective May 11, 2020, and unless otherwise specified by this order, all employers shall take reasonable steps, where practicable as work duties permit, to protect their employees by:

a. maintaining six feet of separation between employees;

b. regularly disinfecting frequently used items and surfaces;

c. encouraging handwashing;

d. preventing employees who are sick from coming into contact with other persons;

e. facilitating remote working arrangements; and

f. minimizing employee travel.

In addition to complying with the requirements of this paragraph, employers are strongly encouraged to read and implement the Alabama Department of Public Health's "Guidelines for Safeguarding All Businesses," available at https://alabamapublichealth.gov/covid19/assets/cov-sah-businesses.pdf.

5. **Protections for customers, etc.** Effective May 11, 2020, and unless otherwise specified by this order, the operator of any business, government office, or other establishment open to the public shall take reasonable steps, where practicable, to protect their customers, constituents, or other guests by:

a. maintaining six feet of separation between such persons (except for those persons who share the same household); and

b. regularly disinfecting frequently used items and surfaces.

6. **Retailers.** Effective May 11, 2020, all retail stores shall comply with the following rules:

a. **Emergency maximum occupancy rate.** Occupancy shall be limited to no more than 50 percent of the normal occupancy load as determined by the fire marshal. This "emergency maximum occupancy rate" shall be posted in a conspicuous place, and enough staff shall be posted at the store entrances and exits to enforce this requirement.

b. **Social distancing.** An employee of the retail store may not knowingly allow customers or patrons to congregate within six feet of a person from another household.

c. **Sanitation.** The retail store shall take reasonable steps to comply with guidelines on sanitation from the Centers for Disease Control and Prevention (CDC) and the Alabama Department of Public Health.

7. **Close-contact service providers.** Effective May 11, 2020, close-contact service providers—such as barber shops, hair salons, waxing salons, threading salons, nail salons and spas, body art facilities, tattoo services, and massage therapy establishments and services—shall comply with the following rules:

a. **Social distancing.** Employees shall not knowingly allow clients or persons accompanying a client to congregate within six feet of a person from another household.

b. **Facial coverings.** Each employee shall wear a mask, or other facial covering that covers his or her nostrils and mouth, at all times while providing services within 6 feet of a client.

c. **Hand sanitation.**

(i) Employees shall wash their hands thoroughly with soap and water immediately before providing services within 6 feet of a client.

(ii) Employees of all close-contact service providers are encouraged—and employees providing nail services or facial services are required—to wear gloves when providing services within 6 feet of a client. To the extent employees wear gloves when providing services, they should use a new pair of gloves for each client and should put them on immediately after washing their hands.

d. **Sanitation.** A close-contact service provider shall take reasonable steps, where practicable, to regularly disinfect frequently used items and surfaces.

In addition to complying with the requirements of this paragraph, close-contact service providers are strongly encouraged to read and implement the Alabama Department of Public Health's "Guidelines for Close Contact Personal Service Businesses," available at https://alabamapublichealth.gov/covid19/assets/cov-sah-close-contact.pdf.

8. **Athletic facilities.** Effective May 11, 2020, athletic facilities—such as fitness centers and commercial gyms, spas, and yoga, barre, and spin facilities—shall comply with the following rules:

a. **Social distancing.**

(i) Employees shall not knowingly allow patrons or guests to congregate within six feet of a person from another household.

(ii) Employees shall not knowingly allow patrons or guests to participate in athletic activities in violation of paragraph 10.

(iii) Employees shall take reasonable steps to prevent people from congregating in lobby areas, break rooms, and other common areas.

b. **Limits on facility access.** An athletic facility shall limit facility occupancy to 50 percent of the normal occupancy load as determined by the fire marshal. Athletic facilities shall also prohibit patrons and guests from accessing showers, hot tubs, steam rooms, lockers, saunas and other recreational water or spa facilities. Pools may be open subject to the social-distancing rules of this paragraph.

c. **Facial coverings.** Each employee shall wear a mask or other facial covering that covers his or her nostrils and mouth at all times while in regular interaction with clients or guests.

d. **Sanitation.** An athletic facility shall take reasonable steps, where practicable, to regularly disinfect frequently used items and surfaces.

