CHRISTOPHER T. SUNUNU
Governor

STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR

STATE OF NEW HAMPSHIRE
BY HIS EXCELLENCY
CHRISTOPHER T. SUNUNU, GOVERNOR

Emergency Order # 40 Pursuant to Executive Order 2020-04 as extended by Executive Orders 2020-05 and 2020-08

An order extending and modifying Emergency Order #17 (Closure of non-essential businesses and requiring Granite Staters to stay at home)

WHEREAS, on Friday, March 13, 2020, the President of the United States declared a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak; and

WHEREAS, on Friday, March 13, 2020, the Governor issued Executive Order 2020-04, An order declaring a state of emergency due to the Novel Coronavirus (COVID-19); and

WHEREAS, on Friday, March 13, 2020, the Governor activated the Emergency Operations Center at the Incident Planning and Operations Center in Concord to assist in the State's response to the COVID-19 outbreak; and

WHEREAS, on April 3, 2020, the Governor issued Executive Order 2020-05, an order extending the state of emergency declared in Executive Order 2020-04 for an additional 21 days through April 24, 2020; and

WHEREAS, on April 24, 2020, the Governor issued Executive Order 2020-08, an order extending the state of emergency declared in Executive Order 2020-04 for an additional 21 days through May 15, 2020; and

WHEREAS, experts anticipate that while a high percentage of individuals affected by COVID-19 will experience mild flu-like symptoms, some will have more serious symptoms and require hospitalization, particularly individuals who are elderly or already have underlying chronic health conditions; and

WHEREAS, experts indicate that COVID-19 is most commonly spread from an infected symptomatic person to others through respiratory droplets, including:

- Through the air by coughing and sneezing;
- Close personal contact, such as touching or shaking hands;
- Touching an object or surface with the virus on it, then touching your mouth, nose, or eyes before washing your hands.

WHEREAS, the CDC reports that COVID-19 may be spread before an infected person shows symptoms of the virus; and

WHEREAS, as of April 30, 2020, the CDC reports 1,031,659 confirmed cases of COVID-19 have occurred in the United States with 60,057 deaths; and

WHEREAS, in the days since the Governor declared a State of Emergency, the COVID-19 outbreak in New Hampshire has expanded significantly; and

WHEREAS, as of April 30, 2020, the Department of Health and Human Services, Division of Public Health Services has reported 2,146 cases of COVID-19; 72 deaths; 112 hospitalizations; approximately 2,700 individuals are being monitored; and all 10 counties in the State have been impacted; and

WHEREAS, as of May 1, 2020, during the State of Emergency, the Governor has issued Emergency Orders that, among other things, (i) require public K-12 schools to transition to remote instruction and support, (ii) prohibit scheduled gatherings of 10 or more and require restaurants and bars to transition to take-out and delivery only, (iii) temporarily prohibit disconnection or discontinuance of certain services, including public utilities, in the event of non-payment, (iv) temporarily prohibit evictions and foreclosures, (v) dramatically expand access to State unemployment benefits for individuals impacted by COVID-19, (vi) close non-essential businesses and mandate that Granite Staters stay home with limited exceptions, (vii) expand access to Telehealth Services to protect the public and healthcare providers, and (viii) restrict hotels and other lodging providers to provision of lodging for vulnerable populations and essential workers; and

WHEREAS, the Department of Health and Human Services, Division of Public Health has found that community-based transmission of COVID-19 continues to increase in the State and has been identified in the majority of counties; and

WHEREAS, if COVID-19 spreads in New Hampshire at a rate comparable to the rate of spread in other states and countries, the number of persons requiring medical care may exceed locally available resources, and controlling outbreaks minimizes the risk to the public, maintains the health and safety of the people of New Hampshire, and limits the spread of infection in our communities and within the healthcare delivery system; and

WHEREAS, though there is a continued need to take significant precautions, New Hampshire's actions to date appear to have succeeded in stabilizing the rate of increase in cases of COVID-19; and

WHEREAS, New Hampshire's sacrifices and actions thus far have enabled the State to begin taking steps to begin a gradual re-opening of New Hampshire's economy in multiple phases; and;

WHEREAS, on April 21, 2020, the Governor initiated the Governor's Economic Re-Opening Task Force, a task force composed of bipartisan legislators, private-sector leaders, and state officials, with the goal of developing a plan and overseeing state and private-sector actions needed to reopen New Hampshire's economy while minimizing the adverse impact on public health; and

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WHEREAS, the Governor's Economic Re-Opening Task Force has held seven meetings, considered presentations from New Hampshire economic stakeholders as well as public comments, and has provided the Governor with recommendations and proposed guidelines, informed by public health information, for re-opening of the state economy in phases.

