NORTH Dakota
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Governor Doug Burgum

EXECUTIVE ORDER 2020-06.7

WHEREAS, on March 13, 2020, President Donald Trump issued a declaration of national emergency due to the growing COVID-19 crisis in the United States; and,

WHEREAS, a state of emergency was declared by Governor Doug Burgum on March 13, 2020, in response to the public health crisis resulting from COVID-19; Executive Order 2020-03 activated the State Emergency Operations Plan (SEOP), implementing appropriate response and recovery actions and future mitigation measures; and,

WHEREAS, with the guidance and assistance of the State Health Officer and the Unified Command, the State is continuing to actively respond to this crisis including coordinating and distributing goods, services and professional supports and services; and,

WHEREAS, to limit the spread of COVID-19, protect our most vulnerable citizens and save lives, North Dakota has adopted the mitigating measures recommended by the Centers for Disease Control and Prevention (CDC) and the North Dakota Department of Health, including working from home, frequent handwashing and social distancing; and,

WHEREAS, in order to reduce community transmission of COVID-19, it was necessary to limit gatherings in congregate settings; since March 20, recreational facilities, health clubs and athletic facilities were closed; on-site dining and on-sale drinking establishments, including restaurants, bars, breweries and cafes were also closed, although off-sale food and beverage services were available through take-out, curbside, drive-through and delivery; and,

WHEREAS, to further reduce community spread of COVID-19, it was necessary to limit personal care services delivered in close proximity or through "hands-on" interactions with clients; since March 28, salons operated by cosmetologists, nail technicians, estheticians, barbers, tattoo and body art service providers, massage therapists as well as tanning facilities have been closed; and,

WHEREAS, this collective State response to the COVID-19 declared emergency, including temporary closures of congregate setting and personal care businesses and efforts of North Dakota citizens to accept and adopt new behaviors and practices have slowed the spread of coronavirus in our state; and,

WHEREAS, the State Health Officer is authorized to establish disease control measures necessary to prevent the spread of communicable diseases, such as COVID-19.

WHEREAS, through efforts led by the State Health Officer and the Commissioner of the Department of Commerce, a set of guidelines known as *ND Smart Restart* have been developed, for North Dakota businesses and industries operating during the coronavirus pandemic, focused on

protecting the most vulnerable citizens and preventing the spread of coronavirus.

NOW THEREFORE, Doug Burgum, Governor of North Dakota, by virtue of the authority under Article V, Section 1 of the North Dakota Constitution and North Dakota Century Code 37-17.1, and in consultation with the State Health Officer and the Commissioner of Commerce, hereby orders:

1. Effective immediately, salons operated by cosmetologists, nail technicians, estheticians, barbers and tanning studios are strongly encouraged to adopt and rigorously follow the *ND Smart Restart*: *Standards For All Industries* and the *ND Smart Restart* industry- specific standards: *Hair Salons, Nail Salons, Waxing Studios and Other Cosmetology Related Services.*

2. Effective immediately, tattoo and body piercing salons are strongly encouraged to adopt and rigorously follow the *ND Smart Restart*: *Standards For All Industries* and the *ND Smart Restart* industry-specific standards: *Tattoo and Body Piercing.*

3. Effective immediately, massage therapy services are strongly encouraged to adopt and rigorously follow the *ND Smart Restart*: *Standards For All Industries* and the *ND Smart Restart* industry-specific standards: *Massage Therapists.*

4. Effective immediately, health clubs and athletic facilities are strongly encouraged to adopt and rigorously follow the *ND Smart Restart*: *Standards For All Industries* and the *ND Smart Restart* industry-specific standards: *Fitness Centers.*

5. Effective immediately, restaurants, bars, breweries, distilleries, food trucks and cafes are strongly encouraged to adopt and rigorously follow the *ND Smart Restart: Standards For All Industries* and the *ND Smart Restart* industry-specific standards: *Restaurants, Bars, Breweries, Distilleries and Food Trucks.*

6. Effective immediately, movie theaters are strongly encouraged to adopt and rigorously follow the *ND Smart Restart: Standards For All Industries* and the *ND Smart Restart* industry- specific standards: *Movie theaters.*

7. Effective immediately, all other North Dakota businesses and industries are strongly encouraged to adopt and rigorously follow the *ND Smart Restart: Standards For All Industries.*

8. At the discretion of local school boards and superintendents, high school graduation ceremonies may be held using school facilities, provided they follow proper social distancing and other mitigation guidelines issued by the ND Department of Public Instruction: *ND Smart Restart: Graduation Guidelines.*

9. Recreational and sports arenas, and music and entertainment venues may begin to reopen, and

are strongly encouraged to adopt and rigorously follow the *ND Smart Restart: Large Gatherings Protocol*.

10. Effective June 1, 2020, the North Dakota State Capitol and other state facilities will be accessible to the public, subject to the *ND Smart Restart* state facility protocols. Anyone coming into the State Capitol or other state facility will be subject to a wellness screening. Public tours at the Capitol building will remain closed until further notice.

11. Effective June 1, 2020, as directed by State Agency Leaders, state employees who have been teleworking since March 20, 2020 may continue to telework or may return to work at state facilities, subject to the *ND Smart Restart* state facility protocols.

This order is issued upon the following authority and for the following reasons:

1. The Governor is vested with the executive authority pursuant to Article V, Section 1, of the North Dakota Constitution.
2. The Governor is vested with statutory authority to issue executive orders, to minimize or avert the effects of a disaster or emergency pursuant to Chapter 37-17.1 of the North Dakota Century Code. Executive Orders have the force and effect of law under NDCC § 37-17 .1-05 (2). Violations of this Order are an infraction and subject to a one-thousand dollar fine.
3. A coordinated and effective effort of appropriate government departments is required to minimize the impact of emergencies and disasters in this state.
4. All local, county and state law enforcement officers are authorized and directed to enforce the provisions of this Executive Order.

This order will become effective immediately and shall remain in effect for the duration of the declared state of emergency.

Executed at Bismarck, North Dakota, this 22nd day of May, 2020.

Doug Burgum
Governor

ATTEST:

Secretary of State