CHRISTOPHER T. SUNUNU
Governor

STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR

STATE OF NEW HAMPSHIRE
BY HIS EXCELLENCY
CHRISTOPHER T. SUNUNU, GOVERNOR

Emergency Order # 52 Pursuant to Executive Order 2020-04 as extended by Executive Orders 2020-05, 2020-08, 2020-09 and 2020-10

An order regarding public health guidance for business operations and advising Granite Staters that they are safer at home

WHEREAS, on Friday, March 13, 2020, the President of the United States declared a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak; and

WHEREAS, on Friday, March 13, 2020, the Governor issued Executive Order 2020-04, an order declaring a state of emergency due to the Novel Coronavirus (COVID-19); and

WHEREAS, on Friday, March 13, 2020, the Governor activated the Emergency Operations Center at the Incident Planning and Operations Center in Concord to assist in the State's response to the COVID-19 outbreak; and

WHEREAS, on Friday, April 3, 2020, the Governor issued Executive Order 2020-05, an order extending the State of Emergency declared in Executive Order 2020-04 for an additional 21 days; and

WHEREAS, on April 24, 2020, the Governor issued Executive Order 2020-08, an order extending the State of Emergency declared in Executive Order 2020-04 for an additional 21 days; and

WHEREAS, on May 1, 2020, the Governor issued Emergency Order 40, an order extending and modifying Emergency Order 17 (Closure of non-essential businesses and requiring Granite Staters to stay home), which contained the Stay At Home 2.0 plan that had been unanimously approved by the Governor's Economic Re-Opening Task Force and approved by the Department of Health and Human Services, Division of Public Health; and

WHEREAS, on May 15, 2020, the Governor issued Executive Order 2020-09, an order extending the State of Emergency declared in Executive Order 2020-04 for an additional 21 days; and

WHEREAS, on June 5, 2020, the Governor issued Executive Order 2020-10, an order extending the State of Emergency declared in Executive Order 2020-04 for an additional 21 days; and

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WHEREAS, since May 15, 2020, and as of June 11, 2020, during the State of Emergency, the Governor has continued to provide guidance, under Emergency Order 40, that modifies many of the restrictions on businesses, places of worship, and other places of commerce or gathering to allow them to transition to full re-opening while limiting the risk of multiplying the spread of COVID-19 in New Hampshire. The Governor anticipates continuing to ease restrictions as the status of COVID-19 in New Hampshire, the emerging science and medical understanding of COVID-19, and other data and information about COVID-19 permit; and

WHEREAS, as of June 14, 2020, the Centers for Disease Control and Prevention (CDC) reports that every U.S. state has reported cases of COVID-19 to the CDC, and that 2,063,812 confirmed cases of COVID-19 have occurred in the United States and territorial partners with 115,271 deaths; and

WHEREAS, the CDC anticipates that while a high percentage of individuals affected by COVID-19 will experience mild flu-like symptoms, some will have more serious symptoms and require hospitalization, particularly individuals who are elderly or have underlying chronic health conditions; and

WHEREAS, the CDC reports that COVID-19 is most commonly spread from an infected person to others through respiratory droplets, including:

- Between people who are in close contact with one another (within about 6 feet);
- Through respiratory droplets produced when an infected person coughs, sneezes, or talks;
- When the droplets land in the mouths or noses of people who are nearby or possibly inhaled into the lungs;
- By people who are not showing symptoms but who are infected with COVID-19.

WHEREAS, the CDC reports that COVID-19 is spread mainly from person to person, that COVID-19 is currently spreading very easily and sustainably, that COVID-19 is spreading more efficiently than influenza, and that the best way to prevent illness is to avoid being exposed to COVID-19 by taking the following steps:

- Maintain good social distance (about 6 feet);
- Wash your hands often with soap and water, and if soap and water are not available, use a hand sanitizer that contains at least 60% alcohol;
- Routinely clean and disinfect frequently touched surfaces; and
- Cover your mouth and nose with a cloth face covering when around others.

WHEREAS, in the days since the Governor declared a State of Emergency, the COVID-19 outbreak in New Hampshire has expanded significantly; and

WHEREAS, as of June 14, 2020, the Department of Health and Human Services, Division of Public Health reports 5,318 cases of COVID-19; 320 deaths; 513 hospitalizations; approximately 3,675 individuals being monitored; and all 10 counties in the State have been impacted; and

WHEREAS, since the beginning of the COVID-19 pandemic, New Hampshire has substantially increased its testing ability to the point where more than 1,500 people per day are now tested.

