State of Louisiana

EXECUTIVE DEPARTMENT

PROCLAMATION NUMBER 66 JBE 2021

COVID-19 PUBLIC HEALTH EMERGENCY PHASE 3 OF RESILIENT LOUISIANA

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, the Governor declared a public health emergency on March 11, 2020 in Proclamation Number 25 JBE 2020 in response to the threat posed by COVID-19;

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, on March 11, 2020 in Proclamation Number 25 JBE 2020, the Governor declared that a statewide public health emergency existed in the State of Louisiana because of COVID-19 and expressly empowered the Governor's Office of Homeland Security and Emergency Preparedness and the Secretary of the Department of Health and/or the State Health Officer to take all actions authorized under state law;

WHEREAS, La. R.S. 29:761 provides that "[b]ecause the government must do all that is reasonable and necessary to protect the health and safety of its citizens; because new and emerging dangers, including emergent and resurgent infectious diseases . . . pose serious and immediate threats; because a renewed focus on the prevention, detection, management, and containment of public health emergencies is essential; and because emergency health threats . . . may require the exercise of extraordinary government powers and functions, the state must have the ability to respond, rapidly and effectively, to potential or actual public health emergencies";

WHEREAS, on March 22, 2020, in Proclamation Number 33 JBE 2020, the Governor issued a Stay at Home order that, among other things, ordered the people of Louisiana to stay at their homes unless taking essential trips or to travel to or from a place of employment, ordered some non-essential businesses to be closed, and placed limitations on other businesses that were allowed to remain open, which was ultimately extended until May 15, 2020;

WHEREAS, on April 16, 2020, the White House Coronavirus Task Force issued guidelines entitled "Opening Up America Again" that provided guidance to the states on how various parts of the economy could be re-opened;

WHEREAS, this guidance calls for the re-opening to occur in three phases, with the gating criteria for movement between phases being a 14-day downward trajectory in influenza-like and COVID-like symptoms, a 14-day downward trajectory in cases or positive tests as a percent of total tests, and the ability for hospitals to treat all patients without crisis care;

WHEREAS, on Wednesday, March 3, 2021, the Governor renewed the public health emergency, keeping the state of Louisiana in Phase 3 of Resilient Louisiana, maintaining many of the mitigation measures that have successfully slowed the spread of COVID-19 in the state;

WHEREAS, since that time, Louisiana has seen significant progress in the fight against COVID-19, with cases, positivity rates, and hospitalizations decreasing significantly, while at the same time seeing the health care providers in this state initiate a vaccine series to 1,174,213 people;

WHEREAS, however, the threat of COVID-19 is by no means over, as variants, especially the B.1.1.7 variant, continue to develop and show signs of increase in the state;

WHEREAS, the need for the mitigation measures in this proclamation are as significant as ever, as the success of the vaccine administration in Louisiana shows that the state can continue to turn the corner on this pandemic if there is continued vigilance;

WHEREAS, should there be an increase in the number of confirmed COVID-19 cases, the percent positivity of testing, or should the number of COVID-19 related hospitalizations threaten the ability of the health care system to properly respond, it may be necessary to go back to the full restrictions in the Stay at Home order in Proclamation Number 52 JBE 2020; and

WHEREAS, these measures are necessary to protect the health and safety of the people of Louisiana.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: GENERAL PROVISIONS

A) Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721 et seq. and the Louisiana Health Emergency Powers Act, La. R.S. 29:760, *et seq.*, a statewide public health emergency is declared to continue to exist in the State of Louisiana as a result of the continued threat posed to Louisiana citizens by COVID-19, the effects of which continue to threaten the lives and health of the citizens of the state.

B) The Governor's Office of Homeland Security and Emergency Preparedness and Secretary of the Department of Health are hereby expressly empowered to take any and all actions authorized under the Louisiana Health Emergency Powers Act, La. R.S. 29:760, *et seq.*, in relation to this public health emergency.

C) The Secretary of the Department of Health and/or the State Health Officer are hereby expressly empowered to take any and all actions authorized thereto under Titles 29 and 40 of the Louisiana Revised Statutes and under the State Sanitary Code (LAC Title 51) in relation to this public health emergency.

D) Pursuant to La. R.S. 14:329.6, a state of emergency is declared to remain in existence statewide for the purposes of allowing the chief law enforcement officer of any political subdivision to, in order to protect life and property and to bring the emergency situation under control, promulgate orders for any provision therein, including a local curfew from 10:00 p.m. to 5:00 a.m.

SECTION 2: PHASE 3 ORDER

A) All individuals who are at higher risk of severe illness from COVID-19 should stay at home, unless travelling outside the home for an essential activity, such as:

1) Obtaining food, medicine, and other similar goods necessary for the individual or a family member of the individual.
2) Obtaining medical care and treatment and other similar vital services for an individual or a family member of the individual.
3) Going to and from an individual's workplace.
4) Going to and from the home of a family member.
5) Going to and from an individual's place of worship.
6) Engaging in outdoor activity, provided individuals maintain a distance of six feet from one another.

Those individuals who are at higher risk of severe illness, as designated by the Centers for Disease Control (CDC), are those with conditions such as asthma, chronic lung disease, compromised immune systems (including from smoking, cancer treatment, bone marrow or organ transplantation, immune deficiencies,

poorly controlled HIV or AIDS, or use of corticosteroids or other immune weakening medications), diabetes, serious heart disease (including heart failure, coronary artery disease, congenital heart disease, cardiomyopathies, and hypertension), chronic kidney disease undergoing dialysis, liver disease, or severe obesity or those who are 65 or older or living in a nursing home or long-term care facility.

This Subsection does not apply to any individuals who are fully vaccinated (someone who is at least two weeks beyond receiving a full administration of covid-19 vaccine).

B) BUSINESSES AND ORGANIZATIONAL MITIGATION MEASURES

1) Restaurants, Cafes, and Coffee Shops

   a) All restaurants, cafes, and coffee shops shall be allowed to provide dine-in service under the following conditions:
      i) Waiting areas shall be closed. Members of the public should be required to make reservations or to wait outside, while maintaining social distancing, or in vehicles.
      ii) All buffets or other common food stations shall remain closed for self-service. However, restaurants that operate buffet-style may provide dine-in service if a restaurant employee is stationed at the buffet to serve dine-in customers.
   b) Any business operating pursuant to this Paragraph is encouraged to follow the applicable guidance from the State Fire Marshal published at opensafely.la.gov and the Louisiana Department of Health with regard to sanitization and disinfection.

2) Beauty Shops, Salons, and Barber Shops

   All beauty shops, salons, and barber shops shall be allowed to operate under the following conditions:

   a) Waiting areas shall be closed. Members of the public should be required to make reservations or to wait outside, while maintaining social distancing, or in vehicles.
   b) Any business operating pursuant to this Paragraph is encouraged to follow the applicable guidance from the State Fire Marshal published at opensafely.la.gov and their applicable regulatory board or agency with regard to sanitization and disinfection.

3) Shopping Malls

   All shopping malls shall be allowed to operate under the following conditions:

   a) Mall food courts may open in line with the restaurant guidance contained in Paragraph (1) of this Subsection and the restaurant guidance published at opensafely.la.gov.
   b) Any establishment in operation is encouraged to follow guidance from the Louisiana Department of Health with regard to sanitization and disinfection.

4) Casinos, Racetracks, and Video Poker Establishments

   a) Lobbies or other areas where members of the public may congregate (except for bathrooms) shall be closed to the public. Members of the public should be required to wait outside, while maintaining social distancing, or in vehicles.

5) Gyms and fitness centers

a) Waiting rooms, lobbies, or other areas where members of the public may congregate (except for bathrooms) shall be closed to the public. Members of the public should be required to wait outside, while maintaining social distancing, or in vehicles.
b) Any business operating pursuant to this Paragraph is encouraged to follow the applicable guidance from the State Fire Marshal published at opensafely.la.gov and the Louisiana Department of Health with regard to sanitization and disinfection.

6) Athletic events

a) No stadium, sports complex, or arena hosting any athletic event, whether amateur or professional, shall exceed 50% of the total occupancy, while adhering to the maximum social distancing possible between spectators, as determined by the State Fire Marshal.
b) Alcohol sales shall be permitted at athletic events under the following conditions:
    i) All patrons purchasing an alcoholic beverage shall be required to return to their ticketed seats for consumption and shall not be allowed to stand or congregate in open areas to consume alcohol.
    ii) Crowd managers and signage shall be utilized to instruct patrons that alcoholic beverages shall be consumed at the patron's ticketed seat and shall not occur while standing or congregating in open areas.
    iii) Alcohol shall not be sold to a patron who is not wearing a face covering.
    iv) The stadium, sports complex, or arena shall further comply with any guidance or regulations from the State Fire Marshal or the Commissioner of Alcohol and Tobacco Control.
    v) This provision does not supersede any local governmental restrictions regarding alcohol sales at athletic events.
c) Any event held pursuant to this Paragraph is encouraged to follow the applicable guidance from the State Fire Marshal published at opensafely.la.gov and the Louisiana Department of Health with regard to social distancing, sanitization, and disinfection.
d) Face coverings are required for all attendees and spectators.

7) Event centers and reception halls

a) No establishment shall exceed 50% of the total occupancy or 500 people, whichever is less, as determined by the State Fire Marshal. Events held pursuant to this Paragraph shall follow the restaurant guidance issued by the State Fire Marshal published at opensafely.la.gov. Specifically, patrons at such events shall be seated and socially distanced, and shall not congregate in groups outside of immediate household members.
b) Waiting rooms, lobbies, or other areas where members of the public may congregate (except for bathrooms) shall be closed to the public. Members of the public should be required to wait outside, while maintaining social distancing, or in vehicles.
c) Any business operating pursuant to this Paragraph shall follow the applicable guidance from the State Fire Marshal published at opensafely.la.gov and the Louisiana Department of Health with regard to sanitization and disinfection.

