STATE OF ARKANSAS
EXECUTIVE DEPARTMENT

# PROCLAMATION

EO 21-03

TO ALL TO WHOM THESE PRESENTS COME – GREETINGS:

**EXECUTIVE ORDER TO RENEW THE DISASTER AND PUBLIC HEALTH EMERGENCY TO MITIGATE THE SPREAD AND IMPACT OF COVID-19**

WHEREAS: An outbreak of coronavirus disease 2019 (COVID-19) has spread throughout the world resulting in a global pandemic; and

WHEREAS: On March 11, 2020, by Executive Order 20-03, an emergency was declared in the state as a result of COVID-19, pursuant to the Emergency Services Act at Ark. Code Ann. §§ 12-75-101, *et seq.*; and

WHEREAS: On March 26, 2020, Executive Order 20-10, amending Executive Order 20-03, declared the entire State of Arkansas a disaster area in which ingress and egress to and from, the movement of persons within, and the occupancy of premises therein, may be controlled, pursuant to Ark. Code Ann. § 12-75-114(e)(7). The emergency was renewed on May 5, 2020, by Executive Order 20-25 for an additional forty-five (45) days, until June 19, 2020; and

WHEREAS: On June 18, 2020, by Executive Order 20-37, the emergency declared pursuant to Executive Order 20-03, and its amendments was terminated, and the public health and disaster emergency and declaration of the State of Arkansas as a disaster area resulting from the state-wide impact of COVID-19 was declared anew, pursuant to the Emergency Services Act at Ark. Code Ann. §§ 12-75-101, *et seq.*; and

WHEREAS: On August 14, 2020, by Executive Order 20-45, the emergency declared in Executive Order 20-37 was renewed pursuant to Ark. Code Ann. § 12-75-107 (b)(2) for sixty (60) additional days; and

WHEREAS: On October 13, 2020, by Executive Order 20-48, the emergency declared in Executive Order 20-37 was renewed pursuant to Ark. Code Ann. § 12-75-107 (b)(2) for sixty (60) additional days; and

WHEREAS: On December 11, 2020, by Executive Order 20-51, the emergency declared in Executive Order 20-37 was renewed pursuant to Ark. Code Ann. § 12-75-107 (b)(2) for twenty (20) additional days; and

WHEREAS: On December 29, 2020, by Executive Order 20-53, the emergency declared in Executive Order 20-37 was renewed pursuant to Ark. Code Ann. § 12-75-107 (b)(2) for sixty (60) additional days; and

WHEREAS: The current state of emergency, declared by Executive Order 20-37, and renewed by Executive Orders 20-45, 20-48, 20-51, and 20-53 expires on February 27, 2021, unless it is renewed by the Governor pursuant to Ark. Code Ann. § 12-75-107 (b)(2); and

WHEREAS: COVID-19 continues to spread throughout the United States and Arkansas. Over 500,000 Americans, including over 5,000 Arkansans, have died as a result of COVID-19. The nationwide state of emergency

declared on March 13, 2020, and the national public health emergency declared on January 27, 2020, remain in effect. All fifty (50) states continue to either maintain a state of emergency or measures to mitigate the impact of COVID-19; and

WHEREAS: In response to COVID-19, I, as Governor, pursuant to the Emergency Services Act at Ark. Code Ann. §§ 12-75-101, *et seq.*, have taken reasonable and necessary measures by Executive Order to provide Arkansans with resources to mitigate the impact of COVID-19. For example, the executive orders enabled the Department of Education to suspend rules so that children may attend school virtually, they made telemedicine more accessible to all Arkansans, and they made it possible for the Department of Human Services to authorize Medicaid reimbursements for children utilizing telemedicine. Hospitals have been given flexibility to rapidly respond to needs in their facilities by reallocating resources and utilizing medical personnel to the maximum extent of licensure. Arkansans are able to execute last wills and testaments through video witnessing; and

