State of Iowa

Executive Department

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

PROCLAMATION OF DISASTER EMERGENCY

WHEREAS, the World Health Organization has reported an outbreak of thousands of cases of Novel Coronavirus 2019 (COVID-19) in multiple countries, causing illness and deaths; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services declared a national public health emergency; and

WHEREAS, on March 9, 2020, a Proclamation of Disaster Emergency was issued to coordinate the State of Iowa's response to this outbreak and such disaster continues to exist; and

WHEREAS, on March 11, 2020 the World Health Organization declared the COVID-19 outbreak a global pandemic; and

WHEREAS, on March 13, 2020, President Donald J. Trump issued a proclamation declaring that the COVID-19 outbreak in the United States constitutes a national emergency; and

WHEREAS, on March 17, 2020, a Proclamation of Public Health Disaster Emergency was issued to provide additional needed resources and measures to respond to this disaster, and such public health disaster continues to exist and should be extended until April 30, 2020; and

WHEREAS, the risk of transmission of COVID-19 may be substantially reduced by ensuring that dental services resume only in compliance with guidelines approved by the Iowa Dental Board; and

WHEREAS, the risk of transmission of COVID-19 may be substantially reduced by continuing to ensure business takes appropriate public health precautions while reopening; and

WHEREAS, strict compliance with the provisions of Iowa Code § 123.34(1) and Iowa Admin. Code rule 185-4.26 providing for the expiration of certain liquor licenses, beer permits, and wine permits would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Code § 279.10(1) prohibiting a school district from starting its school calendar before August 23, 2020, would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the regulatory provisions of Iowa Administrative Code rule 281-31.3(3)(a), regarding face-to-face contact between privately retained teachers and students receiving competent private instruction, would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the regulatory provisions of Iowa Code §§ 299A.3, 299A.4, and Iowa Administrative Code rules 281-31.8 and 281-31.9, regarding assessments of students receiving competent private instruction, would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the regulatory provisions of Iowa Administrative Code rule 281-31.4(3)(a), regarding face-to-face contact by home school assistance program teachers, would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the regulatory provisions of Iowa Code § 299A.1(2)(b) and Iowa Administrative Code rules 281-31.1(2)(b) and 281-31.11, regarding the provision of independent private instruction, would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the regulatory provisions of Iowa Administrative Code rule 281-36.15(2), regarding academic eligibility for interscholastic athletic competition, would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the regulatory provisions of Iowa Administrative Code rule 281-36.15(3)-(4), regarding transfer eligibility for interscholastic athletic competition, would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Code § 76.2(1)(b) requiring a county or a city to file with its county auditor a resolution prior to April 15 in order for the annual levy to begin with the tax levy for collection commencing July 1 of that fiscal year would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Code § 35B.6(1)(c) and Iowa Admin. Code rules 801-7.2(2) and 801-7.2(3)(c) requiring an executive director or administrator to complete a course of certification training within one year of employment would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Code § 544A.8 and Iowa Admin. Code rule 193B-2.3 establishing examination deadlines as a condition of initial licensure for architects would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Code §§ 543B.15(7) and 543B.15(8) establishing certain deadlines to complete education requirements prior to examination for initial licensure for real estate salespersons and real estate brokers would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Code §§ 536.11(2), 536A.14(1), and 537.2304 (2), and Iowa Admin. Code rules 187-15.12, 187-16.2(1), 187-17.12, 187-19.7, requiring a licensee to file annual reports would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state; and

WHEREAS, strict compliance with the provisions of Iowa Code §§ 533A.2(7), 533D.3(7), 535B.4(2)(b), 535D.4, 536.30, 536A.32, and 543E.20(5) and Iowa Admin. Code rules 187-15.3(2), 187-16.3(2), 187-17.3(2), 187-18.2(2), 187-19.2(5), 187-20.3(2), and 187-25.2(3) requiring the completion of a background check for initial licensure would prevent, hinder, or delay necessary action in coping with this disaster in all counties of our state.

