CHRISTOPHER T. SUNUNU
Governor

# STATE OF NEW HAMPSHIRE
## OFFICE OF THE GOVERNOR

**STATE OF NEW HAMPSHIRE**
**BY HIS EXCELLENCY**
**CHRISTOPHER T. SUNUNU, GOVERNOR**

**Emergency Order #72 pursuant to Executive Order 2020-04 as extended by Executive Orders, 2020-05, 2020-08, 2020-09, 2020-10, 2020-14, 2020-15, 2020-16, 2020-17, 2020-18, 2020-20 and 2020-21**

**An order regarding travel guidance and extending Emergency Order #52**

**WHEREAS,** on Friday, March 13, 2020, the President of the United States declared a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak; and

**WHEREAS,** on Friday, March 13, 2020, the Governor issued Executive Order 2020-04, an order declaring a state of emergency due to the Novel Coronavirus (COVID-19); and

**WHEREAS,** the Governor issued Executive Orders 2020-05, 2020-08, 2020-09, 2020-10, 2020-14, 2020-15, 2020-16, 2020-17, 2020-18, 2020-20 and 2020-21 extending the State of Emergency declared in Executive Order 2020-04; and

**WHEREAS,** on May 1, 2020, the Governor issued Emergency Order #40, an order extending and modifying Emergency Order #17 (Closure of non-essential businesses and requiring Granite Staters to stay home), which contained the Stay At Home 2.0 plan that had been unanimously approved by the Governor's Economic Re-Opening Task Force and approved by the Department of Health and Human Services, Division of Public Health; and

**WHEREAS,** on June 15, 2020, the Governor issued Emergency Order #52, an order issuing public health guidance for business operations and advising Granite Staters that they are safer at home, which contained the Safer at Home plan enabling the State to continue to take steps to gradually re-open New Hampshire's economy in multiple phases; and

**WHEREAS,** on July 31, 2020, the Governor issued Emergency Order #61, an order extending Emergency Order #52; and

**WHEREAS,** on August 31, 2020, the Governor issued Emergency Order #66, an order extending Emergency Order #52; and

**WHEREAS,** on September 30, 2020, the Governor issued Emergency Order #70, an order extending Emergency Order #52; and

**WHEREAS,** the conditions necessitating Emergency Orders #40, #52, #61, #66, and #70 are still present in New Hampshire and in other states; and

**WHEREAS,** New Hampshire State Epidemiologist Dr. Benjamin Chan has determined that community mitigation has been and continues to be critically important; and

**WHEREAS,** Dr. Chan advises that relaxing community mitigation efforts risks additional COVID-19 outbreaks; and

**WHEREAS,** on May 29, 2020, the U.S. Supreme Court observed that "[t]he precise question of when restrictions on particular social activities should be lifted during the [COVID-19] pandemic is a dynamic and fact-intensive matter subject to reasonable disagreement," and stated that "[o]ur Constitution principally entrusts the safety and health of the people to the politically accountable officials of the States to guard and protect," *South Bay United Pentecostal Church, et al., Applicants* v. *Gavin Newsom, Governor of California, et al.*, No. 19A1044, 590 U.S. __ (2020), at 3 (Roberts, C.J., concurring); and

**WHEREAS,** New Hampshire's courts have recognized that the COVID-19 pandemic justifies the Governor's declaration of a State of Emergency and the restrictions placed on New Hampshire's citizens, businesses, and other organizations through the Emergency Orders. *See Binford, et. al. v. Sununu,* Merrimack Cty. Super. Ct., 217-2020-CV-00152 (March 25, 2020) (Kissinger, J.), at 7-9; *Devine v. Sununu,* Rockingham Cty. Super. Ct., 218-2020-CV-00602 (June 18, 2020) (Schulman, J.); *Cooper v. Sununu,* Hillsborough Cty. Super. Ct., Southern Dist., 2020-CV-00266 (July 13, 2020) (Colburn, J.), at 15; *Athens v. Sununu*, Cheshire Cty. Super. Ct., 213-2020-CV-00104 (July 14, 2020) (Ruoff, J.), at 6–7; and

**WHEREAS,** New Hampshire courts have recognized that the outbreak and death toll in New Hampshire would likely be higher without the Governor's initial order declaring a State of Emergency, and that, given the alarming number of cases in neighboring states and the national and international coordination required to sufficiently control the spread of the disease, COVID-19 is a "disaster of major proportions" that lies "beyond local control." *BAMP Track Operations, LLC v. Sununu*, Merrimack Cty. Super. Ct., 214-2020-CV-00046, at 13; and

**WHEREAS,** the COVID-19 pandemic continues to affect New Hampshire residents and there is a continued need to take significant precautions; and

**WHEREAS,** the outbreak of COVID-19 has confronted the State with an unprecedented public health emergency and with financial and economic devastation resulting therefrom, which require the State to continue to respond rapidly to ensure that necessary supplies, economic infrastructure, and other appropriate emergency responses are provided immediately; and

**WHEREAS,** based on the facts and circumstances described herein, and those described in Emergency Orders #52, #61, #66 and #70, the Governor has determined that it is necessary to issue revised travel guidance and extend Emergency Order #52.

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**NOW, THEREFORE, pursuant to Section 18 of Executive Order 2020-04 as extended by Executive Orders 2020-05, 2020-08, 2020-09, 2020-10, 2020-14, 2020-15, 2020-16, 2020-17, 2020-18, 2020-20, and 2020-21 it is hereby ordered, effective immediately, that:**

1. Beginning on November 15, 2020, in addition to the travel related provisions of the Universal Guidelines for New Hampshire employers and employees, all New Hampshire residents and travelers/visitors to the State of New Hampshire must comply with the travel guidance documents issued by the Division of Public Health and included on Exhibit A to this Order.

2. Emergency Order #52, as extended by Emergency Orders #61, #66 and #70, issued pursuant to Executive Order 2020-04, as extended by Executive Orders 2020-05, 2020-08, 2020-09, 2020-10, 2020-14, 2020-15, 2020-16, 2020-17, 2020-18, 2020-20, and 2020-21 is hereby extended and shall remain in effect until January 15, 2021.

3. The provisions of this Order shall remain in effect until January 15, 2021.

Given under my hand and seal at the Executive Chambers in Concord, this 14th day of November, in the year of Our Lord, two thousand and twenty, and the independence of the United States of America, two hundred and forty-four.

Chris Sununu

**GOVERNOR OF NEW HAMPSHIRE**

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## EXHIBIT A

### Travel Guidance Documents

In addition to the travel related provisions of the Universal Guidelines for New Hampshire employers and employees, all New Hampshire residents and travelers/visitors to New Hampshire must comply with the following travel guidance documents issued by the Division of Public Health:

New Hampshire Covid-19 Travel Guidance:
https://www.dhhs.nh.gov/dphs/cdcs/covid19/documents/travel-guidance.pdf

Employer Travel, Screening, and Exclusion Guidance:
https://www.dhhs.nh.gov/dphs/cdcs/covid19/documents/employee-travel-guidance.pdf

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