GOVERNOR DOUGLAS A. DUCEY

# STATE OF ARIZONA

# EXECUTIVE ORDER

**Executive Order 2020-33**

**Returning Stronger**

***Amending the Stay Home, Stay Healthy, Stay Connected Order***

**WHEREAS**, Arizona is committed to combating COVID-19, which represents a serious threat to public health; and

**WHEREAS,** the State of Arizona has taken proactive actions to mitigate the risk of COVID-19 to public health and address the economic impact of the COVID-19 pandemic; and

**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,** many businesses have greatly reduced their hours and operations as directed by health officials and in an effort to protect the public health and slow the spread of COVID-19; and

**WHEREAS,** on March 17, 2020, following updated guidance from the Centers for Disease Control and Prevention (CDC), the Arizona Department of Health Services (ADHS) issued updated guidance that included canceling or postponing gatherings of 10 or more people, recommending telework and other alternatives, restricting access to nursing homes, retirement homes and long-term care facilities to provide critical assistance, and providing recommendations to restaurants and eating establishments to mitigate the risk of COVID-19 transmission; and

**WHEREAS,** on March 19, 2020, Executive Order 2020-09 was issued requiring restaurants in Arizona counties with confirmed COVID-19 cases to provide dine-out options only and required all bars, gyms and movie theaters in those counties to close; and

**WHEREAS,** on March 19, 2020, Executive Order 2020-10 halted all elective surgeries in the State of Arizona to free up medical resources and maintain the capacity for hospitals and providers to continue offering vital services; and

**WHEREAS,** essential services were identified in Executive Order 2020-12 as those specifically necessary to promote the public health, safety and welfare of the State or assist others in fulfilling such functions; and

**WHEREAS**, to combat COVID-19, and at the recommendation of the state's health officials, the State of Arizona must continue its efforts by further limiting potential exposure through a policy of physical distancing while maintaining social connectedness; and

**WHEREAS,** pursuant to A.R.S. § 26-303(E), the Governor of Arizona, after a Declaration is issued, has "the right to exercise, within the area designated, all police power vested in the state by the constitution and laws of this state"; and

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

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

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

(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; and

**WHEREAS,** on March 30, 2020, the Director of the Arizona Department of Health Services, based on an epidemiological assessment of Arizona specific data and in alignment with CDC guidance, recommended the State implement enhanced mitigation strategies; and

**WHEREAS,** since the issuance of Executive Order 2020-18, *Stay Home, Stay Healthy, Stay Connected,* the federal government issued guidance on the criteria that states should meet prior to allowing gatherings of people and opening businesses that have been closed due to the need to mitigate COVID-19; 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,** even with this increased capacity, the data is still showing significant numbers of people testing positive for COVID-19 and we are still learning the extent to which the disease has spread within our state; and

**WHEREAS,** increased diagnostic and serology testing is beginning in Arizona in partnership with private labs and the universities; and

**WHEREAS,** since April 1, 2020, essential businesses have innovated and proven they can implement protocols to ensure that employees and the public are safe as they fulfill Essential Activities and participate in Essential Functions; and

**WHEREAS**, although strides to assess, mitigate and prepare for the COVID-19 response and recovery have been made, the current efforts in the State to limit potential exposure through a policy of physical distancing while maintaining social connectedness is necessary; 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..

**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 the Arizona Department of Health Services, do hereby order:

1. Arizona shall institute a "Stay home, Stay healthy, Stay connected" policy that promotes physical distancing, while also encouraging social connectedness. 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. Under this policy, all individuals in the State of Arizona shall limit their time away from their place of residence or property, except:
    a. To conduct or participate in Essential Activities;
    b. For employment, to volunteer or participate in Essential Functions;
    c. To utilize any services or products provided by Essential Businesses;
    d. Employment, if as a sole proprietor or family owned business, work is conducted in a separate office space from your home and the business is not open to serve the public; and
    e. No person shall be required to provide documentation or proof of their activities to justify their activities under this order.

3. Arizonans are encouraged to improve social connectedness, resiliency, and help-seeking behavior by:
    a. Maintaining ongoing connections and communication with current social supports and structures such as family, friends, neighbors and other social groups;
    b. Educating fellow Arizonans on the negative health impacts of social isolation;
    c. Developing habits and activities that increase resilience, such as physical activity, virtual social gatherings, assisting neighbors, implementing or participating in connection campaigns for at-risk populations, and participating in volunteer activities;
    d. Sharing information and awareness of newly available social services and resources to improve the stability of families and reduce financial stressors; and
    e. Sharing information and awareness of resources in the community by providing information on where and how high risk populations can access suicide prevention services throughout Arizona, including specific resources that are targeted to high risk populations.