In addition to complying with the requirements of this paragraph, operators of athletic facilities are strongly encouraged to read and implement the Alabama Department of Public Health's "Guidelines for Athletic Facilities," available at https://alabamapublichealth.gov/covid19/assets/cov-sah-athletic-facilities.pdf.

9. **Entertainment venues.** Effective May 22, 2020, at 5:00 P.M., entertainment venues shall comply with the following rules:

a. **Social distancing.**

(i) Employees shall not knowingly allow patrons or guests to congregate within six feet of a person from another household.

(ii) Employees shall take reasonable steps to prevent people from congregating in lobby areas, break rooms, and other common areas.

b. **Emergency maximum occupancy rate.** Indoor and enclosed entertainment venues shall limit occupancy to 50 percent of the normal occupancy load as determined by the fire marshal. Outdoor venues or those not assigned a normal occupancy load by the fire marshal shall limit occupancy as required to comply with the social distancing requirements of this paragraph.

c. **Facial coverings.** Each employee shall wear a mask or other facial covering that covers his or her nostrils and mouth at all times while in regular interaction with clients or guests.

d. **Sanitation.** An entertainment venue shall take reasonable steps, where practicable, to regularly disinfect frequently used items and surfaces.

For purposes of this paragraph, "entertainment venue" includes bowling alleys, arcades, concert venues, theaters, auditoriums, performing centers, tourist attractions (including museums and planetariums), race tracks, commercial or public playgrounds, adult entertainment venues, casinos, and bingo halls. "Entertainment venue" does not include playgrounds operated by educational institutions and child day care facilities; playgrounds operated by education institutions and child day care facilities are covered by, and subject to, paragraph 13. "Entertainment venue" also does not include "night clubs," which are covered by, and subject to, paragraph 18.

In addition to complying with the requirements of this paragraph, entertainment venues are strongly encouraged to read and implement the Alabama Department of Public Health's "Guidelines for Entertainment Venues and Tourist Attractions," available at https://www.alabamapublichealth.gov/covid19/assets/cov-sah-entertainment-tourist.pdf.

10. **Athletic activities.** Effective May 22, 2020, at 5:00 P.M., persons attending or participating in athletic activities shall comply with the following rules:

a. **Permitted team activities.** From May 22, 2020, at 5:00 P.M., until June 14, 2020, participation in team athletic activities is limited to practices that involve conditioning, skill drills, and similar activities, subject to the rules of this paragraph. Beginning June 15, 2020, participation in team athletic activities may proceed in any respect subject to the rules of this paragraph.

b. **Social distancing.**

(i) Players, coaches, officials, and spectators shall not congregate within 6 feet of a person from another household except to the extent necessary—and only to the extent necessary—for players, coaches, and officials to directly participate in the athletic activity.

(ii) Players, coaches, officials, and spectators shall refrain from high fives, handshakes, and other physical contact except to the extent necessary—and only to the extent necessary—for players, coaches, and officials to directly participate in the athletic activity.

c. **Facial coverings.** Players, coaches, and officials shall wear a mask or other facial covering that covers his or her nostrils and mouth at all times except when a player or official is directly participating in the athletic activity.

d. **Sanitation.** Players, coaches, and officials shall not share water coolers, drinking stations, water bottles, cups, or other drinking devices. Organizers of athletic activities shall take reasonable steps, where practicable, to regularly disinfect frequently used items and surfaces.

For purposes of this paragraph, "athletic activities" means "sports that involve interaction with another person of closer than six feet" and "activities that require use of shared sporting apparatus and equipment."