NOW THEREFORE, I, KIMBERLY K. REYNOLDS, Governor of the State of Iowa, by the power and authority vested in me by the Iowa Constitution, Art. IV, §§ 1, 8 and Iowa Code §§ 29C.6(1), 135.140(6), and 135.144 do hereby proclaim a **STATE OF PUBLIC HEALTH DISASTER EMERGENCY** continues to exist throughout the entire state of Iowa and do hereby **ORDER** and **DIRECT** the following:

DENTAL SERVICES

SECTION ONE. Pursuant to Iowa Code § 135.144(3), and in conjunction with the Iowa Department of Public Health, unless otherwise modified by subsequent proclamation or order of the Iowa Department of Public Health, I hereby order that effective at 5:00 a.m. on May 8, 2020 and continuing until this disaster proclamation expires:

A. A dentist and his or her dental staff may resume providing any dental services if the dentist complies with the following requirements:

(1) All dental services are provided in compliance with the Guidelines for the Safe Transition Back to Practice adopted by the Iowa Dental Board on May 5, 2020.

(2) The dentist has adequate inventories of personal protective equipment (PPE) and access to a reliable supply chain without relying on state or local PPE stockpiles to comply with the Guidance for Returning to Work During COVID-19.

(3) The dentist has a plan to conserve PPE consistent with guidance from the CDC and Iowa Department of Public Health.

B. The performance of any dental procedures except in compliance with paragraph A continue to be prohibited.

C. This order shall be enforced by Iowa Dental Board investigators or their designees who, pursuant to Iowa Code § 153.33(1)(b), shall have the powers and status of peace officers when enforcing this order.

REOPENING OF ADDITIONAL BUSINESSES
(Statewide)

SECTION TWO. Pursuant to Iowa Code § 135.144 (3), and in conjunction with the Iowa Department of Public Health, unless otherwise modified by subsequent proclamation or order of the Iowa Department of Public Health, I hereby order that effective at 5:00 a.m. on May 8, 2020, and continuing until 11:59 p.m. on May 15, 2020:

A. Campgrounds: Any public or private campground may reopen, provided that the campground implements reasonable measures under the circumstances of each campground to ensure social distancing, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19 consistent with guidance issued by the Iowa Department of Public Health.

B. Drive-in movie theaters: The closure of theaters where motion pictures are shown shall not apply to a drive-in movie theater. A drive-in movie theater may reopen, but only to the extent that the theater ensures that all cars are parked at least six feet apart and takes other reasonable measures under the circumstances of each theater to ensure social distancing of employees and patrons, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19 consistent with Guidance issued by the Iowa Department of Public Health.

C. Tanning facilities: A tanning facility, as defined by Iowa Code § 136D.2(5), may reopen, but only to the extent that the facility takes other reasonable measures under the circumstances of each theater to ensure social distancing of employees and patrons, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19 consistent with Guidance issued by the Iowa Department of Public Health.

D. Medical spas: Medical spas, as defined in Iowa Admin Code § 653-13.8(1), may reopen to provide medical aesthetic services, but only if the medical spa complies with the requirements for performing outpatient procedures that utilize PPE in section 10, paragraph A, of the Proclamation of Disaster Emergency issued or April 27, 2020.

CLARIFICATION REGARDING
SOCIAL AND FRATERNAL CLUBS
(All counties except Allamakee, Benton, Black Hawk, Bremer, Dallas, Des Moines, Dubuque, Fayette, Henry, Iowa, Jasper, Johnson, Linn, Louisa, Marshall, Muscatine, Polk, Poweshiek, Scott, Tama, Washington, or Woodbury County)

SECTION THREE. Pursuant to Iowa Code § 135.144 (3), and in conjunction with the Iowa Department of Public Health, unless otherwise modified by subsequent proclamation or order of the Iowa Department of Public Health, I hereby order that effective at 5:00 a.m. on May 8, and until 11:59 p.m. on May 15, 2020:

A. **Social and fraternal clubs:** All social and fraternal clubs, including but not limited to American Legion or VFW posts, Elks Clubs, country clubs, and golf course clubhouses shall be closed, except that a golf course clubhouse may also be open to the minimal extent necessary to facilitate use of the golf course provided appropriate social distancing practices are implemented and any such social or fraternal club may reopen to serve food and beverages on its premises, but only to the extent that it complies with the following requirements:

(1) **Capacity limited:** The club must limit the number of customers present at indoor or outdoor spaces to 50% of its normal operating capacity to ensure adequate spacing of groups.

(2) **Groups limited:** The club must ensure that no group of customers seated together in the restaurant is larger than six people.

(3) **Social distancing:** The club must ensure at least six feet of physical distance between each group or individual dining alone.

(4) **Self-service prohibited**: The club must not have any self-service of food or beverages, including buffets or salad bars.

(5) **Social distancing, hygiene, and public health measures**: The club shall also implement reasonable measures under the circumstances of each restaurant to ensure social distancing of employees and customers, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19 consistent with guidance issued by the Iowa Department of Inspections and Appeals and the Iowa Department of Public Health.

(6) **Food Service Required:** If the club serves alcoholic beverages and the service of food is merely incidental to the consumption of beverages and is limited to the service of ice, snack foods and the reheating of commercially prepared foods such as frozen pizza, pre-packaged sandwiches, or other prepackaged, ready-to-serve products, the club shall continue to be closed to the public except that to the extent permitted by applicable law as modified by the suspensions in this Proclamation, and in accordance with any recommendations of the Iowa Department of Public Health, food and beverages may be sold if such food or beverages are promptly taken from the premises, such as on a carry-out or drive-through basis, or if the food or beverage is delivered to customers off the premises.

This section shall apply only to businesses and establishments located in an Iowa county other than **Allamakee, Benton, Black Hawk, Bremer, Dallas, Des Moines, Dubuque, Fayette, Henry, Iowa, Jasper, Johnson, Linn, Louisa, Marshall, Muscatine, Polk, Poweshiek, Scott, Tama, Washington, or Woodbury** counties.

REOPENING OF ADDITIONAL BUSINESSES
(Allamakee, Benton, Black Hawk, Bremer, Dallas, Des Moines, Dubuque, Fayette, Henry, Iowa, Jasper, Johnson, Linn, Louisa, Marshall, Muscatine, Polk, Poweshiek, Scott, Tama, Washington, and Woodbury counties)

SECTION FOUR. Pursuant to Iowa Code § 135.144 (3), and in conjunction with the Iowa Department of Public Health, unless otherwise modified by subsequent proclamation or order of the Iowa Department of Public Health, I hereby order that effective at 5:00 a.m. on May 8, and until 11:59 p.m. on May 15, 2020:

A. **Fitness centers:** All fitness centers, health clubs, health spas, gyms, aquatic centers shall continue to be closed, except that such a facility may open on an appointment basis, provided that the facility permits only a single patron at one time and takes reasonable measures under the circumstances of each facility to ensure social distancing of employees and patrons, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19 consistent with Guidance issued by the Iowa Department of Public Health.

B. **Malls:** An enclosed mall may reopen, but only to the extent that it complies with the following requirements:

   (1) Capacity limited: The mall must limit the number of customers present to 50% of its maximum legal occupancy capacity.

   1. **Common seating areas:** All common seating areas, such as food courts, shall remain closed. Restaurants in food courts may operate on a carry-out basis.

   2. **Play areas:** Any play area or playground must remain closed.

   3. **Social distancing, hygiene, and public health measures**: The mall shall also implement reasonable measures under the circumstances of each mall to ensure social distancing of employees and customers, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19 consistent with guidance issued by the Iowa Department of Public Health.

C. **Other retail establishments:** A retail establishments that was previously ordered to be closed under section 5, paragraph I, of the Proclamation of Disaster Emergency issued on April 27, 2020, may reopen, but only to the extent that it limits the number of customers present to 50% of its maximum legal occupancy capacity and implements reasonable measures under the circumstances of each establishment to ensure social distancing of employees and customers, increased hygiene practices, and other public health measures to reduce the risk of transmission of COVID-19 consistent with guidance issued by the Iowa Department of Public Health.

This section shall apply only to businesses and establishments located in **Allamakee, Benton, Black Hawk, Bremer, Dallas, Des Moines, Dubuque, Fayette, Henry, Iowa, Jasper, Johnson, Linn, Louisa, Marshall, Muscatine, Polk, Poweshiek, Scott, Tama, Washington, and Woodbury** counties.