4. Under this policy, Essential Activities include:
    f. Obtaining necessary supplies and services for family, household members and pets, such as groceries, food and supplies for household consumption and use, supplies and equipment needed to work from home, assignments for completion of distance learning and products necessary to maintain safety, sanitation and essential maintenance of the home and residence;

g. Engaging in activities essential for the health and safety of family, household members and pets, including things such as seeking medical, behavioral health or emergency services and obtaining medical supplies or medication;
h. Caring for a family member, friend, or pet in another household or residence, which includes but is not limited to transportation of a family member, friend or their pet for essential health and safety activities and to obtain necessary supplies and services for the other household;
i. Engaging in outdoor exercise activities, such as walking, hiking, running, biking or golfing, but only if appropriate physical distancing practices are used;
j. Attending or conducting work or volunteering in Essential Functions which includes but is not limited to transporting children to child care services for attending work in an essential service;
k. Engaging in constitutionally protected activities such as speech and religion, and any legal or court process provided that such is conducted in a manner that provides appropriate physical distancing to the extent feasible; and
l. Persons may visit retailers permitted to operate pursuant to this order.

5. To the extent individuals are using shared or outdoor spaces when outside their residence or property for Essential Activities, they shall to the extent possible maintain physical distancing of at least six feet from any other person, consistent with guidance from the CDC.

6. All persons may leave their place of residence only for Essential Activities, to participate in or receive Essential Governmental Functions, or to participate in or fulfill Essential Functions outlined in Executive Order 2020-12.

7. Individuals shall limit use of public transportation to when absolutely necessary to obtain or conduct Essential Activities or attend work in an Essential Function. While using public transportation, riders shall maintain to the extent possible recommended physical distancing of at least six feet from other riders and the operator.

8. Individuals experiencing homelessness are exempt from this directive, but are strongly urged to obtain shelter as soon as possible and to the maximum extent practicable.

9. Individuals whose residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave their home and stay at a safe alternative location.

10. For purposes of this Executive Order, homes or residences include hotels, motels, shared rental units, shelters, and similar facilities.

11. Businesses and entities that remain open shall implement rules and procedures that facilitate physical distancing and spacing of individuals of at least six feet.
    a. All businesses that are classified as Essential Functions may remain open and maintain operations, but shall establish and implement social distancing and sanitation measures established by the United States Department of Labor or the Arizona Department of Health Services.
    b. Essential Functions conducted by governmental entities shall remain open. Government leaders may adjust operations to promote physical distancing, including but not limited to offering on-line services as feasible, limiting the number of persons

in a physical space or limiting access to specific facilities or areas to protect from the spread of COVID-19.

c. Employment in Essential Businesses and Operations means an essential employee performing work for an Essential Function as identified in the "Prohibiting the Closure of Essential Services" Executive Order list.

12. Except as provided herein, non-essential businesses may continue to operate those activities that do not require in-person, on-site transactions and are encouraged to maintain at least minimum basic operations that maintain the value of the business' inventory, preserve the condition of the business' physical plant and equipment, ensure security, process payroll and employee benefits, facilitate employees of the business being able to continue to work remotely from their residences, and related functions to include mail pickup.
    a. Effective May 4, 2020, retailers which are not classified as essential under Executive Order 2020-12, *Prohibiting the Closure of Essential Services*, and whose business involves the sale of goods, may operate and offer goods through delivery service, window service, walk-up service, drive-through service, drive-up service, curbside delivery or appointment provided they establish and implement protocols and best practices for businesses to address COVID-19 as outlined in this order.
    b. Effective May 8, 2020 retailers which are not classified as essential under Executive Order 2020-12, *Prohibiting the Closure of Essential Services*, and whose business involves the sale of goods may open, operate and offer goods for sale to customers in their stores provided they establish and implement protocols and best practices for businesses to address COVID-19 as outlined in this order.
    c. To operate under this order, retailers for goods shall follow those provisions outlined in paragraph 11.
    d. Areas where people may be inclined to congregate in an enclosed or confined area such as indoor shopping malls shall continue to limit operations. Retailers located within such buildings or areas whose only entrance is through the shopping mall or other enclosed area may operate through delivery or curbside service or appointment only.
    e. Nothing in this order shall be construed as requiring a retailer to open for business.

13. This Executive Order shall not be construed to prohibit working from home, operating a single owner business with no in-person, on-site public interaction, or restaurants and food services providing delivery or take-away services, so long as proper physical distancing and sanitation measures are established and implemented.

14. Arizonans are already acting responsibly during this public health emergency. The intent of this Executive Order is to ensure that people maintain physical distance to the maximum extent feasible, while enabling essential services to continue, reinvigorating our economy, protecting people's rights and slowing the spread of COVID-19 to the greatest extent possible. When people need to leave their places of residence, whether to perform Essential Activities, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times and as much as reasonably possible comply with physical distancing recommendations. All provisions of this Executive Order shall be interpreted to effectuate this intent. Prior to any enforcement action being taken to enforce

this order in accordance with A.R.S. § 26-317, a person shall be notified and given an opportunity to comply.

15. Pursuant to A.R.S. § 26-307, no county, city or town may make or issue any order, rule or regulation that conflicts with the policy, directives or intent of this Executive Order, including any order, rule or regulation that limits an individual from conducting, participating in or receiving Essential Services, Essential Activities or Non-essential Services as outlined in this order and prior executive orders.

16. 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.

17. This Executive Order shall be in effect until May 15, 2020 at 11:59 p.m., unless modified, extended or rescinded.

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

**GOVERNOR**

**DONE** at the Capitol in Phoenix on this twenty-ninth day of April 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**