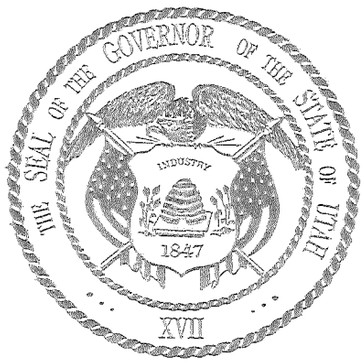

Gary Richard Herbert

Governor

EXECUTIVE ORDER
2020-72

Declaring a State of Emergency Due to Rising COVID-19 Case Counts Creating a Shortage of Hospital Beds

WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) has been characterized by the World Health Organization as a worldwide pandemic caused by Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2), a virus that spreads easily from person to person and can cause serious illness or death;

WHEREAS, on March 13, 2020, Donald J. Trump, President of the United States, issued the Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak;

WHEREAS, on October 2, 2020, the United States Department of Health and Human Services renewed its January 31, 2020, determination that a nationwide public health emergency exists and has existed since January 27, 2020;

WHEREAS, on October 14, 2020, the Utah Department of Health issued State Public Health Order 2020-17, declaring a statewide public health emergency due to the COVID-19 pandemic;

WHEREAS, COVID-19 continues to spread and threaten public health and safety, causing loss of life, human suffering, and economic and social disruption throughout the state;

WHEREAS, the Utah Department of Health has reported 132,621 total cases of COVID-19 and 6,084 COVID-19-related hospitalizations as of November 8, 2020;

WHEREAS, the Utah Department of Health has reported 659 COVID-19-related deaths as of November 8, 2020;

WHEREAS, on November 7, 2020, the Utah Department of Health reported a record-high number of 2,956 new cases of COVID-19;

WHEREAS, hospitalizations for COVID-19 in Utah have increased significantly in the past two months and hospitalizations continue to increase;

WHEREAS, treatment in intensive care units (ICU) in referral center hospitals is required by many critically ill COVID-19 patients;

WHEREAS, Utah has limited ICU capacity in referral center hospitals to which serious COVID-19 patients are referred, and 85% of such capacity is being used, which is beginning to strain and overtax physical capacity and medical staffing capacity;

WHEREAS, the current rates of increase in COVID-19 cases and hospitalizations are creating demands on ICU capacity that will likely soon overwhelm ICUs and may lead to degraded care and increased mortality for both COVID-19 and non-COVID-19 patients;

WHEREAS, if the State does not take action to mitigate the increasing strain on ICUs, hospitals will be required to implement Crisis Standards of Care to determine which patients receive medical services based on the limited resources available;

WHEREAS, there is no existing vaccine for COVID-19;

WHEREAS, the COVID-19 pandemic requires cooperation by public health authorities, hospitals, and the general population to avoid overwhelming hospitals and causing the higher case fatality rates experienced by other countries and regions of the United States;

WHEREAS, it is imperative that state and local officials and health authorities implement measures to protect the health and safety of Utah residents to mitigate the spread of COVID-19 and prevent overwhelming hospitals;

WHEREAS, Utah Code § 53-2a-206(1) provides that a state of emergency may be declared by executive order of the governor if the governor finds a "disaster" has occurred or the occurrence or threat of a disaster is imminent in any area of the state in which state government assistance is required to supplement the response and recovery efforts of the affected political subdivision or political subdivisions;

WHEREAS, Utah Code § 53-2a-102(5) provides that a "disaster" is an event that causes, or threatens to cause, loss of life, human suffering, public or private property damage, or economic or social disruption resulting from "natural phenomena," among other things;

WHEREAS, Utah Code § 53-2a-102(13) provides that "natural phenomena" include an "epidemic";

WHEREAS, I find that increasing case counts combined with the associated shortage of hospital beds due to the COVID-19 epidemic present a continuing threat to public health and economic and social stability sufficient to constitute a statewide disaster within the intent of the Utah Code Title 53, Chapter 2a, Disaster Response and Recovery Act;

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, declare a statewide "State of Emergency" due to the aforesaid circumstances requiring aid, assistance, and relief available from State resources and hereby order:

1. the continued execution of the State Emergency Operations Plan;
2. assistance from State government to political subdivisions as needed and coordinated by the Utah Department of Health, the Utah Department of Public Safety, and other state agencies as necessary;
3. the continued dissemination of timely and accurate information by state agencies to the public that will mitigate the spread of COVID-19, prevent unnecessary confusion or alarm, mitigate negative impacts to the economy, and prevent overwhelming hospitals;
4. the continued outreach and assistance to the populations most vulnerable to COVID-19; and
5. coordination with local authorities and the private sector to maximize access to appropriate medical care while preserving critical services for those most in need.

This Order shall take effect November 9, 2020, at 1:00 p.m. and shall remain in effect through December 8, 2020, unless extended by the Utah State Legislature, or terminated earlier if I find the threat of danger has passed or reduced to the extent that emergency conditions no longer exist.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 8th day of November, 2020.

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor