STATE OF MISSISSIPPI

Office of the Governor

EXECUTIVE ORDER NO. 1492

WHEREAS, on March 14, 2020, pursuant to the Constitution of the State of Mississippi and Miss. Code Ann. § 33-15-11(b)(17), I issued a Proclamation declaring that a State of Emergency exists in the State of Mississippi as a result of the outbreak of COVID-19; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for COVID-19 beginning on January 27, 2020, on March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic, and on March 13, 2020, the President of the United States declared a nationwide state of emergency due to the coronavirus COVID-19 pandemic; and

WHEREAS, the worldwide outbreak of COVID-19 and the effects of its extreme risk of person-to-person transmission throughout the United States and Mississippi significantly impacts the life and health of our people, as well as the economy of Mississippi; and

WHEREAS, on March 26, 2020, the Mississippi State Department of Health announced new and expanded measures to increase testing and data analysis to identify regions and localities that are at higher risk for transmission of COVID-19 and to provide more location-specific restrictions and limitation of movement and social interaction to combat the virus in those regions and localities; and

WHEREAS, on April 1, 2020, in order to minimize the risk of possible further transmission of COVID-19 and related measures, I issued Executive Order No. 1466 instituting a statewide Shelter in Place effective at 5:00 p.m. on Friday, April 3, 2020, and remaining in full force and effect until 8:00 a.m. on Monday, April 20, 2020; and

WHEREAS, on April 17, 2020, I issued Executive Order 1473 extending the statewide Shelter in Place, with certain additional exceptions, until 8:00 a.m. on Monday, April 27, 2020; and

WHEREAS, consistent with the guidance provided by the White House for beginning the process of reopening the economy while minimizing the risk of a resurgence of COVID-19, as of April 24, 2020, the incidences of infection in Mississippi had stabilized; there was decreased utilization of hospital resources; a robust testing system was in place capable of promptly detecting any increase in the rate of infection; the healthcare system was capable of treating persons with the COVID-19 and had the capacity to promptly react to any increase in incidences; and the State had in place a plan to rapidly scale up healthcare capacity in the event of an increase in the rate of infection, accordingly, I issued Executive Order 1477 establishing the statewide Safer at Home order allowing certain businesses to open and operate under certain conditions, until 8:00 a.m. on Monday, May 11, 2020; and

WHEREAS, on May 8, 2020, I issued Executive Order 1480 extending the Safer at Home order as amended allowing certain additional businesses to open and operate under certain conditions, until 8:00 a.m. on Monday, May 25, 2020; and

WHEREAS, on May 22, 2020, I issued Executive Order 1488 further extending the Safer at Home order until 8:00 a.m. on Monday, June 1, 2020; and

WHEREAS, consistent with the guidance provided by the White House, during the course of the Safer at Home order Mississippi has seen no evidence of a spike in the number of COVID-19 cases; and

WHEREAS, Mississippi must protect lives while restoring livelihoods, both of which can be achieved with the expert advice of medical professionals and business leaders; and

WHEREAS, a measured and strategic plan to reopen the economy is essential to the health, safety and well-being of Mississippi residents, and in consultation with the State Health Officer, Mississippi can resume further recreational, business and healthcare activities under the limitations set forth herein.

NOW, THEREFORE, I, Tate Reeves, Governor of the State of Mississippi, by the authority vested in me by the Constitution and laws of the State of Mississippi, do hereby order and direct as follows:

I. Safe Return Order

a. ***Duration:*** This Safe Return Order to restart the economy and resume community activities safely shall be effective at 8:00 a.m. on Monday, June 1, 2020, and shall remain in full force and effect until 8:00 a.m. on Monday, June 15, 2020, unless rescinded, modified or extended.

b. ***Safer at Home:*** All vulnerable individuals, including all elderly individuals (age 65 or older per CDC guidelines) and individuals with serious underlying health conditions, including high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune systems are compromised as such by chemotherapy for cancer or any other condition requiring such therapy, are strongly encouraged to stay at home as much as possible; to maintain appropriate distance from any member of the household who has been out of the residence in the previous 14 days; and, if leaving the home, to implement social distancing and to practice good hygiene, environmental cleanliness, and sanitation.

