GOVERNOR DOUGLAS A. DUCEY

STATE OF ARIZONA

EXECUTIVE ORDER

Executive Order 2020-36

Stay Healthy, Return Smarter, Return Stronger

WHEREAS, on March 11, 2020, pursuant to A.R.S. §§ 26-303 and 36-787, I, as Governor of the State of Arizona, issued a declaration of a Public Health State of Emergency due to the necessity to prepare for, prevent, respond to, and mitigate the spread of COVID-19; and

WHEREAS, on March 30, 2020, the Director of the Arizona Department of Health Services (ADHS), based on an epidemiological assessment of Arizona specific data and in alignment with the Centers for Disease Control and Prevention (CDC) guidance, recommended the State implement enhanced mitigation strategies; and

WHEREAS, due to the availability of Personal Protective Equipment (PPE) and efforts taken to increase capacity in our hospitals and intensive care units, Arizona is now more prepared to face the potential for an increase in patients needing treatment for COVID-19; and

WHEREAS, increased diagnostic and serology testing has accelerated in Arizona in partnership with private labs and the universities; and

WHEREAS, since April 1, 2020, businesses have innovated and demonstrated they can implement protocols to ensure that employees and the public are safe; and

WHEREAS, on April 29, 2020, Executive Order 2020-33, *Returning Stronger*, was issued to allow for retailers to resume operation in a limited capacity while still directing people to stay home to the extent possible; and

WHEREAS, on May 4, 2020, additional data was released by ADHS showing continued progress in mitigating and limiting the spread of COVID-19 and sustaining adequate hospital capacity; and

WHEREAS, on May 8, 2020, retailers, cosmetologists and barbers were able to open for customers; and

WHEREAS, on May 11, 2020, dine-in services were opened; and

WHEREAS, Arizona has satisfied the gating criteria outlined in the Guidelines for Opening Up America Again published by the CDC and the White House Coronavirus Task Force and has entered Phase I of the proposed phased approach; and

WHEREAS, in continuing efforts to mitigate, respond and recover from COVID-19, there is the ability to slowly and strategically loosen some restrictions while others remain in place as we turn toward reenergizing our economy; and

WHEREAS, even as some restrictions are lifted, the data must continue to be monitored to determine the impacts of opening businesses on the rates of COVID-19 Like Illnesses (CLI) in our community to ensure that such actions are not negatively impacting the strides made to our healthcare system; and

WHEREAS, pursuant to A.R.S. § 36-787(A), during a State of Emergency declared by the Governor, ADHS has primary jurisdiction, responsibility and authority for:

1. Planning and executing public health emergency assessment, mitigation, preparedness response and recovery of the State;

2. Coordinating public health emergency response among State, local and tribal authorities;

3. Collaborating with relevant federal government authorities, elected officials or other states, private organizations and private sector companies; and

4. Coordinating recovery operations and mitigation initiatives subsequent to public health emergencies.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of the State, including but not limited to A.R.S. §§ 26-303 and 36-787, and after consultation with the Director of ADHS, do hereby order that effective May 16, 2020 at 12:00 a.m.:

1. Arizona shall institute a "Stay Healthy, Return Smarter, Return Stronger" policy that promotes physical distancing, while encouraging social connectedness and allows businesses to gradually and safely open in compliance with federal guidelines as the state continues to mitigate and prevent the spread of COVID-19. This builds on actions the state has already taken, and further memorializes some already in effect, to slow the spread of COVID-19 and protect our citizens.

2. Executive Orders 2020-18, 2020-24 and 2020-33 are hereby expired and rescinded. Provisions of all other orders issued and still in effect since the March 11, 2020 Declaration of Public Health Emergency remain in place unless guidance is or has been provided by ADHS on how to safely reopen or operate while mitigating COVID-19 or the orders expire, are amended or rescinded.

3. Under this policy, all vulnerable individuals, including the elderly and individuals with underlying health conditions, are advised to take reasonable steps to continue limiting their time away from their place of residence or property. Members of households with

vulnerable individuals should take precautions to protect vulnerable individuals and should be aware that by returning to work or being out in public, they could carry the virus back home.

4. All individuals, when in public areas, should maximize physical distance from others. Social settings where appropriate physical distancing is not practical should be avoided unless precautionary measures are observed and CDC guidelines are followed.

5. Any business, whether for-profit or non-profit, institution, profession or entity that physically operates in this state and serves the public or is an employer shall develop, establish and implement policies based on guidance from the CDC, Department of Labor, Occupational Safety and Health Administration (OSHA) and ADHS to limit and mitigate the spread of COVID-19 including the following:
    a. Promoting healthy hygiene practices;
    b. Intensifying cleaning, disinfection and ventilation practices;
    c. Monitoring for sickness;
    d. Ensuring physical distancing;
    e. Providing necessary protective equipment;
    f. Allowing for and encouraging teleworking where feasible;
    g. Providing plans, where possible, to return to work in phases; and
    h. Limiting the congregation of groups of no more than 10 persons when feasible and in relation to the size of the location.

6. Nothing in this order prevents a person from engaging in constitutionally protected activities such as speech and religion or participating in the democratic process.

7. Pursuant to A.R.S. § 26-307, no county, city or town may make or issue any order, rule or regulation that conflicts with or is in addition to the policy, directives or intent of this Executive Order, including but not limited to any order restricting persons from leaving their home due to the COVID-19 public health emergency, or any other order, rule or regulation that was not in place as of March 11, 2020. This includes but is not limited to any function or service designated as an Essential Service in Executive Order 2020-12.

8. Arizonans have continued to act responsibly during this public health emergency. The intent of this Executive Order is to ensure that the State of Arizona continues to mitigate the spread of COVID-19 to the greatest extent possible. All law enforcement and regulatory agencies that have enforcement authority under existing law should focus first on educating and working to promote best practices to accomplish this goal. An individual shall be notified of the provisions of this order and given an opportunity to comply prior to any enforcement action being taken.

9. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

10. This order shall remain in place until further notice, and shall be considered for repeal or revision at least every two weeks following issuance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Douglas A. Ducey

GOVERNOR

DONE at the Capitol in Phoenix on this twelfth day of May in the year Two Thousand and Twenty and of the Independence of the United States of America the Two Hundred and Forty-Fourth.

ATTEST:

Secretary of State