Gary Richard Herbert

Governor

EXECUTIVE ORDER
2020-54

Reauthorizing the Suspension of Enforcement of Utah Code § 32B-5-309 Regarding Ceasing Operation of Certain Retail Licensees

WHEREAS, on March 6, 2020, I issued Executive Order 2020-1, declaring a state of emergency to facilitate the State's response to novel coronavirus disease 2019 (COVID-19);

WHEREAS, on March 13, 2020, Donald J. Trump, President of the United States, issued the Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak;

WHEREAS, on May 8, 2020, I issued Executive Order 2020-21, suspending the enforcement of certain provisions of the Retail License Act, found in Utah Code Title 32B, Chapter 5, Part 3, Section 309, as necessary to address the impacts of the COVID-19 pandemic;

WHEREAS, the state of emergency declared in Executive Order 2020-1 expires on this day, August 20, 2020, causing the termination of several executive orders necessary to mitigate the spread of COVID-19, including Executive Order 2020-21;

WHEREAS, on this day, August 20, 2020, I issued Executive Order 2020-51, declaring a state of emergency due to the ongoing COVID-19 pandemic;

WHEREAS, the facts and conditions necessitating the suspension of enforcement of Utah Code § 32B-5-309 persist;

WHEREAS, COVID-19 has been characterized by the World Health Organization as a worldwide pandemic caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), a virus that spreads easily from person to person and can cause serious illness or death;

WHEREAS, Utah Code § 32B-5-309 prohibits certain retail licensees that serve alcoholic beverages from closing or ceasing operation for a period longer than 240 hours without notifying and receiving approval from the Department of Alcoholic Beverage Control (DABC);

WHEREAS, to mitigate the spread of COVID-19, state and local authorities have issued orders restricting the operation of businesses and restaurants, including retail licensees governed by Utah Code § 32B-5-309;

WHEREAS, the economic impact of COVID-19 and related orders has caused and is expected to cause some retail licensees governed by Utah Code § 32B-5-309 to close or cease operation for a period longer than 240 hours;

WHEREAS, enforcement of state and local health orders and Utah Code § 32B-5-309 places a significant burden on retail licensees and DABC;

WHEREAS, suspending the enforcement of provisions of Utah Code § 32B-5-309 is directly related to and necessary to address the COVID-19 pandemic;

WHEREAS, Utah Code § 53-2a-209(4) authorizes the governor to suspend by executive order enforcement of a statute that is directly related and necessary to address a state of emergency;

WHEREAS, Utah Code § 53-2a-204(1)(b) authorizes the governor to employ measures and give direction to state and local officers and agencies that are reasonable and necessary to secure compliance with orders made pursuant to Utah Code Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act:

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, hereby order the suspension of enforcement of Utah Code § 32B-5-309.

This Order shall take effect immediately upon Executive Order 2020-51 becoming effective and shall remain in effect until the date the state of emergency declared in Executive Order 2020-51 is terminated, or until otherwise lawfully modified, amended, rescinded, or superseded.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 20th day of August, 2020.

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor