STATE OF INDIANA

EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER 20-04

FOR: **FURTHER ORDERS AND DIRECTIVES IN RESPONSE TO THE CORONAVIRUS DISEASE 2019 EPIDEMIC**

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 in the State of Indiana as a result of the novel (new) Coronavirus Disease 2019 ("COVID-19") outbreak in Indiana, throughout the United States and worldwide;

WHEREAS, since then, on March 11, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared COVID-19 outbreak a pandemic, and on March 13, 2020, the President of the United States declared COVID-19 to be a national emergency;

WHEREAS, to reduce and slow the spread of COVID-19, the Centers for Disease Control and Prevention ("CDC") and the Indiana State Department of Health ("ISDH") have recommended implementation of mitigation strategies to increase containment of the virus, including cancellation of large gatherings and social distancing in smaller gatherings;

WHEREAS, limitations on large gatherings and using social distancing can prevent initial exposure and secondary transmission to our most vulnerable populations and are especially important for people who are over 60 years old or have chronic health conditions;

WHEREAS, on March 12 and 13, 2020, I announced steps being taken, and to be taken, to address and respond to this public health emergency, including limitations on large gatherings, social distancing for smaller gatherings and suspending non-essential activities and services;

WHEREAS, as Governor, I have broad authority and powers under Indiana law to declare and respond to public health emergencies on behalf of our State;

WHEREAS, as Governor, I also have authority under Indiana's Emergency Management and Disaster Law, Ind. Code § 10-14-3 *et seq.*, to allow for the suspension of the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders, rules or regulations of any state agency where strict compliance with any of these provisions would in any way prevent, hinder or delay necessary action in coping with the public health 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 to public health by COVID-19;

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 that:

1. <u>Indiana's Emergency Operations Center</u>

   The state's Emergency Operations Center ("EOC"), which I ordered to be raised to its highest status (Level 1), is to remain at that level, and I further direct the EOC to work in conjunction with the incident command center at the ISDH for planning, coordination, predictive analysis and other functions.

2. **Indiana National Guard**

Pursuant to Ind. Code § 10-16-7, the Indiana National Guard be activated and placed on state duty, as needed, to address and assist in this public health emergency.

3. **Guidance for Gatherings**

Indiana will continue to adhere to the CDC guidance for large events and mass gatherings. The current guidance recommends no in-person events of more than 50 people.

4. **Following Advice of Federal and State Healthcare and Emergency Officials**

All residents of Indiana are encouraged to heed the advice of the CDC, ISDH, Indiana Department of Homeland Security ("IDHS") and other health care and emergency officials in connection with this public health emergency in order to protect their own health and safety as well as the health and safety of their families and fellow Hoosiers. It is the duty of every person in our state and entity doing business in Indiana, including every governmental body, agency, authority and official of any nature, to cooperate fully with the Commissioner of the ISDH and Executive Director of the IDHS on all matters concerning this public health emergency.

5. **Public Meetings/Open Door Laws**

Public meetings conducted pursuant to Ind. Code § 5-14-1.5 *et seq.* should be limited to only essential matters critical to the operations of the governmental agency or entity for the duration of this public health emergency;

All specific statutory deadlines requiring a governing body to meet during the public health emergency are suspended for the duration of the emergency insofar as cancellations do not disrupt essential government decisions or services or when meetings are otherwise required by federal law;

All governing bodies of public agencies may suspend the requirement of explicitly adopting a policy for electronic participation and reduce the number of members required to be physically present to one member only (See Ind. Code § 5-14-1.5-3.6(c), (f), (g) & (h)). Entities should also adhere to the CDC guidance on gatherings and make efforts to allow the public to participate electronically, if feasible. All other provisions of Ind. Code § 5-14-1.5 *et seq.* remain in effect;

All governing bodies of public agencies may post notices and agendas for meetings solely by electronic means for the duration of this public health emergency; and

Any political subdivision or entity subject to the provisions of Ind. Code § 5-14-1.5-3.5 may comply with the provisions of section 3.6 as modified by this Order in conducting public meetings for the duration of this public health emergency.

6. **Food Service Establishments**

In consultation with and concurrence of the Commissioner of the ISDH, restaurants, bars, nightclubs and other establishments that provide in-dining services are required to close to in-person patrons through March 31, 2020, but these entities are authorized to provide drive-thru, take-out and delivery services.

7. **Non-Essential Surgical Procedures**

Hospitals and ambulatory surgical centers are directed to cancel or postpone elective and non-urgent surgical procedures immediately. This action will help the healthcare system conserve resources and personnel necessary to meet emerging health needs. Physicians should continue to perform critical procedures necessary to prevent short-term or long-term adverse effects to their patients' overall health.

8. **Commitment of All Available State and Local Resources**

All resources of the State of Indiana shall be available to assist in activities and actions designed to address this public health emergency, control the spread of COVID-19, and aid recovery efforts. Further, I hereby reserve the right to utilize and employ all available resources not only of state government but also of each and every political subdivision of our state in responding to this public health emergency.

9. **Federal Assistance**

The Executive Director of the IDHS, the Commissioner of the ISDH, or the designee of either, are directed to: (a) seek assistance from, and enter into agreements with, any and all agencies of the United States Government as may be needed to address this emergency; and (b) seek reimbursement for costs incurred by our state in responding to this public health emergency.

10. **Public Health Interventions**

The Commissioner of the ISDH shall make determinations as to quarantine, isolation and other necessary public health interventions as permitted under Indiana law.

11. **Evacuations**

The Executive Director of the IDHS, in conjunction with the Commissioner of ISDH, has authority to: (a) order the evacuation of persons, except for emergency and governmental personnel whose presence the Executive Director or Commissioner deem necessary, from any area where their continued presence would present a danger to their health, safety or welfare because of the conditions created by this public health emergency; and (b) utilize all property, equipment and facilities owned, rented, operated or maintained by the state, to house and/or shelter persons who may need to be evacuated from a residence, dwelling, building, structure or vehicle during the course of this emergency.

12. **Price Gouging**

Hoosiers and other consumers who believe they have been subjected to excessive prices for consumer goods during this public health emergency should contact the Office of the Indiana Attorney General, Consumer Protection Division, at 1-800-382-5516 or 317-232-6330.

This Executive Order is a supplement to, and deemed to be part of, Executive Order 20-02 and, therefore, shall expire at the same time as Executive Order 20-02, unless extended.

Connie Lawson

ATTEST: Connie Lawson
Secretary of State

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 16th day of March, 2020.

Eric J. Holcomb
Governor of Indiana