GOVERNOR DOUGLAS A. DUCEY

STATE OF ARIZONA

EXECUTIVE ORDER

Executive Order 2020-40

Containing the Spread of COVID-19
Continuing Arizona Mitigation Efforts

WHEREAS, on March 11, 2020, pursuant to A.R.S. §§ 26-303 and 36-787, a declaration of Public Health State of Emergency was issued due to the necessity to prepare for, prevent, respond to, and mitigate the spread of COVID-19; and

WHEREAS, on March 30, 2020, the Director of the Arizona Department of Health Services (ADHS), based on an epidemiological assessment of Arizona specific data and in alignment with the Centers for Disease Control and Prevention (CDC) guidance, recommended the State implement enhanced mitigation strategies which are continuing; and

WHEREAS, on May 12, 2020, Executive Order 2020-36, *Stay Healthy, Return Smarter, Return Stronger,* was issued outlining requirements for businesses to assist in mitigating the spread of COVID-19 as they reopened and mandated that businesses adopt policies consistent with guidance from the CDC and the ADHS; and

WHEREAS, since that time, many individuals and businesses have demonstrated great responsibility in taking precautions when out in public to mitigate the spread of COVID-19 while attending to their daily activities and needs; and

WHEREAS, on or about June 12, 2020, a study was published that demonstrated the effectiveness of face coverings in preventing the transmission of 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 continues to be prepared to face the potential for an increase in patients needing treatment for COVID-19; and

WHEREAS, increased diagnostic and serology testing has accelerated in Arizona in partnership with private labs and the universities; and

WHEREAS, as of June 17, 2020, there have been 40,924 diagnosed cases of COVID-19 in Arizona including 1,239 deaths, and the State is seeing an increase in the number of cases and hospitalizations; and

WHEREAS, the local health departments have the primary responsibility for ensuring case investigation and contact tracing of communicable diseases within their jurisdiction to identify the cause of the increased number of cases; and

WHEREAS, the Arizona Department of Health Services has the ability to coordinate statewide activities to assist with case investigations and contact tracing using the resources available to the State; and

WHEREAS, the increased community spread has demonstrated the need for a consistent, statewide system for case investigation and contact tracing; and

WHEREAS, the increased case numbers and hospitalizations also necessitate the need for an increased focus on precautionary measures by both businesses and individuals; and

WHEREAS, the CDC and the ADHS continue to update their guidance for prevention and mitigation of COVID-19 with additional information to help individuals make decisions about going out while preventing and mitigating the spread of the virus; and

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

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

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

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.

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 ADHS, do hereby order that effective June 18, 2020 at 12:00 a.m.:

1. The ADHS shall implement a consistent, statewide system for case investigation and contact tracing and manage these public health activities on behalf of the State. All local health departments shall follow the protocols of the statewide system until the ADHS has determined that adequate infrastructure and resources to support ongoing case investigation and contact tracing at the local level are available.

2. The Adjutant General shall have the authority to mobilize and call to activate all or such part of the Arizona National Guard as is determined necessary and appropriate to assist the ADHS in authorized contact tracing activities under this order.

3. Businesses shall assist in efforts to "Contain the Spread," by updating and enforcing written policies in accordance with Executive Order 2020-36, *Stay Healthy, Return Smarter, Return Stronger*, that adopt guidance from the CDC, Department of Labor, Occupational Safety and Health Administration (OSHA) and ADHS to limit and mitigate the spread of COVID-19. This provision shall be enforced by law enforcement and regulatory agencies that have jurisdiction over the business as prescribed in paragraph 5.

4. Notwithstanding directives in Executive Order 2020-36, *Stay Healthy, Return Smarter, Return Stronger*, regarding A.R.S. § 26-307, a county, city or town may, based on conditions in its jurisdiction, adopt policies regarding the wearing of face coverings in public for the purpose of mitigating the spread of COVID-19. Any enforcement of such a policy shall focus first on educating and working to promote best practices to accomplish the goal of mitigation. An individual shall be notified of the provisions of this order or any policy adopted by a county, city or town and given an opportunity to comply prior to any enforcement action being taken.

5. Arizonans continue to act responsibly during this public health emergency. The intent of this Executive Order is to ensure that the State of Arizona continues to mitigate the spread of COVID-19 to the greatest extent possible. All law enforcement and regulatory agencies that have enforcement authority under existing law should focus first on educating and working to promote best practices to accomplish this goal. Upon an initial violation, notice of the provisions of this order and the associated guidance from ADHS shall be provided and an opportunity to comply shall be offered.

6. 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 without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

7. This order shall remain in place until further notice, and shall be considered for repeal or revision at least every two weeks following issuance.

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

Douglas A. Ducey

GOVERNOR

DONE at the Capitol in Phoenix on this seventeenth day of June 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