State of Iowa

Executive Department

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

PROCLAMATION OF DISASTER EMERGENCY

WHEREAS, the World Health Organization has reported an outbreak of thousands of cases of Novel Coronavirus 2019 (COVID-19) in multiple countries, causing illness and deaths; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services declared a national public health emergency; and

WHEREAS, on March 9, 2020, a Proclamation of Disaster Emergency was issued to coordinate the State of Iowa's response to this outbreak and such disaster continues to exist; and

WHEREAS, on March 11, 2020 the World Health Organization declared the COVID-19 outbreak a global pandemic; and

WHEREAS, on March 13, 2020, President Donald J. Trump issued a proclamation declaring that the COVID-19 outbreak in the United States constitutes a national emergency; and

WHEREAS, on March 17, 2020, a Proclamation of Public Health Disaster Emergency was issued to provide additional needed resources and measures to respond to this disaster, and such public health disaster continues to exist and should continue until January 8, 2021; and

WHEREAS, the risk of transmission of COVID-19 may be substantially reduced by adjusting appropriate public health measures regarding gatherings and continuing to ensure that business takes appropriate public health precautions.

NOW THEREFORE, I, KIMBERLY K. REYNOLDS, Governor of the State of Iowa, by the power and authority vested in me by the Iowa Constitution, Art. IV, §§ 1, 8 and Iowa Code §§ 29C.6(1), 135.140(6), and 135.144 do hereby proclaim a **STATE OF PUBLIC HEALTH DISASTER EMERGENCY** continues to exist throughout the entire state of Iowa and do hereby **ORDER** and **DIRECT** the following:

GATHERINGS

SECTION ONE. Pursuant to Iowa Code § 135.144 (3), and in conjunction with the Iowa Department of Public Health, unless otherwise modified by subsequent proclamation or order of the Iowa Department of Public Health, I order that effective at 12:01 a.m. on December 17, 2020, and continuing until 11:59 p.m. on January 8, 2021:

A. A social, community, business, or leisure gathering or event, including wedding and funeral receptions, festivals, conventions, fundraisers, and other nonessential gatherings and events where people who do not ordinarily live or work together congregate, of more than ten people may be held, but only if the gathering complies with all other relevant provisions in this Proclamation and the following requirements:

(1) Social Distancing: The gathering organizer and all participants in the gathering must ensure at least six feet of physical distance between each group or individual attending alone.

(2) **Other social distancing, hygiene, and public health measures**: The gathering organizer shall also implement reasonable measures under the circumstances of each gathering to ensure social distancing of gathering participants, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19 consistent with guidance issued by the Iowa Department of Public Health and, for any food service, the Iowa Department of Inspections and Appeals.

(3) **Certain business gatherings excluded**: This section does not apply to restrict gatherings that occur during the ordinary course of business or government between employees or members of the public, including but not limited to gatherings in an office or manufacturing workplace, normal retail operations, or other establishments explicitly addressed in this Proclamation.

B. **Sporting and recreational gatherings**: Except for high school, collegiate, or professional sporting or recreational gatherings, all sporting and recreational gatherings must comply with the following requirements:

(1) **Social Distancing Required**: The gathering organizer and all spectators must ensure at least six feet of physical distance between each group of spectators.

(2) **Spectators limited**: The gathering organizer and all spectators must ensure that spectators are limited to no more than two spectators for each athlete or organizer staff participating in the gathering, unless all spectators are from the same household. For purposes of this section, an athlete or organizer staff participates in the gathering by participating in an organized activity that occurs in connection with the event, such as cheerleading or pep band. Spectators may only be present during the time that athlete is participating in a practice, game, meet, or competition.

(3) **Masks required**: Although athletes are not required to wear a mask while participating in a gathering, all other participants and spectators over the age of two shall wear a mask or other face covering for all gatherings.

C. **High School-sponsored sporting and extracurricular events**: Sporting, recreational, and other extracurricular gatherings sponsored by a high school must comply with the following requirements:

(1) **Social Distancing Required**: The gathering organizer and all spectators must ensure at least six feet of physical distance between each group of spectators.

(2) **Spectators limited**: The gathering organizer and all spectators must ensure that spectators are limited to no more than two spectators for each student athlete, performer, competitor, or staff member participating in the gathering, unless all spectators are from the same household. For purposes of this section, a student or staff member participates in the gathering by participating in an organized activity that occurs in connection with the event, such as cheerleading or pep band. Spectators may only be present during the time that student or the student's team is participating in a game, meet, or competition.