SUSPENSION OF ALCOHOL LICENSE EXPIRATION

SECTION FIVE. Pursuant to Iowa Code § 29C.6(6), I temporarily suspend the regulatory provisions of Iowa Code § 123.34(1) and Iowa Admin. Code rule 185-4.26, to the extent class "A", class "B", class "C", and special class "C" liquor licenses and class "B" beer permits and class "C" wine permits expire one year from the date of issuance, unless sooner suspended or revoked. Suspension of these provisions shall extend through the duration of this Proclamation and any future extension of this suspension. I hereby direct the Iowa Alcoholic Beverages Division to provide guidance to licensees and permittees regarding the effect of these suspensions.

SCHOOL START DATE
FOR 2020-2021 SCHOOL CALENDAR

SECTION SIX. Pursuant to Iowa Code §§ 29C.6(6) and 135.144(3), in conjunction with the Iowa Department of Public Health, and at the request of Iowa Association of School Boards on behalf of numerous local governmental bodies, I temporarily suspend the regulatory provisions of Iowa Code § 279.10(1), to the extent that it prohibits a school district or accredited nonpublic school from beginning its school calendar before August 23, 2020, but only if the school district adopts a calendar as a part of its Return to Learn Plan submitted to the Iowa Department of Education that ensures that any instructional time scheduled before August 23, 2020, is in excess of the minimum instructional time of one hundred eighty days or one thousand eighty hours. This suspension applies only to the 2020-2021 school calendar as a result of the school closures ordered during this public health disaster emergency.

PRIVATE INSTRUCTION REQUIREMENTS

SECTION SEVEN. Pursuant to Iowa Code § 29C.6(6), I temporarily suspend the regulatory provisions of Iowa Administrative Code rule 281-31.3(3)(a), requiring face-to-face contact between children receiving competent private instruction from privately retained licensed practitioners and those practitioners.

SECTION EIGHT. Pursuant to Iowa Code § 29C.6(6), I temporarily suspend the regulatory provisions of Iowa Code sections 299A.3 and 299A.4, and Iowa Administrative Code rules 281-31.8 and 281-31.9, which require an annual assessment of children receiving competent private instruction and setting deadlines for reporting of assessment results.

SECTION NINE. Pursuant to Iowa Code § 29C.6(6), I temporarily suspend the regulatory provisions of Iowa Administrative Code rule 281-31.4(3)(a), requiring face-to-face contact between children receiving competent private instruction from home school assistance program teachers and those teachers.

SECTION TEN. Pursuant to Iowa Code § 29C.6(6), I temporarily suspend the regulatory provisions of Iowa Code section 299A.1(2)(b) and Iowa Administrative Code rules 281-31.1(2)(b) and 281-31.11, governing the provision of independent private instruction.

INTERSCHOLASTIC ATHLETICS REQUIREMENTS

SECTION ELEVEN. Pursuant to Iowa Code § 29C.6(6), I temporarily suspend the regulatory provisions of Iowa Administrative Code rule 281-36.15(2), the scholarship rule for interscholastic athletics. When school resumes and athletic competitions resume, all student athletes will be deemed to be academically eligible.

SECTION TWELVE. Pursuant to Iowa Code § 29C.6(6), I temporarily suspend the regulatory provisions of Iowa Administrative Code rule 281-36.15(3) and (4), the transfer rule for interscholastic athletics, to the extent that these subrules require a certain number of school days of ineligibility. Any day that a school is closed pursuant to a proclamation of the Governor shall be counted toward the days required by Iowa Administrative Code rule 281-36.15(3) and (4).

EXTENSION OF TAX LEVY RESOLUTION FILING DEADLINE

SECTION THIRTEEN. Pursuant to Iowa Code § 29C.6(6), and at the request of the City of Windsor Heights, I temporarily suspend the regulatory provisions of Iowa Code § 76.2(1)(b) to the extent a county or a city is required to file with its county auditor a resolution prior to April 15 in order for the annual levy to begin with the tax levy for collection commencing July 1 of that fiscal year, to the extent the resolution is filed prior to May 27.