This increased testing capability provides a more accurate count of the number of individuals who are COVID-19 positive; and

WHEREAS, as of June 14, 2020, positive cases of COVID-19 have continued to increase each day, and since the first positive case of COVID-19 in New Hampshire was reported, there has been no decrease in reports of new positive COVID-19 cases for longer than five days; and

WHEREAS, as of June 14, 2020, states neighboring New Hampshire have reported significant numbers of COVID-19 cases: Massachusetts has reported 105,603 positive cases and 7,624 deaths, Rhode Island has reported 16,093 positive cases and 851 deaths, and Connecticut has reported 44,347 positive cases and 4,120 deaths; and

WHEREAS, as of June 14, 2020, the New Hampshire counties experiencing the highest number of COVID-19 cases are those that border Massachusetts; and

WHEREAS, the Division of Public Health has found that community-based transmission of COVID-19 continues to increase in the State and has been identified in all 10 counties; and

WHEREAS, if COVID-19 continues to spread in New Hampshire at a rate comparable to the rate of spread in other states and countries, the number of persons requiring medical care may exceed locally available resources. Controlling outbreaks minimizes the risk to the public, maintains the health and safety of the people of New Hampshire, and limits the spread of infection in our communities and within the healthcare delivery system; and

WHEREAS, the CDC reports that while a cloth face covering protects others in case the wearer is infected, a cloth face covering is not a substitute for social distancing; and

WHEREAS, the CDC reports that community mitigation, including social distancing, is especially important before a vaccine for COVID-19 becomes available; and

WHEREAS, Dr. Anthony Fauci, an immunologist and director of the National Institute of Allergy and Infectious Diseases, testified before the U.S. Senate, on May 12, 2020, that cities or states that do not experience a 14-day decrease in new COVID-19 cases may experience spikes in infections after re-opening that tum into new outbreaks; and

WHEREAS, Dr. Fauci testified that states or cities that do not open in a phased manner may trigger further or new outbreaks of COVID-19, risk avoidable suffering and death, and tum the clock back on mitigation and economic-recovery efforts; and

WHEREAS, Dr. Fauci testified that decreasing community mitigation efforts will result in additional COVID-19 cases thereby requiring increased capabilities to respond to inevitable increases in COVID-19 cases; and

WHEREAS, Dr. Fauci testified that the best protection for the general public is to maintain physical and social distancing; and

WHEREAS, New Hampshire State Epidemiologist Dr. Benjamin Chan has determined that, while the State's mitigation strategy has been effective in controlling the spread of COVID-19, community mitigation has been and continues to be critically important; and

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WHEREAS, guidance from the United States' and New Hampshire's leading public health experts, evidence of New Hampshire's effective mitigation efforts, and known features of the COVID-19 pandemic, such as its significant community transmission rate, require continued mitigation efforts within the State to ensure the safety of New Hampshire's citizens; and

WHEREAS, the COVID-19 pandemic continues to affect New Hampshire residents and to require continued preventative measures, with necessary and appropriate modification as more becomes known about the virus, for the purpose of stopping the spread of COVID-19 and maintaining the progress our State has made in fighting the pandemic; and

WHEREAS, the COVID-19 pandemic has necessitated dramatic and unprecedented preventative measures within state and federal governments in the United States, as well as within communities, homes, offices, and individual lifestyles; and

WHEREAS, on May 29, 2020, the U.S. Supreme Court observed that "[t]he precise question of when restrictions on particular social activities should be lifted during the [COVID-19] pandemic is a dynamic and fact-intensive matter subject to reasonable disagreement," and stated that "[o]ur Constitution principally entrusts the safety and health of the people to the politically accountable officials of the States to guard and protect," *South Bay United Pentecostal Church, et al., Applicants* v. *Gavin Newsom, Governor of California, et al.*, No. 19A1044, 590 U.S. __ (2020), at 3 (Roberts, C.J., concurring); and

WHEREAS, though there is a continued need to take significant precautions, New Hampshire's actions to date appear to have succeeded in stabilizing the rate of increase in cases of COVID-19; and

WHEREAS, on April 21, 2020, the Governor initiated the Governor's Economic Re-Opening Task Force, a task force composed of bipartisan legislators, private-sector leaders, and state officials, with the goal of developing a plan and overseeing state and private-sector actions needed to re-open New Hampshire's economy while minimizing the adverse impact on public health; and

WHEREAS, the Governor's Economic Re-Opening Task Force has met with stakeholders across the state in more than a dozen industries to examine the economic impact of the COVID-19 pandemic and the standing public health and Emergency Orders, and to understand the logistical, economic, and societal factors in re-opening New Hampshire's economy; and

WHEREAS, the Governor's Economic Re-Opening Task Force has received and reviewed more than 6,547 public comments; and

WHEREAS, the Governor's Economic Re-Opening Task Force has developed detailed guidelines that received input from industry leaders and community members to ensure reasonable and workable steps are implemented in a phased re-opening of the state; and

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WHEREAS, the Governor's Economic Re-Opening Task Force has been successful in providing guidelines that have allowed New Hampshire businesses to re-open safely while protecting the health and safety of New Hampshire citizens; and

WHEREAS, New Hampshire's sacrifices and actions, thus far, have enabled the State to continue to take steps to gradually re-open New Hampshire's economy in multiple phases; and

WHEREAS, New Hampshire's neighboring states of Vermont, Maine, and Massachusetts have relaxed their "stay at home" orders and have transitioned to an advisory approach that emphasizes that residents are safer at home while allowing residents to leave home for essential reasons and to patronize businesses and organizations that have been permitted to re-open; and

