STATE OF INDIANA

EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER 20-35

FOR: **BACK ON TRACK INDIANA: STAGE 4.5**

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, on March 6, 2020, I issued Executive Order 20-02 which declared that a public health emergency exists throughout the State of Indiana as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and a confirmed report of the disease in our State and this initial declaration has been extended by me in Executive Orders 20-17, 20-25, 20-30 & 20-34;

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 to be a global pandemic and, on March 13, 2020, the President of the United States declared a national emergency with respect to this dangerous virus;

WHEREAS, as of the date of this Executive Order, the virus has now spread to every county in our State, with over 45,000 confirmed cases and over 2,400 deaths;

WHEREAS, as Governor, under Indiana's Emergency Management and Disaster Law, Ind. Code ch. 10-14-3 ("Emergency Disaster Law"), I have authority to take actions necessary to prepare for, respond to and address a public health disaster emergency including the following:

- making, amending and rescinding the necessary orders, rules and regulations to carry out the response to a public health disaster emergency;
- suspending the provisions of any regulatory statute prescribing the procedures for conduct of state business, including the orders, rules or regulations of any state agency if strict compliance with any of these provisions would in any way prevent, hinder, or delay necessary action in coping with the emergency;
- transferring the direction, personnel, or functions of state departments and agencies or units for performing or facilitating emergency services; and
- using any and all available resources of state government and of each political subdivision of our State as reasonably necessary to cope with the public health disaster emergency;

WHEREAS, in addition to the authority granted to me by the Indiana General Assembly, the Indiana State Department of Health (ISDH) has been granted authority under Title 16 of the Indiana Code to take measures in connection with prevention and suppression of disease and epidemics;

WHEREAS, the Indiana Occupational Safety and Health Agency (IOSHA) has authority under Title 22 of the Indiana Code to inspect and take steps to ensure businesses are operating a workplace free from recognized hazards that are causing or likely to cause death or serious physical harm to employees;

WHEREAS, to reduce and slow the spread of COVID-19, the Centers for Disease Control and Prevention (CDC) and the ISDH recommended implementation of mitigation strategies to contain this virus including limitations on large gatherings and social distancing measures;

WHEREAS, in order to take all necessary steps to increase containment of this virus, I have issued various Executive Orders including a stay-at-home order, closure of state government buildings and restrictions on in-person dining at restaurants;

WHEREAS, by consulting with experts utilizing a data-driven approach to make decisions based on facts, science, and recommendations from experts in health care, business, labor, and education, we began to reopen our Hoosier economy while prioritizing Hoosiers' health in reopening our economy;

WHEREAS, to continue mitigation of COVID-19 and to lower the risk of a resurgence, a measured and staggered approach to reopening businesses and entities has been instituted. Five stages were outlined with each ensuing stage being subject to fewer restrictions and limitations than the previous stage, as follows:

- Stage 1 began with the stay-at-home directive issued on March 23, 2020, and continued until May 4, 2020 when Stage 2 commenced;
- Stage 2 began the reopening of Indiana on May 4, 2020, and continued until May 22, 2020 when Stage 3 commenced;
- Stage 3 continued the reopening of Indiana on May 22, 2020, and continued until June 12, 2020, when Stage 4 commenced;
- Stage 4 further expanded the reopening of Indiana, beginning on June 12, 2020, and is scheduled to expire at 11:59 on July 3, 2020; and
- Subject to continuing improvement, Stage 5 was scheduled to begin at 12:01 a.m. on July 4, 2020;

WHEREAS, as the impact of COVID-19 for each county has varied, the impact in each county will be continually assessed to determine which stage applies to a particular county at the end of each time period. If the impact of COVID-19 is minimal or has significantly lessened, the county may be permitted to advance to the next stage. However, if the impact of COVID-19 has increased or failed to lessen, the county may be required to stay at the current stage or return to a prior stage;

WHEREAS, for a county to advance to the next stage or be required to stay at a current stage or return to a prior stage, the following factors will be considered: i) the number of hospitalized COVID-19 patients; ii) the capacity for critical care beds and ventilators; iii) the ability to test for COVID-19; and iv) the capacity for contact tracing;

