ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2020-323
May 8, 2020

STATE OF EMERGENCY

The novel coronavirus (COVID-19) is a respiratory disease causing illness that can range from very mild to severe, including illness resulting in death, and many cases of COVID-19 have been confirmed in the Commonwealth.

The Kentucky Constitution and Kentucky Revised Statutes, including KRS Chapter 39A, empower me to exercise all powers necessary to promote and secure the safety and protection of the civilian population, including the power to suspend state statutes and regulations, and to command individuals to disperse from the scene of an emergency. Under those powers, I declared by Executive Order 2020-215 on March 6, 2020, that a State of Emergency exists in the Commonwealth. On March 18, 2020, I signed Executive Order 2020-243, encouraging all Kentucky citizens to take all feasible measures to engage in appropriate social distancing in accordance with the guidance of the Centers for Disease Control and Prevention ("CDC"). On March 22, 2020, I signed Executive Order 2020-246, ordering all in-person retail businesses that are not life-sustaining to close. On March 25, 2020, I signed Executive Order 202-257, requiring life-sustaining businesses to, to the fullest extent possible, utilize delivery or curbside service in lieu of in-person service, and to adhere to social distancing and hygiene guidance from the CDC.

Kentuckians are encouraged to remain Healthy at Home, which will continue to help protect our community from the spread of COVID-19. For the same reason, as the Kentucky economy reopens through phases Kentuckians and Kentucky businesses must be Healthy at Work.

On April 27 and May 1, 2020, the Secretary of the Cabinet for Health and Family Services, as my designee, modified the prior directives for elective medical procedures as part of the Healthy at Work Phase I reopening of healthcare facilities. Continuing with Healthy at Work Phase I of reopening, it is appropriate that certain businesses that are not

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life-sustaining be permitted to reopen with certain requirements that all entities in the Commonwealth must implement and follow, and certain requirements that specific sectors, businesses, and entities must implement and follow. While ensuring Kentuckians can be Healthy and Work, it is imperative that Kentuckians also be Healthy at Home, and part of that effort is ensuring Kentuckians have power, water, and shelter.

Order

I, Andy Beshear, by virtue of authority vested in me pursuant to the Constitution of Kentucky and by KRS Chapter 39A, do hereby Order and Direct as follows:

1. All businesses that are not life-sustaining that are described in this Order shall be permitted to reopen on May 11, 2020, subject to the requirements detailed in the Orders of the Cabinet for Health and Family Services implementing this Executive Order and requirements for specific sectors, businesses, and entities that will allow Kentuckians to be Healthy at Work, which may be found at https://govstatus.egov.com/ky-healthy-at-work.

2. For the purposes of this Order, entities that are not life-sustaining that are permitted to reopen on May 11, 2020 are as follows, including, but not limited to, entities that ceased operations under Executive Order 2020-257:

    a. **Manufacturing, distribution, and supply chain businesses.** Manufacturing companies, distributors, and supply chain businesses producing and supplying products and services in and for industries, including those that are not life-sustaining under paragraphs 1.*l.* and 1.p.of Executive Order 2020-257;

    b. **Vehicle and vessel dealerships.** Vehicle and vessel dealerships shall be permitted to reopen for the purpose of retail sales and purchases.

    c. **Horse racing tracks.** Horse racing tracks shall be permitted to reopen, but horse racing venues shall not be permitted to have in-person spectators or fans.

    d. **Pet care, grooming, and boarding businesses.** Pet care, grooming, and boarding businesses, shall be permitted to reopen.

    e. **Photography Businesses.** Photography businesses shall be permitted to reopen.

    f. **Office-based businesses.** All office-based businesses, including, but not limited to, professional services, finance and accounting, legal, insurance, engineering, real estate, scientific/technical, property

management, nonprofit organizations offering office-bases services, and other corporate offices and private office-based firms shall be permitted to reopen to allow the physical presence of employees with a 50-percent (50%) capacity of in-person employees.

