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

(APPLICABLE STATEWIDE)

AMENDED APRIL 28, 2020

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

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; and

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; and

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; and

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; and

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, and

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

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(4) 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 March 28, 2020, at 5:00 P.M., all non-work related gatherings of 10 persons or more, or non-work related gatherings of any size that cannot maintain a consistent six-foot distance between persons from different households, are prohibited. But "drive-in" gatherings of any size are permitted if the participants adhere to the following rules:

a. All participants shall remain in their vehicles for the entirety of the event;

b. The participants in each vehicle must all share the same household; and

c. Participants shall not come within six feet of participants in other vehicles.

For purposes of this paragraph, "non-work related gathering" includes church services, weddings, funeral services, social gatherings, concerts, festivals, sporting events, and similar events.

4. **Protections for employees.** Effective April 30, 2020, at 5:00 P.M., and unless otherwise permitted or required by this order, all employers shall take reasonable steps, where practicable as work duties permit, to protect their employees by:

a. avoiding gatherings of 10 employees or more;

b. maintaining six feet of separation between employees;

c. regularly disinfecting frequently used items and surfaces;

d. encouraging handwashing;

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

f. facilitating remote working arrangements; and

g. minimizing employee travel.

5. **Protections for customers, etc.** Effective April 30, 2020, at 5:00 P.M., and unless otherwise permitted or required 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. avoiding gatherings of 10 or more such persons;

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

c. regularly disinfecting frequently used items and surfaces.

6. **Retailers.** Effective April 30, 2020, at 5:00 P.M., 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 one another.

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

7. **Higher-risk businesses and activities.** Effective March 28, 2020, at 5:00 P.M., and notwithstanding any other provision of this order, the following businesses, venues, and activities shall be closed to non-employees or not take place:

a. **Entertainment venues** as follows:

(i) Night clubs

(ii) Bowling alleys

(iii) Arcades

(iv) Concert venues

(v) Theaters, auditoriums, and performing arts centers

(vi) Tourist attractions (including museums and planetariums)

(vii) Racetracks

(viii) Indoor children's play areas

(ix) Adult entertainment venues

(x) Casinos

(xi) Bingo halls

(xii) Venues operated by social clubs

b. **Athletic facilities** and activities as follows:

(i) Fitness centers and commercial gyms

(ii) Spas

(iii) Yoga, barre, and spin facilities

(iv) Sports that involve interaction with another person of closer than 6 feet

(v) Activities that require use of shared sporting apparatus and equipment

(vi) Activities on commercial or public playground equipment

c. **Close-contact service providers** as follows:

(i) Barber shops

(ii) Hair salons (other than hair restoration centers)

(iii) Waxing salons

(iv) Threading salons

(v) Nail salons and spas

(vi) Body art facilities and tattoo services

(vii) Massage therapy establishments and services (other than for medically prescribed services)

8. **Beaches.** Effective April 30, 2020, at 5:00 P.M., all beaches shall be open to gatherings of fewer than 10 persons, and anyone using the beaches must 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.

9. **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.

10. **Educational institutions and child day care facilities.** Effective March 20, 2020, the following shall be closed:

a. In-person instruction or classes at all schools, public and private, including but not limited to: elementary, secondary, postsecondary, technical, or specialty schools, and colleges and universities.

(i) This order is not intended to prevent any employers from making continued necessary staffing decisions. Employers are authorized to advise employees to work from home or maintain flexible work schedules. If working from home is not feasible, the employee should practice social distancing, maintaining consistent six-foot distance between persons, for the duration of this order and follow public health guidelines.

(ii) This order shall not apply to-daytime special activities programs provided by local boards of education for children, ages 6 through 12 as of March 13, 2020, of first responders (including EMS and fire services) and licensed health-care providers and their essential employees; and essential employees of the following categories of employers: state and local governments, law enforcement, hospitals, nursing home/long-term care facilities, (including assisted living and specialty-care assisted living facilities), end-stage renal disease treatment centers, pharmacies, and grocery stores. In these special activities programs, 12 or more children shall not be allowed in any one room at the same time, and operators of these programs are encouraged to use enhanced sanitation practices consistent with guidance from the CDC and the Alabama Department of Public Health.

b. Facilities providing child day care, including any child day care facility described in Ala. Code § 38-7-2, at which 12 or more children are in a room or other enclosed space at the same time. Center employees are encouraged to use enhanced sanitation and social-distancing practices consistent with guidance from the CDC and the Alabama Department of Public Health. This Order does not change the Minimum Standards for Day Care promulgated by the Alabama Department of Human Resources, except that 12 or more children shall not be allowed in a room or other enclosed space at the same time.

11. **Hospitals and similar institutions.** Effective March 20, 2020, all Hospitals and Nursing Home/Long Term Care Facilities (including Assisted Living and Specialty Care Assisted Living Facilities) shall prohibit visitation of all 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.

12. **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.

13. **Restaurants and similar establishments.** Effective March 19, 2020, at 5:00 P.M., all restaurants, bars, breweries, or similar establishments shall not permit on-premises consumption of food or drink.

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.

14. **Duration.** This Order shall remain in full force and effect until 5:00 P.M. on May 15, 2020. Prior to 5:00 P.M. on May 15, 2020, a determination shall be made whether to extend this Order—or, if circumstances permit, to relax this Order.

15. **Preemption.** This Order supersedes and preempts all orders previously issued by the State Health Officer and Jefferson and Mobile County Health Officers concerning COVID-19 mitigation measures, and this Order shall remain in full force and effect until rescinded 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 28th day of April, 2020.

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