8) Bars

a) All patrons shall be seated at tables. Walk-up service at the bar may resume, however patrons shall return to their table for consumption.
b) All seating of patrons shall be socially distanced.

c) No patron shall be allowed on premises unless of the legal age to consume alcoholic beverages.
d) Any businesses operating pursuant to this Paragraph shall follow the applicable guidance from the State Fire Marshal published at opensafely.la.gov, the Commissioner of Alcohol and Tobacco Control, and the Louisiana Department of Health with regard to sanitization and disinfection.

9) Conventions and conferences

a) No establishment shall exceed 50% of the total occupancy, while adhering to social distancing between members of the public, as determined by the State Fire Marshal.
b) Waiting rooms, lobbies, or other areas where members of the public may congregate (except for bathrooms) shall be closed to the public. Members of the public should be required to wait outside, while maintaining social distancing, or in vehicles.
c) Any business operating pursuant to this Paragraph must have a plan approved by the State Fire Marshal and shall follow the applicable guidance from the State Fire Marshal published at opensafely.la.gov and the Louisiana Department of Health with regard to sanitization and disinfection.

10) All other businesses or organizations shall be allowed to continue operations, subject to the following conditions:

a) Waiting rooms, lobbies, or other areas where members of the public may congregate (except for bathrooms) shall be closed to the public. Members of the public should be required to wait outside, while maintaining social distancing, or in vehicles.
b) Any business operating pursuant to this Paragraph is encouraged to follow the applicable guidance from the State Fire Marshal published at opensafely.la.gov and the Louisiana Department of Health with regard to sanitization and disinfection.

C) To further prevent the spread of COVID-19, crowd sizes shall be limited to no more than a maximum of 500 people in any single indoor space at the same time. Crowd sizes are limited to no more than 50% capacity as set by the State Fire Marshal any single outdoor space where individuals will be in close proximity to one another and unable to maintain strict social distancing of six feet apart from individuals who are not immediate household members. This crowd size limitation shall not apply to those businesses deemed essential as defined by the Cybersecurity and Infrastructure Security Agency, or religious services held by churches and other faith-based organizations. All fairs and festivals shall submit a plan for approval to the State Fire Marshal.

SECTION 3: FACE COVERING ORDER

A) Every individual in Louisiana shall wear a face covering over the nose and mouth when inside a commercial establishment or any other building or space open to the public, whether indoor or outdoor. This shall include public or commercial modes of transportation. This order shall apply statewide.

B) This requirement does not apply to the following:

1) Any individual who will not come in contact with any other individual (outside of their immediate household members) or who will be able to maintain strict social distancing of six feet apart from any other individual (outside of their immediate household members);
2) Any child under the age of eight, however all children between the ages of two and seven years old are strongly encouraged to wear a face covering in accordance with Subsection (A) of this Section;

3) Any individual with a medical condition that prevents the wearing of a face covering;
4) Any individual who is consuming food or drinks;
5) Any individual seeking to communicate with someone who has or is suspected of having a communication disorder;
6) Any individual giving a speech for broadcast or to an audience;
7) Any individual temporarily removing his or her face covering for identification purposes; and
8) Any athlete participating in organized athletic activities.

C) All businesses or organizations, including all offices of the State of Louisiana, its political subdivisions, and all other governmental offices, shall require all persons who enter the premises to wear a face covering, unless the individual is not required to wear a face covering pursuant to Subsection 3(B) of this order.

D) Citations under this Section shall be written only to businesses or organizations, other than religious organizations, that fail to enforce the requirement to wear face coverings. Operators of businesses and organizations are entitled to rely on the representations of their customers, patrons, or employees regarding whether or not they qualify for an exception from the face covering requirements. Businesses and organizations that rely on such a representation shall not be deemed to be in violation of this Emergency Proclamation.

E) If a business or organization does not allow entry to a worker, customer, or patron because that person refuses to wear a face covering, and if that worker, customer, or patron enters the premises or refuses to leave the premises, law enforcement personnel may enforce the trespassing laws and any other laws that the worker, customer, or patron may violate.

SECTION 4: The Governor's Office of Homeland Security and Emergency Preparedness and the State Fire Marshal are directed to ensure compliance with this order, and are empowered to exercise all authorities pursuant to La. R.S. 29:721, *et seq.*, and La. R.S. 29:760, *et seq.*

SECTION 5: All departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate in actions the state may take in response to the effects of this event.

SECTION 6: Unless otherwise provided in this order, these provisions are effective from Wednesday, March 31, 2021 to Wednesday, April 28, 2021, or as extended by any subsequent Proclamation, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 30th day of March, 2021.

GOVERNOR OF LOUISIANA

ATTEST BY THE SECRETARY OF STATE

SECRETARY OF STATE