3. **Requirements for all entities.** All entities shall implement and comply with the minimum requirements for all entities pursuant to subsequent Orders of the Cabinet for Health and Family Services implementing this Executive Order. The Cabinet Order and the minimum requirements for all entities may be found at https://govstatus.egov.com/ky-healthy-at-work.

4. **Requirements for specific sectors, businesses, and entities.** The following specific sectors, businesses, and entities shall, in addition to the minimum requirements under paragraph 3. of this Order, shall, pursuant to the Orders of the Cabinet for Health and Family Services implementing this Executive Order, implement and comply with the requirements detailed at https://govstatus.egov.com/ky-healthy-at-work:

    a. Manufacturing, distribution, and supply chain businesses;
    b. Construction businesses;
    c. Vehicle or vessel dealerships;
    d. Office-based businesses;
    e. Horse racing tracks;
    f. Pet care, grooming, and boarding businesses; and
    g. Photography businesses.

5. Failure to follow the requirements provided in this Order and any other Executive Order and any Cabinet Order, including but not limited to the Orders of the Cabinet for Health and Family Services implementing this Executive Order, is a violation of the Orders issued under KRS Chapter 39A, and could subject said business to closure or additional penalties as authorized by law.

6. **Suspension of utility disconnections.** Pursuant to the authority vested in me by KRS Chapter 39A, disconnections due to non-payment by all entities who provide natural gas, water, wastewater, or electric utility service within the Commonwealth, including, but not limited to entities created under KRS chapters 96 and 279, are prohibited for the duration of the State of Emergency under Executive Order 2020-215. Furthermore, those entities shall waive the assessment of late payment fees for the duration of the State of Emergency under Executive Order 2020-215. Nothing in this order is intended to supersede the orders of the Kentucky Public Service Commission for utilities under its jurisdiction. The Kentucky Public Service Commission's orders continue in full effect until rescinded or modified. No provision contained within this Order shall be construed as relieving any individual of the obligation to pay for a utility service provided, or to comply with any other obligation that an individual may have with a utility. Any communication related to this provision should be made to the Kentucky Public Service Commission.

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7. **Evictions Suspended**. Pursuant to the authority vested in me by KRS Chapter 39A, evictions from residential premises for failure to pay rent within the Commonwealth are suspended, and all state, county, and local law enforcement officers in the Commonwealth are directed to cease enforcement of orders of eviction for residential premises for the duration of the State of Emergency under Executive Order 2020-215. No provision contained within this Order shall be construed as relieving any individual of the obligation to pay rent, to make mortgage payments, or to comply with any other obligation that an individual may have under tenancy or mortgage. This provision of this Order shall be an amendment to paragraph 5. of Executive Order 2020-257.

8. **Additional Orders.** The following designees may provide guidance, clarification or modification of this Order to industries or businesses, and may otherwise issue orders necessary to the operation of government during the State of Emergency: the Governor's Executive Cabinet, as set forth in KRS 11.065; the Commissioner of Public Health; the Director of the Division of Emergency Management; and the Director of the Kentucky Office of Homeland Security.

9. **Prior Orders Remain In Effect**. All prior Executive Orders, and Orders issued by Cabinets pursuant to Executive Order 2020-215, remain in full force and effect, except to the extent they conflict with this Order. Non-life sustaining retail operations may continue to provide local delivery and curbside service of online or telephone orders, consistent with Executive Order 2020-246. Violations of these and other Orders issued pursuant to Executive Order 2020-215 are punishable as provided in KRS Chapter 39A.

10. **Firearms**. Consistent with KRS 39A.100(1)(h) and (3), nothing in this Order should be construed to interfere with the lawful sale of firearms and ammunition.

11. Nothing in this Order should be interpreted to interfere with or infringe on the powers of the legislative and judicial branches to perform their constitutional duties or exercise their authority.

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This Order shall be in effect for the duration of the State of Emergency herein referenced, or until this Executive Order is rescinded by further order or by operation of law.

ANDY BESHEAR, Governor
Commonwealth of Kentucky

MICHAEL G. ADAMS
Secretary of State