c. ***Group Gatherings (Social Distancing IS NOT Possible):*** Public and private social gatherings and recreational activities shall be limited to groups of no more than 20 people in a single indoor space or groups of no more than 50 people in an outdoor space where individuals are in close proximity (less than 6 feet) to each other.

d. ***Group Gatherings (Social Distancing IS Possible):*** Except as otherwise provided, public and private social gatherings and recreational activities shall be limited to groups of no more than 50 people in a single indoor space or groups of no more than 100 people in an outdoor space where individuals are able to maintain a minimum of 6 feet separation.

e. ***Travel:*** All travel may resume. Non-essential business travel should be minimized, and for any such travel individuals should adhere to CDC guidelines regarding isolation following travel.

f. ***Business Operations:*** All businesses and non-profit entities operating within the State of Mississippi may reopen/remain open subject to the following limitations to minimize person to person interactions and associated risk of transmission of COVID-19:

i. Consistent with Executive Orders 1458 and 1463, businesses and non-profits are encouraged to continue utilizing work from home or other telework procedures.

ii. Businesses and non-profit entities shall make reasonable, good-faith efforts to comply with the Mississippi State Department of Health's and CDC's regulations and guidelines to prevent the spread of COVID-19, including, but not limited to, social distancing, sending sick employees home and actively encouraging sick employees to stay home, separating and sending home employees who appear to have respiratory illness symptoms, adopting and enforcing regular and proper hand-washing and personal hygiene protocols and daily screening of employees and volunteers for COVID-19 related symptoms before beginning shift.

iii. All employees shall be required to report any symptoms of COVID-19 to their supervisor, and any employee who exhibits any of the symptoms of COVID-19 during their shift shall be sent home immediately and advised to consult with their physician.

iv. Retail businesses shall adopt reasonable, good-faith measures to prevent the spread of COVID-19, including but not limited to, limiting the number of

customers in their stores at one time to no greater than 50% of store capacity in order to ensure compliance with social distancing protocols, and frequent cleaning of high-contact surfaces (such as retail counters, door handles, credit card machines). Retail businesses are encouraged to make hand sanitizer available to their customers upon entry of their stores.

v. To the extent possible, all common areas where employees or customers are likely to congregate and interact shall be closed or strict social distancing protocols should be enforced (maintaining a minimum of 6 feet distance between individuals and no gatherings in groups of more than 20 people).

vi. Restaurants and bars shall continue to offer in-house (indoor or outdoor) dining pursuant to the limitations in Paragraph I(a) and its subparts of Executive Order 1478, as amended by Paragraph I of Executive Order 1486.

vii. Paragraph I(a)(xii) of Executive Order 1478 is amended to permit bars that do not serve food to reopen subject to the limitations on restaurants and bars in Paragraph I(a) and its subparts of Executive Order 1478, including limiting the number of customers to 50% of maximum capacity and setting hours of operation to close to the public no later than 10:00 p.m.

viii. Paragraph I(a)(xii) of Executive Order 1478 is amended to permit restaurants and bars to have live music. There shall be a minimum of 12 feet of separation between the musicians and restaurant/bar customers. It shall be the responsibility of the restaurant and/or bar to maintain social distancing between customers while live music is being performed.

ix. Salons, barber shops, spas, massage parlors, and other personal care and personal grooming facilities shall continue to operate pursuant to the limitations in Paragraph I(a) and its subparts of Executive Order 1480.

x. Tattoo parlors (including body piercing) shall continue to operate pursuant to the limitations in Paragraph II and its subparts of Executive Order 1486.

xi. Fitness centers and exercise gyms shall continue to operate pursuant to the limitations in Paragraph I(b) and its subparts of Executive Order 1480.

xii. Dance studios shall continue to operate pursuant to the limitations in Paragraph III of Executive Order 1486.