VETERANS STAFF CERTIFICATION TRAINING

SECTION FOURTEEN. Pursuant to Iowa Code § 29C.6(6), and at the request on behalf of a county commission of veteran affairs, I temporarily suspend the regulatory provisions of Iowa Code § 35B.6(1)(c) and Iowa Admin. Code rules 801-7.2(2) and 801-7.2(3)(c), to the extent an executive director or administrator is required to complete a course of certification training within one year of employment.

ADDITIONAL PROFFESIONAL LICENSURE RELIEF

SECTION FIFTEEN. Pursuant to Iowa Code § 29C.6(6), I temporarily suspend the regulatory provisions of Iowa Code § 544A.8 and Iowa Admin. Code rule 193B-2.3 establishing examination deadlines as a condition of initial licensure for architects. I hereby direct the Architectural Examining Board to provide additional guidance to applicants for initial licensure regarding the effect of these suspensions.

SECTION SIXTEEN. Pursuant to Iowa Code § 29C.6(6), I temporarily suspend the regulatory provisions of Iowa Code §§ 543B.15(7) and 543B.15(8), establishing certain deadlines to complete education requirements prior to examination for initial licensure for real estate salespersons and real estate brokers. I hereby direct the Real Estate Commission to provide additional guidance to applicants for initial licensure regarding the effect of these suspensions.

SECTION SEVENTEEN. Pursuant to Iowa Code § 29C.6(6), I temporarily suspend the regulatory provisions of Iowa Code §§ 536.11(2), 536A.14(1), and 537.2304 (2), and Iowa Admin. Code rules 187-15.12, 187-16.2(1), 187-17.12, 187-19.7, requiring a licensee to file annual reports.

SECTION EIGHTEEN. Pursuant to Iowa Code § 29C.6(6), I temporarily suspend the regulatory provisions of Iowa Code §§ 533A.2(7), 533D.3(7), 535B.4(2)(b), 535D.4, 536.30, 536A.32, and 543E.20(5) and Iowa Admin. Code rules 187-15.3(2), 187-16.3(2), 187-17.3(2), 187-18.2(2), 187-19.2(5), 187-20.3(2), and 187-25.2(3), which require the completion of background checks for initial applicants as a condition of obtaining professional licensure. Suspension of these provisions shall extend through the duration of this Proclamation and any future extension of this suspension. I hereby direct all regulatory agencies governed by these provisions to, upon the expiration of this Disaster Emergency, conduct background checks for those applicants and take any necessary action resulting from completion of those checks, up to and including revocation of licensure.

IMPLEMENTATION AND INTERPRETATION

SECTION NINETEEN. The Iowa Department of Public Safety, Iowa Department of Public Health, Iowa Department of Education, Iowa Department of Homeland Security and Emergency Management, Iowa Department of Transportation, and other participating state agencies continue to be directed to monitor the operation and implementation of this proclamation to assure the public's health and safety.

SECTION TWENTY. In conjunction with the Department of Public Health pursuant to Iowa Code §§ 29C.18 and 135.35, all peace officers of the state continue to be called upon to assist in the enforcement of the provisions of this Proclamation.

SECTION TWENTY-ONE. Nothing contained in this declaration shall be construed as an exemption from any other portion of the Iowa Code or Iowa Administrative Code not specifically identified in this proclamation.

SECTION TWENTY-TWO. The provisions of this proclamation shall be effective immediately, unless otherwise noted. This proclamation shall not be construed to otherwise modify the proclamation of April 27, 2020. This state of public health disaster emergency shall continue to expire on May 27, 2020, at 11:59 p.m., unless sooner terminated or extended in writing by me.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND CAUSED THE GREAT SEAL OF THE STATE OF IOWA TO BE AFFIXED AT DES MOINES, IOWA THIS 6th DAY OF MAY IN THE YEAR OF OUR LORD TWO THOUSAND TWENTY.

KIMBERLY K. REYNOLDS
GOVERNOR

ATTEST:

PAUL D. PATE
SECRETARY OF STATE