WHEREAS, since the reopening of Indiana began on May 4, 2020, the number of hospitalized COVID-19 patients has decreased and continues to decrease; our capacity for critical care beds and ventilators is stable; our testing for COVID-19 is increasing; and our ability to contact trace is available and ongoing in all 92 counties; however, the percentage of positive cases compared to the number of tests performed has increased in recent days and thus, warrants additional monitoring before a significant lessening of further restrictions occurs;

WHEREAS, throughout many areas across the United States, there are preliminary signs of increased coronavirus spread and evidence of resurgence in areas where there has been significant reopening of businesses and easing or disregard of mitigation efforts;

WHEREAS, based on all of the above, Indiana must refrain from transitioning fully into Stage 5 and must, instead, move cautiously into a new stage, Stage 4.5, which will take limited steps to further reopen our Hoosier economy while continuing to take measures to protect Hoosiers from the spread of this dangerous virus.

NOW, THEREFORE, I, Eric J. Holcomb, by virtue of the authority vested in me as Governor by the Indiana Constitution and the laws of the State of Indiana, do hereby order:

1. **Stage 4.5**

   a. All Indiana counties, except Elkhart county, will transition to Stage 4.5 at 11:59 p.m. on Friday, July 3, 2020. Stage 4.5 will continue until 11:59 p.m. on Friday, July 17, 2020, unless extended.

   b. All individuals in counties designated at, or transitioning into, Stage 4.5 shall follow the directives in Executive Order 20-32 as modified by this Executive Order.

   c. Individuals in Elkhart county will remain in Stage 4 through 11:59 p.m. on July 17, 2020, must continue to adhere to the directives in Executive Order 20-32, Stage 4. Executive Order 20-32 is extended and remains in full force and effect.

   d. Unless otherwise specified, nothing in this Executive Order prohibits a county or political subdivision from imposing more stringent requirements than in this Executive Order or Executive Order 20-32.

2. **Youth Overnight Camps**

   In Stage 4.5, youth overnight camps may commence subject to the following requirements:

   a. *Employees:* There must be an employee screening procedure which must have and implement a daily health assessment for all employees and prohibit any employee presenting with symptoms from working;

   b. *Campers:* Establish and follow a screening procedure to determine whether a camper exhibits symptoms or has had contact with another who has had symptoms;

   c. *Face Coverings:* It is recommended adults and campers over the age of two wear face coverings; and

   d. *Adult to Child Ratio:* It is recommended to follow any applicable statute, rule or CDC guidance if no statute or rule applies on the ratio of adults to children.

3. **Fairs, Festivals & Parades**

   In Stage 4.5, fairs, festivals, parades and other places of public amusement may resume, and if indoor, participants may not exceed 50% of occupancy, must also ensure social distancing can be achieved and maintained, and sanitation measures are implemented. If outdoor, the event must ensure social distancing can be achieved and maintained and sanitation measures are implemented. Whether indoor or outdoor, face coverings are strongly recommended.

4. **Conventions**

In Stage 4.5, conventions may resume but are subject to the "Gatherings and Meetings" requirements of ¶ 13 in Executive Order 20-32, specifically a convention may have up to two hundred fifty (250) people per site or venue provided social distancing requirements can be achieved and maintained and other sanitation measures are implemented at the site where the convention occurs. Face coverings are strongly recommended. Convention planners are encouraged to ensure a health screening process for staff and attendees is instituted.

5. **Horse Racing**

In Stage 4.5, qualifying races and pari-mutuel racing at Indiana's racinos is permitted and spectators may be present up to 50% capacity.

6. **State Government Operations**

Public access to all state government buildings, offices and facilities throughout the state may be restricted to appointment only.

State employees, contractors and vendors must wear face coverings in all indoor public areas of state buildings, offices and facilities unless under the age of two or where an existing underlying health condition prohibits the wearing of a face covering.

State employees, contractors and vendors may be asked to remove a face covering while doing business to verify identity.

IT IS SO ORDERED.

IN TESTIMONY WHEREOF, I, Eric J. Holcomb, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, on this 1st day of July, 2020.

Eric J. Holcomb
Governor of Indiana

ATTEST: Connie Lawson
Secretary of State