In addition to complying with the requirements of this paragraph, persons attending or participating in athletic activities are strongly encouraged to comply with any guidelines adopted by the relevant governing organization, if one exists for the athletic activity in question, to the extent those guidelines are consistent with the requirements of this paragraph.

In addition, organizers of athletic activities are strongly encouraged to read and implement the Alabama Department of Public Health's "Guidelines for Adult and Youth Athletic Activities," available at https://www.alabamapublichealth.gov/covid19/assets/cov-sah-athletic-activities.pdf.

11. **Beaches.** Effective May 11, 2020, anyone using the beaches shall maintain a consistent six-foot distance between himself or herself and all persons from a different

household. For purposes of this section, the term "beach" means the sandy shoreline area abutting the Gulf of Mexico, whether privately or publicly owned, including beach access points.

12. **Senior Citizen Centers.** Effective March 20, 2020, all regular programs at Senior Citizen Centers shall be ended except that Senior Citizen Centers and their partners are urged to assure that their clients continue to receive needed meals via curbside pick-up or delivery.

13. **Educational institutions.** Effective June 1, 2020, all schools, public and private—including elementary, secondary, postsecondary, technical, and specialty schools, and colleges and universities—shall comply with the following rules:

a. **Social distancing.** Schools shall take reasonable steps, where practicable, to maintain six feet of separation between persons of different households.

b. **Sanitation.** Schools shall take reasonable steps, where practicable, to regularly disinfect frequently used items and surfaces.

c. **Facial coverings.** Each employee shall, to the greatest extent practicable, wear a mask or other facial covering that covers his or her nostrils and mouth at all times when in regular interaction within six feet of a person from a different household.

In addition to complying with the requirements of this paragraph, educational institutions are strongly encouraged to adopt and implement additional measures to supplement these minimum rules. Guidance applicable to public K-12 schools is available at https://www.alabamapublichealth.gov/covid19/assets/adoe-school-sponsored-activities.pdf.

14. **Child day care facilities.** Effective May 23, 2020, at 5:00 P.M., facilities providing child day care, including any child day care facility described in Ala. Code § 38-7-2, shall comply with the following rules:

a. **Social distancing.** Employees shall not knowingly allow parents or other guests to congregate within six feet of a person from another household. Facilities shall also take reasonable steps to prevent parents or other guests from congregating in lobby areas, cafeterias, and other common areas.

b. **Sanitation.** Child day care facilities shall take reasonable steps, where practicable, to regularly disinfect frequently used items and surfaces.

c. **Facial coverings.** Each employee shall, to the greatest extent practicable, wear a mask or other facial covering that covers his or her nostrils and mouth at all times when in regular interaction within six feet of a person from a different household.

In addition to complying with the requirements of this paragraph, child day care facilities are strongly encouraged to read and implement the Alabama Department of Public Health's "Guidelines for Child Day Care Facilities," available at https://www.alabamapublichealth.gov/covid19/assets/cov-sah-childcare-facilities.pdf.

15. **Camps.** Effective May 23, 2020, day and overnight youth summer camps shall comply with the following rules:

a. **Social distancing.**

(i) Employees shall not knowingly allow campers or guests to congregate within six feet of a person from another household.

(ii) Employees shall not knowingly allow campers or guests to participate in athletic activities in violation of paragraph 10.

b. **Sanitation.** Camps shall take reasonable steps, where practicable, to regularly disinfect frequently used items and surfaces.

c. **Facial coverings.** Each employee shall, to the greatest extent practicable, wear a mask or other facial covering that covers his or her nostrils and mouth at all times when in regular interaction with campers and guests.

In addition to complying with the requirements of this paragraph, day and overnight youth summer camps are strongly encouraged to read and implement the Alabama Department of Public Health's "Guidelines for Day and Overnight Youth Summer Camps," available at https://www.alabamapublichealth.gov/covid19/assets/cov-sah-youth-camps.pdf.