xiii. Libraries and museums shall operate pursuant to the limitations in Paragraph III of Executive Order 1491.

xiv. Movie theaters and auditoriums shall operate pursuant to the limitations in Paragraph II of Executive Order 1491.

g. ***Healthcare Activities:***

i. Healthcare professionals and healthcare facilities may continue to perform all procedures that are medically necessary to correct a serious medical condition of, or to preserve the life of, a patient who without immediate performance of the surgery or procedure would be at risk for serious adverse medical consequences or death.

ii. Healthcare professionals and healthcare facilities may continue to perform all non-emergent, elective medical procedures and surgeries, as clinically appropriate, in accordance with the guidance provided by the Mississippi State Department of Health, including the following:

1. Every effort should continue to be made to deliver care without being in the same physical space, such as utilizing telehealth, phone consultations, and physical barriers between providers and patients.
2. For all in-patient procedures and surgeries, the healthcare facility where the surgery or procedure is performed must reserve at least 25% of its hospital capacity for treatment of COVID-19 patients, accounting for the range of clinical severity of COVID-19 patients.
3. The non-emergent elective medical procedure or surgery should require the use of minimal disposable personal protective equipment, and the healthcare professional and healthcare facility will not request any personal protective equipment from any public source, whether federal, state or local, for the duration of the COVID-19 disaster in order to perform such procedure or surgery.
4. Regardless of symptoms, all healthcare professionals and healthcare facilities shall screen all patients for recent illness, travel, fever, or recent exposure to COVID-19, and to the extent that is possible,

begin testing all patients prior to the procedure or surgery consistent with guidance from the Mississippi State Department of Health.

5. To the extent possible pre-procedure and pre-surgery COVID-19 screening shall occur outside of the facility, and waiting rooms and common areas shall limit capacity and seating to ensure social distancing (maintaining a minimum of 6 feet distance between individuals).
6. There shall be no visitors in the healthcare facility except one spouse or caregiver who resides with the patient will be allowed into the facility at the time the patient is admitted or discharged.

iii. Healthcare professionals and healthcare facilities may continue performing non-emergent, elective dental procedures and surgeries as clinically appropriate and in accordance with the guidelines established by the Mississippi State Department of Health including conserving disposable personal protective equipment.

iv. Consistent with Paragraph 1(c) of Executive Order 1463, hospitals, nursing homes and retirement or long-term care facilities shall not allow visitors unless to provide critical assistance, to visit residents receiving imminent end-of-life care, or as otherwise directed by the healthcare facility, provided in the professional opinion of the supervising physician or other supervising healthcare professional at such facility that such visit can be accomplished without unreasonable risk to staff or other residents of such facilities. In lieu of in-person visits, electronic visits are encouraged.

h. ***Outdoor Recreational Activities***: Except as otherwise provided herein, outdoor recreational activities are permitted, subject to any limitations and restrictions as may be imposed by the Mississippi Department of Wildlife, Fisheries and Parks or local authorities:

i. Where possible, individuals shall maintain social distancing of a minimum of six feet separation between each individual.

ii. Group gatherings/activities shall be limited pursuant to Paragraphs I(c) and (d) of this Executive Order.

iii. State parks, municipal parks, and private parks may continue to be open to the public subject to any limitations or restrictions established by the Mississippi Department of Wildlife, Fisheries and Parks or local authorities.

iv. Beaches, state park lakes, state lakes and reservoirs shall continue to remain open subject to the limitations in Paragraph I(b) and its subparts of Executive Order 1473.

v. Paragraph I(b)(iv) of Executive Order 1473 is amended to allow beaches and sandbars located in the Pearl River Valley Water Supply District (PRVWSD) to open subject to the regulations issued by the PRVWSD provided such regulations require at a minimum adherence to strict social distancing (maintaining a minimum of 6 feet distance between individuals), subject to group gathering limitations herein, and adherence to the most recent regulations or guidelines issued by the MSDH and CDC. Beaches and sandbars associated with state lakes shall remain closed.