(3) **Spectator masks**: Although student participants are not required to wear a mask while participating in an event, all spectators over the age of two shall wear a mask or other face covering for all gatherings.

D. **Spiritual and religious gatherings**: Spiritual and religious gatherings, including any funerals or weddings, are not prohibited by this section. But a church, synagogue, or other host of a spiritual or religious gathering shall implement reasonable measures under the circumstances of each gathering to ensure social distancing of employees, volunteers, and other participants, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19 consistent with guidance issued by the Iowa Department of Public Health.

REOPENING OF BUSINESSES AND ESTABLISHMENTS

SECTION TWO. Pursuant to Iowa Code § 135.144 (3), and in conjunction with the Iowa Department of Public Health, unless otherwise modified by subsequent proclamation or order of the Iowa Department of Public Health, I order that effective at 12:01 a.m. on December 17, 2020, and continuing until 11:59 p.m. on January 8, 2021:

A. **Restaurants and bars**: A restaurant or bar, including a wedding reception venue, winery, brewery, distillery, country club, or other social or fraternal club, may reopen or remain open to serve food and beverages on its premises, but only to the extent that it complies with the following requirements:

(1) **Social distancing**: The establishment must ensure at least six feet of physical distance between each group or individual dining alone. Seating at booths closer than six feet may satisfy this requirement if the booths are separated by a barrier of a sufficient height to fully separate seated customers. All patrons must have a seat at a table, booth, or bar, and must consume their food or beverage while seated at the table, booth, or bar. Establishments must limit patrons from congregating together closer than six feet.

(2) **Groups limited**: The establishment must limit the group size seated together to no more than eight people unless all members of the group are members of the same household.

(3) **Masks required while not seated**: The establishment must require all customers to wear a mask or face covering while in the establishment unless seated at a properly distanced booth or table. This includes while participating in any games, pool, arcades, dancing, or karaoke. The establishment must also require all employees who interact with customers to wear a mask or face covering.

(4) **Other social distancing, hygiene, and public health measures**: The restaurant shall also implement reasonable measures under the circumstances of each restaurant to ensure social distancing of employees and customers, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19 consistent with guidance issued by the Iowa Department of Inspections and Appeals and the Iowa Department of Public Health.

B. **Fitness centers**: A fitness center, health club, health spa, or gym may reopen or remain open, but only to the extent that it complies with the following requirements:

(1) **Social distancing**: The establishment must ensure that all equipment, such as treadmills, bikes, weight machines, benches, and power racks, are spaced at least six feet apart or take other appropriate measures to ensure that more closely spaced equipment is not used.

(2) **Group activities**: Any group activities or classes must be limited to a number of people that permits maintaining a distance of six feet apart at all times, and the establishment shall ensure that all such activities and classes comply with the requirements for sporting and recreational gatherings in this Proclamation.

(3) **Other social distancing, hygiene, and public health measures**: The establishment shall also implement reasonable measures under the circumstances of each establishment to ensure social distancing of employees and customers, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19 consistent with guidance issued by the Iowa Department of Public Health.

C. **Casinos and gaming facilities**: A casino or other facility conducting pari-mutuel wagering or gaming operations may reopen or remain open, but only to the extent that it complies with the following requirements:

(1) **Social distancing**: The establishment must encourage social distancing by spacing gaming positions at least six feet apart, turning off alternating gaming machines, or separating positions with a barrier of sufficient height to fully separate patrons. The establishment may operate table games provided that it

takes reasonable measures to reduce the risk of transmission, such as limiting the number patrons at a table, encouraging or requiring face covering of patrons or employees, providing hand sanitizer, or taking other precautions.

(2) **Food and Beverage Service**: The establishment shall comply with all the requirements of bars and restaurants in this Proclamation for any food and beverage service.

(3) **Masks required**: The establishment must require all customers to wear a mask or face covering while in the establishment unless seated at a properly distanced booth or table to eat or drink. The establishment must also require all employees who interact with customers to wear a mask or face covering.

(4) **Other social distancing, hygiene, and public health measures**: The establishment shall also implement reasonable measures under the circumstances of each establishment to ensure social distancing of employees and customers, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19 consistent with guidance issued by the Iowa Department of Public Health and, for any food or beverage service, the Iowa Department of Inspections and Appeals.

D. **Senior citizen centers and adult daycare facilities**: A facility that conducts adult day services or other senior citizen centers may reopen, but only to the extent that the establishment complies with guidance issued by the Iowa Department of Public Health to ensure social distancing, increased hygiene practices, and other public health measures.