WHEREAS: I, as Governor, have determined that the public health and disaster emergency resulting from COVID-19 should be renewed to enable the State of Arkansas to use all available resources under the Emergency Services Act until such time as the Arkansas General Assembly enacts legislation to provide citizens with those resources;

NOW, THEREFORE, I, ASA HUTCHINSON, Governor of the State of Arkansas, acting under the authority vested in me by Ark. Code Ann. §§ 12-75-101, *et seq.* and Ark. Code Ann. § 20-7-110, in consultation with Secretary of Health, do hereby declare upon the signing of this Executive Order that the emergency declared pursuant to Executive Order 20-37, and renewed by Executive Orders 20-45, 20-48, and 20-53 is again renewed pursuant to Ark. Code Ann. § 12-75-107 (b)(2), and the public health and disaster emergency and declaration of the State of Arkansas as a disaster area resulting from the state-wide impact of COVID-19 shall continue until March 31, 2021. The emergency shall expire at 11:59pm on March 31, 2021, unless it is renewed in whole or in part by a subsequent executive order.

FURTHERMORE, in conjunction with the directives of the Secretary of Health, I order the following:

(1) The following executive orders are adopted and incorporated herein, as if set out word for word, and shall remain in effect until the expiration or renewal of this order, or until such time as the Arkansas General Assembly enacts legislation to provide the citizens of Arkansas with the resources provided by these orders, whichever is earlier:

a. Executive Order 20-05, regarding telehealth;

b. Executive Order 20-06, extended by Executive Order 20-16, regarding the suspension of rules and statutes by state agencies;

c. Executive Order 20-14, regarding the suspension of in-person witnessing and notarization of legal documents;

d. Executive Order 20-15, regarding suspension of prohibitions for banks and corporations to hold shareholder meetings solely or partially by remote communication;

e. Executive Order 20-18 and Executive Order 20-52, regarding access to healthcare resources;

f. Executive Order 20-22 and Executive Order 20-35, regarding Workers' Compensation protections; and

g. Executive Order 20-33, regarding the protection of businesses from liability related to COVID-19.

(2) The Secretary of Health may issue orders of isolation and quarantine as necessary and appropriate to control the spread of COVID-19 in Arkansas. Pursuant to the Arkansas State Board of Health's promulgated, *Rules and Regulations Pertaining to Reportable Disease*, the Secretary of Health, in consultation with the Governor, shall have sole authority over all instances of quarantine, isolation, and restrictions on commerce and travel throughout the state. Cities and counties shall not impose any restriction of commerce or travel that is more restrictive than a directive or guideline issued by the Secretary of Health, in consultation with the Governor.

(3) Executive Order 20-43, regarding the issuance of a face covering directive by the Arkansas Department of Health and the Secretary of Health's, "Face Coverings Directive", effective July 20, 2020, shall remain in place; however, prior to March 31, 2021, the Governor, in consultation with the Secretary of Health, will determine whether the "Face Coverings Directive" should be converted to a public health guideline consistent with the ability to control transmission of the virus in the state.

(4) The Secretary of Health shall convert all other COVID-19 directives in effect as of the date of this order to COVID-19 guidelines.

(5) All persons participating in public and private gatherings of any number of people occurring outside a single household or living unit are encouraged to adhere to applicable guidelines issued by the Secretary of Health.

(6) All businesses, manufacturers, construction companies, long-term care facilities, medical and dental providers, and community and school-sponsored team sports are encouraged to adhere to applicable guidelines issued by the Secretary of Health.

(7) K-12 schools and extracurricular activities are encouraged to adhere to the applicable guidelines of the Secretary of Education or Secretary of Health.

(8) A state of emergency continues, and a regional emergency is declared pursuant to 49 C.F.R. Section 390.23, as applied to commercial vehicles transporting essential items of commerce during this

emergency, including but not limited to, groceries, pharmacy items, medical equipment, goods, commodities, fuel, poultry, and livestock.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed this 26th day of February, in the year of our Lord 2021.

Asa Hutchinson, Governor

Attest:

John Thurston, Secretary of State