vi. Recreational boating and fishing is permissible subject to the limitations in Paragraph I(b) and its subparts of Executive Order 1473. Fishing tournaments are permitted subject to the limitations in Paragraph V or Executive Order 1486.

vii. Pools may continue to be open to the public between the hours of 6:00 a.m. and 10:00 p.m. subject to group gathering limitations herein and any limitations or restrictions as may be imposed by local authorities.

viii. Outdoor sports complexes and multi-field facilities may operate subject to the limitations in Paragraph I and its subparts of Executive Order 1491.

ix. School weight rooms and training facilities may continue to be open to students in accordance with the limitations placed on gyms pursuant to Paragraph I(b) and its subparts of Executive Order 1480. Outdoor practices may continue, subject to the rules and regulations of the governing athletic associations, and in accordance with the limitations of subsections (i) and (ii) above.

x. Outdoor places of amusement and recreation, including amusement parks and rides, waterparks, go-cart tracks, mini golf, and playgrounds may continue to be open to the public subject to the limitations in Paragraph II and its subparts of Executive Order 1487.

i. ***Indoor Recreational and Places of Amusement***: Except as otherwise provided herein, indoor places of amusement, including children's party and play facilities, playgrounds, trampoline facilities, bowling alleys, roller skating rinks, arcades, and social clubs (collectively "indoor places of amusement") may open subject to the following limitations:

i. Prior to resuming operations, the indoor place of amusement, including areas not open to the public, shall be deep cleaned, disinfected and sanitized.

ii. Indoor places of amusement shall make reasonable, good-faith efforts to comply with the Mississippi State Department of Health's and CDC's regulations and guidelines to prevent the spread of COVID-19, including, but not limited to, social distancing, sending sick employees home and actively encouraging sick employees to stay home, separating and sending home employees who appear to have respiratory illness symptoms, adopting and enforcing regular and proper hand-washing and personal hygiene protocols and daily screening of employees and volunteers for COVID-19 related symptoms before beginning shift.

iii. Indoor places of amusement shall conduct a daily screening of all employees at the beginning of their shift. Such daily screening shall include the following questions, and any employee answering any question in the affirmative shall be sent home:

1. Have you been in close contact with a confirmed case of COVID-19 in the past 14 days?
2. Are you experiencing a cough, shortness of breath, or sore throat?
3. Have you had a fever in the last 48 hours?
4. Have you had new loss of taste or smell?
5. Have you had vomiting or diarrhea in the last 24 hours?

iv. All employees shall be required to report any symptoms of COVID-19 to their supervisor, and any employee who exhibits any of the symptoms of COVID-19 during their shift shall be sent home immediately and advised to consult with their physician.

v. All employees shall be provided training regarding minimizing the spread of COVID-19, including reinforcement of proper sanitation, hand washing, cough and sneeze etiquette, and using PPE.

vi. Break rooms shall be thoroughly cleaned and sanitized, and the number of employees in the break room shall be limited to allow for strict social distancing (a minimum of six feet between employees and no gathering of more than ten employees).

vii. Appropriate PPE shall be worn by all employees based on their duties and responsibilities and in adherence to state and local regulations and guidelines. Every employee who comes into direct contact with customers shall be provided a face covering, covering the nose and mouth, and shall be required to wear the face covering while on duty. Such face coverings shall be cleaned or changed at least daily.

viii. Signage shall be posted at each entrance stating no customer with a fever or other symptom of COVID-19 is permitted in the indoor place of amusement.

ix. Customers shall be screened for illness prior to their entry into the indoor place of amusement.

x. The number of customers in the indoor place of amusement at one time shall be no greater than 50% of maximum capacity to ensure compliance with social distancing protocols.

xi. Hand sanitizer shall be available to their customers at all points of entry and exit and throughout the indoor place of amusement.

xii. All equipment, machines and games shall be rearranged to ensure at least six feet of separation between customers.