E. **Salons, barbershops, massage therapy establishments, tattoo establishments, and tanning facilities**: A salon or barbershop (including any establishment providing the services of barbering, cosmetology, electrology, esthetics, nail technology, manicuring, and pedicuring), an establishment where an individual is practicing massage therapy as defined by Iowa Code § 152C.1(3), a tattoo establishment regulated by Iowa Code § 135.37, a tanning facility as defined by Iowa Code § 136D.2(5), or other establishment providing personal services requiring close contact with a customer may reopen or remain open, but only to the extent that it complies with the following requirements:

(1) **Social distancing**: The establishment must ensure that all customers are at least six feet apart when performing cosmetology practices, barbering services, massage therapy, or other services unless customers and providers closer than six feet apart are wearing face coverings.

(2) **Masks required**: All customers and providers shall wear masks or face coverings while in the establishment, unless a service is being provided on the face that requires removing the mask or face covering of the customer and the customer remains at least six feet apart from all other customers.

(3) **Other social distancing, hygiene, and public health measures**: The establishment shall also implement reasonable measures under the circumstances of each establishment to ensure social distancing of employees and customers, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19 consistent with guidance issued by the Iowa Department of Public Health.

F. **Bowling alleys, pool halls, bingo halls, arcades, indoor playgrounds, children's play centers**: A bowling alley, pool hall, bingo hall, arcade, indoor playground, or children's play center arcade may reopen or remain open, but only to the extent that it complies with the following requirements:

(1) **Social distancing**: The establishment must ensure at least six feet of physical distance between each group or individual patronizing the establishment.

(2) **Groups limited**: The establishment must limit the group size seated or patronizing the establishment together to no more than eight people unless all members of the group are members of the same household.

(3) **Masks required**: The establishment must require all customers to wear a mask or face covering while in the establishment unless seated at a properly distanced booth or table to eat or drink. This includes while participating in any games, pool, arcades, dancing, or karaoke. The establishment must also require all employees who interact with customers to wear a mask or face covering.

(4) **Other social distancing, hygiene, and public health measures**: The establishment shall also implement reasonable measures under the circumstances of each establishment to ensure social distancing of employees and customers, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19 consistent with guidance issued by the Iowa Department of Public Health.

G. **Medical spas**: A medical spa, as defined in Iowa Admin Code § 653-13.8(1), may reopen or remain open to provide medical aesthetic services, but only if the medical spa complies with the requirements for performing outpatient procedures that utilize PPE in section 3, paragraph A, of this Proclamation.

H. **Theaters and Performance Venues**: Any theater or performance venue at which motion pictures are shown or live performances are held may reopen or remain open, but only to the extent that the theater complies with the following requirements:

(1) **Social distancing**: The theater or performance venue must ensure at least six feet of physical distance between each group or individual attending alone when seated in the theater.

(2) **Other social distancing, hygiene, and public health measures**: The theater shall also implement reasonable measures under the circumstances of each theater to ensure social distancing of employees and customers, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19 consistent with guidance issued by the Iowa Department of Public Health and, for any food service, the Iowa Department of Inspections and Appeals.

I. **Race tracks**: A speedway or race track, including a track conducting horse or dog races, may reopen or continue its operations, provided that the establishment complies with the following requirements:

(1) **Social distancing**: The establishment must ensure at least six feet of physical distance between each group or individual attending alone when seated.

(2) **Other social distancing, hygiene, and public health measures**: The establishment shall also implement reasonable measures under the circumstances of each establishment to ensure social distancing of employees and customers, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19 consistent with guidance issued by the Iowa Department of Public Health and, for any food or beverage service, the Iowa Department of Inspections and Appeals.

J. **Malls**: An enclosed mall may reopen or remain open, but only to the extent that it complies with the following requirements:

(1) **Play areas**: Any play area or playground in a common area must remain closed.

(2) **Social distancing, hygiene, and public health measures**: The mall shall also implement reasonable measures under the circumstances of each mall to ensure social distancing of employees and customers, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19 consistent with guidance issued by the Iowa Department of Public Health.

K. **Other establishments**: A museum, aquarium, zoo, library, swimming pool, amusement park, campground, or a retail establishment that was previously ordered to be closed statewide and then only in certain counties under section 5, paragraph I, of the Proclamation of Disaster Emergency issued on April 27, 2020, may reopen or remain open, but only to the extent that the facility takes reasonable measures under the circumstances of each establishment to ensure social distancing of employees and patrons, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19 consistent with Guidance issued by the Iowa Department of Public Health.