WHEREAS, Maine and Massachusetts have taken additional steps to gradually open their economies such as re-opening golf courses, coastal beaches, and other locations that may draw additional cross-border travel from New Hampshire into those states if similar locations in New Hampshire remain closed, possibly exposing New Hampshire citizens to higher risk of exposure to COVID-19; and

WHEREAS, while New Hampshire is on the right path to continue to move toward fully re-opening its economy, COVID-19 is still prevalent in New Hampshire and the steps taken must continue to be gradual, based on data, and done in consultation with public health experts; and

WHEREAS, in consultation with the Division of Public Health and with stakeholders across the State, the Governor has determined that New Hampshire is prepared to transition from a stay at home order to a safer at home advisory status while maintaining significant safeguards to mitigate the spread of COVID-19.

Now therefore, pursuant to Section 18 of Executive Order 2020-04 as extended by Executive Orders 2020-05, 2020-08, 2020-09, and 2020-10, it is hereby ordered, effective immediately, that:

1. All businesses or other organizations operating within this State shall comply with the Universal Business Guidelines attached hereto as Exhibit A and any other industry-specific guidelines issued by the State of New Hampshire pursuant to or subsequent to this Order. Businesses or other organizations may also develop additional strategies, procedures and practices to allow for social distancing protocols consistent with the Universal Business Guidelines, any industry-specific guidelines issued by the State of Hampshire pursuant to or subsequent to this Order, and any guidance provided by the CDC and the Division of Public Health. The provisions of Exhibit A may be updated and modified with approval of the Governor.

2. In order to continue the gradual re-opening of New Hampshire's economy in a safe manner that places an emphasis on the needs of public health, certain businesses and organizations with unique public health concerns shall be required to operate according to the schedule and guidelines attached to this Order as Exhibit B. The provisions of Exhibit B may be updated and modified with approval of the Governor.

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3. New Hampshire citizens who are under the age of 65 and who have no other underlying health conditions that would put them at high risk for COVID-19 are advised to practice appropriate social distancing consistent with State and National public health guidelines when leaving home and to limit out of home trips to the following as much as possible:

    a) Leaving home to get fresh air or exercise, provided that social distancing protocols consistent with guidance from the Division of Public Health are observed;
    b) Leaving home for outdoor recreation provided that appropriate social distancing protocols are observed and provided that such recreation complies with any limitations contained within Executive Order 2020-04, as extended by Executive Orders 2020-05, 2020-08, 2020-09, and 2020-10, and any Emergency Orders issued pursuant to Executive Order 2020-04;
    c) Leaving home to run essential errands such as going to the grocery store, pharmacy, laundromat, or fulfilling any other errands an individual determines to be essential for everyday needs;
    d) Leaving home to visit close relatives or for social gatherings that adhere to appropriate social distancing protocols;
    e) Leaving home to provide care for another person;
    f) Leaving home to go to the gas station;
    g) Receiving deliveries from Amazon, UPS, Fedex, the U.S. Postal Service, or any other deliveries;
    h) Leaving home to receive medical or dental care or medical services;
    i) Leaving home for purposes of an individual's employment; and
    j) Leaving home for necessary trips to patronize a business or organization that is complying with the guidelines in Exhibits A and B of this Order.

4. New Hampshire citizens who are over the age of 65 and who have underlying health conditions that place them at high risk for COVID-19 are strongly advised to stay in their homes or places of residence as much as possible. Such individuals are strongly advised to leave home only for essential needs and purposes listed in sections (a)-(i) of Paragraph 3 of this Order and, when leaving home for such purposes, are strongly advised to wear a face covering while in public and to strictly practice appropriate social distancing consistent with State and national public health guidelines.

5. New Hampshire citizens are strongly advised to closely monitor themselves for symptoms of COVID-19 and to stay home when feeling sick.

6. Consistent with Emergency Orders 17 and 40, this Order shall not apply to State Government, local and county governments, local and county legislative bodies, the General Court, or the Judicial Branch.

7. Emergency Orders 16 and 27 are superseded by this Order and the exhibits attached hereto, and Emergency Orders 16 and 27 shall terminate when this Order takes effect.

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8. Emergency Order 6 is hereby extended and shall remain in effect until termination of this Order or the end of the State of Emergency declared in Executive Order 2020-04, as extended by Executive Orders 2020-05, 2020-08, 2020-09, and 2020-10, whichever shall occur first.

9. The provisions of Emergency Order 40 and all exhibits thereto are superseded by this Order and all exhibits attached hereto, and Emergency Order 40 and all exhibits thereto shall terminate when this Order takes effect.

10. The Division of Public Health and State or local police shall have the authority to enforce this Order.

11. This Order shall take effect at 12:00 a.m. on June 16, 2020, and shall remain in effect until August 1, 2020.

Given under my hand and seal at the Executive Chambers in Concord, this 15th day of June, in the year of Our Lord, two thousand and twenty, and the independence of the United States of America, two hundred and forty-four.

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