xiii. Roller skates, bowling balls and shoes, laser tag guns, equipment, including trampolines, and any other item used by customers shall be sanitized and disinfected after each use.
xiv. All high-touch areas, including all door handles shall be sanitized, at a minimum, once every two hours.
xv. Group gatherings, including special event parties, shall be limited to a maximum of 20 customers.
xvi. The indoor place of amusement, including all equipment, machines and games, shall be wiped down, cleaned and sanitized daily.

j. ***Reception halls and conference centers:*** Reception halls and conference centers shall be permitted to reopen subject to the following limitations:
i. The number of guests in the reception hall or conference center shall be no greater than 25% of maximum seating capacity.
ii. All events must be seated. Tables shall be arranged to ensure a minimum of 6 feet of separation between tables. Seating at each table shall be limited to a maximum of 6 guests.
iii. Food services are subject to the limitations placed on restaurants pursuant to Paragraph I(a) and its subparts of Executive Order 1478.

k. ***Schools:*** Beginning June 1, 2020, public school districts may open their buildings to the public to offer in-person classroom instructional activities and learning options, such as summer school programs, special education evaluations, specialized assessments, and individualized tutoring in accordance with guidance issued by the Mississippi State Department of Health and Mississippi Department of Education. Private schools and institutions of higher learning may open their building and campuses to the public and are encouraged to establish protocols and standards to allow students, teachers and staff to return to schools for educational purposes.

l. ***County and Local Municipal Authority***: Nothing in this Executive Order shall limit or alter the authority of any local or county authority from adopting orders, rules, regulations, resolutions, and actions that are more strict than established herein, provided that they do not impose restrictions that prevent any Essential Business Operations as identified in Executive Order No. 1463 as Supplemented from operating at such level necessary to provide essential services and functions during this COVID-19 State of Emergency.

II. Courts Are Open:
a. Pursuant to Article 3, §§ 24, 25, 26, and 26A of the Mississippi Constitution, and consistent with administrative orders of the Supreme Court of the State of Mississippi, all State Courts are open to fulfill their constitutional and statutory duties.
b. Nothing in this or any Executive Order issued in response to COVID-19 is intended to conflict with or otherwise infringe upon any administrative order issued by or under the direction of the Supreme Court of the State of Mississippi.

III. Enforcement of Safe Return Order:
a. This Executive Order may be enforced by all State, County and Local law enforcement, as well as by other governmental entities (such as State and local departments of health) to the fullest extent under Mississippi law including, *inter alia*, Miss. Code. Ann. §§ 33-15-11(b)(5) and 33-15-11(b)(6).
b. Violations of this Executive Order are subject to the provisions of Miss. Code Ann. § 33-15-43.

IV. Delegate Authority to Issue and Enforce Quarantine and Isolation Orders:
a. Pursuant to Miss. Code Ann. §§ 33-15-11(b)(5) and 33-15-31, the State Health Officer in consultation with the Governor is authorized and empowered to issue such orders as necessary to carry out, implement, and enforce any quarantine or isolation orders to contain and restrict transmission of COVID-19.

b. That this authority is in addition to, and consistent with, the Mississippi State Department of Health's authority to issue, maintain and enforce isolation and quarantine orders pursuant to Miss. Code Ann. § 41-23-5 and other controlling law.
c. Nothing in this Executive Order limits or alters the authority under Miss. Code Ann. § 21-19-3 for a governing authority of a municipality to enact and enforce more restrictive measures to contain and restrict transmission of COVID-19.

V. That all departments, commissions, agencies, institutions, and boards of the State of Mississippi, political subdivisions thereof, counties, municipalities and school districts are authorized and directed to cooperate in actions and measures taken in response to COVID-19 during the State of Emergency.

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

DONE in the City of Jackson, on the 28TH day of May, in the year of our Lord, two thousand and twenty, and of the Independence of the United States of America, the two hundred and forty-fourth.

Tate Reeves

TATE REEVES
GOVERNOR

BY THE GOVERNOR

Michael Watson

MICHAEL WATSON
SECRETARY OF STATE