16. **Hospitals and similar institutions.** Effective July 3, 2020, all Hospitals and Nursing Home/Long Term Care Facilities (including Assisted Living and Specialty Care Assisted Living Facilities) shall limit the entrance of visitors, as defined by the facility, and non-essential health care personnel, except for certain compassionate care situations such as maternity, end-of-life, and support for persons with disabilities, as well as any other situations where the presence of a caregiver would facilitate appropriate care.

17. **Medical procedures.** Effective April 30, 2020, at 5:00 P.M., dental, medical, or surgical procedures may proceed unless the State Health Officer or his designee determines that performing such procedures, or any category of them (whether statewide or regionally), would unacceptably reduce access to personal protective equipment or other resources necessary to diagnose and treat COVID-19. Providers performing these procedures shall follow all applicable COVID-19-related rules adopted by a state regulatory board or by the Alabama Department of Public Health. In the absence of such rules, providers should take reasonable steps to comply with applicable COVID-19-related guidelines from the Centers for Medicare and Medicaid Services (CMS) and the CDC, including "Re-opening Facilities to Provide Non-emergent Non-COVID-19 Healthcare: Phase I" from CMS, available at https://www.cms.gov/files/document/covid-flexibility-reopen-essential-non-covid-services.pdf, and "Infection Control Guidance for Healthcare Professionals about Coronavirus (COVID-19)" from the CDC, available at https://www.cdc.gov/coronavirus/2019-ncov/hcp/infection-control.html.

18. **Restaurants and similar establishments.** Effective May 11, 2020, all restaurants, bars, breweries, or similar establishments shall operate as follows:

a. Such establishments may continue to offer food for take-out or delivery provided the social distancing protocols, including maintaining a consistent six-foot distance between persons, are followed.

b. Such establishments are strongly encouraged to offer online ordering and curbside pick-up of food.

c. Hospital food service areas are excluded from this order provided they have their own social distancing plan.

d. Insofar as such establishments offer on-premises consumption of food or drink, they shall limit the party size at tables to no more than eight persons and maintain at least six feet of separation between people seated at different tables, booths, chairs, or stools. Games played at restaurants, bars, breweries, or similar establishments, such as pool and darts, may be played if players maintain 6 feet of distance from other players, game equipment is not shared by players during game play, and equipment is sanitized in between uses.

e. Each employee shall wear a mask or other facial covering that covers his or her nostrils and mouth at all times while in regular interaction with patrons or guests.

f. Such establishments shall disallow self-service by guests at drink stations, buffets, or salad bars.

In addition to complying with the requirements of this paragraph, establishments subject to this paragraph are strongly encouraged to read and implement the Alabama Department of Public Health's "Guidelines for Restaurants and Bars," available at https://alabamapublichealth.gov/covid19/assets/cov-sah-restaurants-bars.pdf.

19. **Duration.** This Order shall remain in full force and effect until 5:00 P.M. on July 31, 2020. Prior to 5:00 P.M. on July 31, 2020, a determination shall be made whether to extend this Order—or, if circumstances permit, to change this Order.

20. **Preemption.** To the extent this Order conflicts with any order previously issued by the State Health Officer concerning COVID-19 mitigation measures, this Order supersedes and preempts the conflicting provisions of the previously issued order effective on the dates specified above. This Order also supersedes and preempts all orders previously issued by the Jefferson and Mobile County Health Officers concerning COVID-19 mitigation measures, and this Order shall remain in full force and effect until rescinded or modified by order of the State Health Officer or its expiration. After the date this order is issued, the Jefferson and Mobile County Health Officers are authorized, after approval by the State Health Officer, to implement more stringent measures as local circumstances require.

This Order also supersedes and preempts any county and municipal orders or ordinances, whenever adopted, that purport to impose less stringent COVID-19-related curfew or quarantine measures.

Done on this 30th day of June, 2020.

Scott Harris, M.D., M.P.H.
State Health Officer