STATE OF INDIANA

EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER 20-14

FOR: **CONTINUATION OF EXECUTIVE ORDERS 20-04, 20-10 & 20-11 PERTAINING TO RESTAURANTS AND ALCOHOLIC BEVERAGES**

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, on March 6, 2020, I issued Executive Order 20-02 which declared a public health emergency exists throughout the State of Indiana as result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and a confirmed report the disease had spread to Indiana;

WHEREAS, since then, on March 11, 2020, the World Health Organization declared COVID-19 to be a global pandemic, and on March 13, 2020, the President of the United States declared a national emergency with respect to this dangerous virus;

WHEREAS, as Governor, I have issued several directives requiring social distancing and other measures to slow and contain the spread of COVID-19;

WHEREAS, as of the date of this Executive Order, the virus has now spread to nearly every county throughout Indiana, causing over 1,700 Hoosiers to be sick and approximately 35 deaths; with these numbers rapidly increasing each day and expected to continue to increase in the days ahead;

WHEREAS, on March 16, 2020, I issued Executive Order 20-04 which, in part, prohibited restaurants, bars, nightclubs and other establishments from providing in-dining services and to close to in-person patrons through March 31, 2020, but allowed these establishments to provide drive-thru, take-out and delivery services;

WHEREAS, on March 23, 2020, I issued Executive Order 20-10 which directed the Indiana State Department of Health (ISDH) and local boards of health take all available administrative and enforcement actions against establishments that provide in-dining services in violation of Executive Order 20-04, and further directed the Indiana Alcohol and Tobacco Commission (ATC) to take administrative and enforcement actions with respect to establishments permitting in-person dining in violation of Executive Order 20-04 and which establishments also hold alcoholic beverage permits;

WHEREAS, on March 23, 2020, I also issued Executive Order 20-11 which authorized dining entities holding permits issued by the ATC that allowed for on-premises consumption only to allow for carryout consumption off-premises;

WHEREAS, Executive Orders 20-04, 20-10 and 20-11 expire on March 31, 2020, unless further extended;

WHEREAS, even as we continue with aggressive social distancing and other measures to slow and contain the spread of COVID-19, the number of cases in Indiana will likely continue to rapidly increase for the immediate future;

WHEREAS, despite significant steps being taken in our State, this virus remains a serious threat to the health, safety, and welfare of all residents of Indiana and further efforts are needed to address, control, and reduce the evolving threat posed by COVID-19;

WHEREAS, as Governor, under Indiana's Emergency Management and Disaster Law, Ind. Code ch. 10-14-3 ("Emergency Disaster Law"), I have broad authority to take actions necessary to prepare for and respond to the prompt and efficient rescue, care and treatment of persons victimized or threatened by a disaster, which include an epidemic, public health emergency and any other public calamity requiring emergency action;

WHEREAS, as Governor, my authority and powers under the Emergency Disaster Law to declare and respond to public health emergencies on behalf of our State, specifically include:

a. making, amending and rescinding the necessary orders, rules and regulations to carry out the response to a disaster;

b. suspending the provisions of any regulatory statute prescribing the procedures for conduct of state business, including the orders, rules or regulations of any state agency if strict compliance with any of these provisions would in any way prevent, hinder or delay necessary action in coping with the emergency;

c. using all available resources of state government and of each political subdivision of the state reasonably necessary to cope with the disaster emergency; and

WHEREAS, in light of the above, it is necessary and proper to take further actions to protect the health, safety and welfare of all Hoosiers in connection with the continuing and evolving threat posed by COVID-19, as more particularly described herein.

NOW, THEREFORE, I, Eric J. Holcomb, by virtue of the authority vested in me as Governor by the Indiana Constitution and the laws of the State of Indiana, do hereby order and extend from this date until 11:59 p.m. on April 6, 2020, the following:

1. Executive Order 20-04 prohibiting restaurants, bars, nightclubs and other establishments from providing in-dining services and to close to in-person patrons. However, these establishments are authorized to continue to provide drive-thru, take-out and delivery services.

    a. In addition to the directives in Executive Order 20-04 paragraph 6, I further order that the prohibition on dining by in-person patrons and in-dining services encompasses all portions of the premises of a dining establishment, including not only interior areas but also patios, areas of outside seating and parking lots.

2. Executive Order 20-10 which outlines compliance and enforcement actions to be taken by the ISDH and the ATC for dining establishments failing to prohibit in-person dining.

3. Executive Order 20-11 which authorizes establishments holding permits to sell for on-premise consumption issued by the ATC to sell alcoholic beverages for carryout only and further eliminates the requirements that at least 60% of alcoholic beverages be sold for on-premises consumption. This order requires the following:

    a. For carryout service, an employee of a permitted retail establishment may bring alcoholic beverages to an area adjacent from the permit premises for the purpose of completing a transaction with a customer purchasing alcoholic beverages.

    b. The authorization to sell alcoholic beverages for carryout consumption by an on-premises retail permit holders extends only to alcoholic beverages in sealed bottles or containers and does not extend to selling mixed drinks.

    c. Additionally, any establishment holding a beer retailer's permit may fill, refill, and carry out beer in permissible refillable containers (e.g. growlers, howlers, and crowlers).

This Executive Order is a supplement to Executive Orders 20-02, 20-04, 20-10 & 20-11.

IT IS SO ORDERED.

IN TESTIMONY WHEREOF, I, Eric J. Holcomb, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, on this 31st day of March, 2020.

Eric J. Holcomb
Governor of Indiana

Connie Lawson

ATTEST: Connie Lawson
Secretary of State