Now therefore, pursuant to Section 18 of Executive Order 2020-04 as extended by Executive Order 2020-05 and 2020-08, it is hereby ordered, effective immediately, that:

1. The services identified in Exhibit A to this Emergency Order #40 are hereby designated as "Essential Services." Additional services may be designated as Essential and added to Exhibit A with written approval of the Commissioner of Business and Economic Affairs and the Governor.

2. All businesses and other organizations not addressed in paragraph 5 of this Order and that do not provide Essential Services shall continue to close their physical workplaces and facilities to workers, customers and the public, and shall continue to cease all in-person operations until 12:01 a.m. on May 31, 2020.

3. All businesses or other organizations providing Essential Services or who are otherwise permitted to resume certain operations pursuant to this Order shall comply with the Universal Business Guidelines attached hereto as Exhibit B and any other industry-specific guidelines issued by the State of New Hampshire pursuant to or subsequent to this Order. Businesses or other organizations may also develop additional strategies, procedures and practices to allow for social distancing protocols consistent with the Universal Business Guidelines, any industry-specific guidelines issued by the State of Hampshire pursuant to or subsequent to this Order, and any guidance provided by the CDC and the Division of Public Health. The provisions of Exhibit B may be updated and modified with approval of the Governor.

4. In order to continue and maintain the provision of certain Essential Services in as safe a manner as possible, businesses and organizations who provide Essential Services may continue to operate according to the guidelines attached to this Order as Exhibit C. The provisions of Exhibit C may be updated and modified with approval of the Governor.

5. In order to begin the gradual re-opening of New Hampshire's economy in a safe manner that places an emphasis on the needs of public health, certain businesses and organizations may resume operations (or select portions of their operations) according to the schedule and guidelines attached to this Order as Exhibit D. The provisions of Exhibit D may be updated and modified with approval of the Governor.

6. New Hampshire citizens shall continue to stay at home or in their place of residence with the following exceptions:

    a) Leaving home to get fresh air or exercise, provided that social distancing protocols consistent with guidance from the Division of Public Health are observed;

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b) Leaving home for outdoor recreation provided that appropriate social distancing protocols are observed and provided that such recreation complies with any limitations contained within Executive Order 2020-04, as extended by Executive Orders 2020-05 and 2020-08, and any Emergency Orders issued pursuant to Executive Order 2020-04;
c) Leaving home to run essential errands such as going to the grocery store, pharmacy, laundromat, or fulfilling any other errands an individual determines to be essential for everyday needs;
d) Leaving home to visit a spouse, parent, or child;
e) Leaving home to provide care for another person;
f) Leaving home to go to the gas station;
g) Leaving home to order and pick up take-out food;
h) Receiving deliveries from Amazon, UPS, Fedex, the U.S. Postal Service, or any other deliveries;
i) Leaving home to receive medical or dental care or medical services;
j) Leaving home for purposes of an individual's employment if the individual is employed at a business or organization that provides Essential Services, a business or organization that has been permitted to resume certain in person operations pursuant to paragraph 4 of this Order, or a business or organization to whom this Order does not apply pursuant to paragraphs 7–9 of this Order; and
k) Leaving home for purposes of employment in cases where an individual is working remotely for a business that does not provide Essential Services, has not otherwise been permitted to resume in person operation, or is not exempted from this Order pursuant to paragraphs 7–9; and
l) Leaving home to patronize or seek services from a business or organization that is providing Essential Services, a business or organization that has been permitted to resume certain in person operations pursuant to paragraph 4 of this Order, or a business or organization to whom this Order does not apply pursuant to paragraphs 7–9 of this Order.

7. This Order shall not apply to any K-12 schools within this State.

8. This Order shall not apply to State Government, local and county governments, local and county legislative bodies, the General Court, or the Judicial Branch.

9. This Order shall not apply to any church, synagogue, mosque, or other house of worship, provided that those organizations must still comply with Emergency Order #16.

10. Emergency Order #2 is hereby extended and shall remain in effect until May 31, 2020, provided that to the extent any provisions of this Order are inconsistent with Emergency Order #2, the provisions of this Order shall control.

11. Emergency Orders #6, #16 and #27 are hereby extended and shall remain in effect until May 31, 2020.

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12. The provisions of Emergency Order #17 and all exhibits thereto are superseded by this Order and all exhibits attached hereto, and Emergency Order #17 and all exhibits thereto are hereby terminated.

13. The Division of Public Health and State or local police shall have the authority to enforce this Order.

14. This Order shall remain in effect until May 31, 2020.

Given under my hand and seal at the Executive Chambers in Concord, this 1st day of May, in the year of Our Lord, two thousand and twenty, and the independence of the United States of America, two hundred and forty-four.

GOVERNOR OF NEW HAMPSHIRE

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