NONESSENTIAL OR ELECTIVE SURGERIES AND PROCEDURES

SECTION THREE. Pursuant to Iowa Code § 135.144(3), and in conjunction with the Iowa Department of Public Health, unless otherwise modified by subsequent proclamation or order of the Iowa Department of Public Health, I order that effective at 12:01 a.m. on November 17, 2020, and continuing until 11:59 p.m. on January 8, 2021:

A. A hospital, outpatient surgery provider, or outpatient procedure provider may conduct in-patient surgeries and procedures that, if further delayed, will pose a significant risk to quality of life and any outpatient surgeries or procedures if the hospital or provider complies with the following requirements:

(1) A hospital or provider must have:

(a) Adequate inventories of personal protective equipment (PPE) and access to a reliable supply chain without relying on state or local government PPE stockpiles to support continued operations and respond to an unexpected surge in a timely manner; and

(b) A plan to conserve PPE consistent with guidance from the CDC and Iowa Department of Public Health;

(2) A hospital or provider must have a plan for timely COVID-19 testing of symptomatic patients and staff to rapidly mitigate potential clusters of infection and as otherwise clinically indicated. Providers must comply with any relevant guidance related to testing requirements for patients and staff issued by the Iowa Department of Public Health, the CDC, or a provider's professional specialty society. For scheduled surgeries patients should have a negative COVID-19 test performed within 72 hours of surgery date. If a COVID-19 test is not available, a hospital or provider should consider alternative methods to determine the patient's probability of COVID-19. If the patient has symptoms of fever, cough, or low oxygen saturation, then postponing the surgery is recommended.

(3) A hospital must continue to accept and treat COVID-19 patients and must not transfer COVID-19 patients to create capacity for elective procedures.

(4) A hospital must reserve at least 10% of intensive care unit (ICU) beds and 10% of medical/surgical beds for COVID-19 patients.

(5) A hospital or provider that begins conducting surgeries or procedures as authorized by this paragraph but is no longer able to satisfy all these requirements must cease conducting such surgeries or procedures except as authorized by paragraph B. All hospitals and providers shall have a plan in place to monitor compliance and a transition plan to reduce or suspend procedures and surgeries as necessary.

B. Except as provided in paragraph A, all nonessential or elective surgeries and procedures that utilize PPE must not be conducted by any hospital, outpatient surgery provider, or outpatient procedure provider, whether public, private, or nonprofit.

C. A nonessential surgery or procedure is one that can be delayed without undue risk to the current or future health of a patient, considering all appropriate factors including, but not limited to any: (1) threat to the patient's life if the surgery or procedure is not performed; (2) threat of permanent dysfunction of an extremity or organ system; (3) risk of metastasis or progression of staging; and (4) risk of rapidly worsening to severe symptoms.

D. Each hospital, outpatient surgery provider, and outpatient procedure provider shall limit all nonessential individuals in surgery and procedure suites and patient care areas where PPE is required. Only individuals essential to conducting the surgery or procedure shall be present in such areas.

Each hospital, outpatient surgery provider, and outpatient procedure provider shall establish an internal governance structure to ensure that the principles outlined above are followed.

IMPLEMENTATION AND INTERPRETATION

SECTION FOUR. The Iowa Department of Public Safety, Iowa Department of Public Health, Iowa Department of Education, Iowa Department of Homeland Security and Emergency Management, Iowa Department of Transportation, Iowa Alcoholic Beverages Division, Iowa Department of Inspections and Appeals, and other participating state agencies are hereby directed to monitor the operation and implementation of this proclamation to assure the public's health and safety.

SECTION FIVE. In conjunction with the Department of Public Health pursuant to Iowa Code §§ 29C.18 and 135.35, all peace officers of the state are hereby called upon to assist in the enforcement of the provisions of this Proclamation.

SECTION SIX. Nothing contained in this declaration shall be construed as an exemption from any other portion of the Iowa Code or Iowa Administrative Code not specifically identified in this proclamation.

SECTION SEVEN. The provisions of this proclamation shall be effective at 12:01 a.m. on December 17, 2020, unless otherwise noted. This proclamation shall not be construed to otherwise modify the proclamation issued on December 9, 2020. The state of public health disaster emergency shall continue to expire on January 8, 2021, at 11:59 p.m., unless sooner terminated or extended in writing by me.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND CAUSED THE GREAT SEAL OF THE STATE OF IOWA TO BE AFFIXED AT DES MOINES, IOWA THIS 16TH DAY OF DECEMBER IN THE YEAR OF OUR LORD TWO THOUSAND TWENTY.

KIMBERLY K. REYNOLDS
GOVERNOR

ATTEST:

PAUL D. PATE
SECRETARY OF STATE