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 #61 Pursuant to Executive Order 2020-04 as extended by Executive Orders, 2020-05, 2020-08, 2020-09, 2020-10, 2020-14, and 2020-15

An order 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, and 2020-15 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, the conditions necessitating Emergency Orders #40 and #52 are still present in New Hampshire and in other states; and

WHEREAS, states that phased out mitigation measures quicker than New Hampshire have seen significant increases in their numbers of average daily positive COVID-19 cases; and

WHEREAS, states that significantly phased out mitigation measures before May 1, such as South Carolina, Alabama, Oklahoma, Tennessee, Georgia, and Mississippi, have reported significant increases in average daily positive COVID-19 cases since re-opening; and

107 North Main Street, State House - Rm 208, Concord, New Hampshire 03301
Telephone (603) 271-2121 • FAX (603) 271-7640
Website: http://www.governor.nh.gov/ • Email: governorsununu@nh.gov
TDD Access: Relay NH 1-800-735-2964

WHEREAS, states that significantly phased out mitigation measures before May 15, such as Florida, Arkansas, Arizona, Nevada, Texas, West Virginia, Utah, North Carolina, Missouri, Wisconsin, Ohio, Kansas, and Maine, are similarly reporting significant increases in average daily positive COVID-19 cases since re-opening; and

WHEREAS, states that re-opened later than May 15, such as Oregon, California, Louisiana, Washington, Kentucky, New Mexico, Delaware, and Michigan, experienced significant increases in average daily positive COVID-19 cases since re-opening; and

WHEREAS, other states, such as Florida, Texas, Arizona, and California, continue to see spikes in reported COVID-19 cases, with overwhelmed hospitals forcing some states that have re-opened their economies to reverse their re-opening measures; and

WHEREAS, New Hampshire State Epidemiologist Dr. Benjamin Chan has determined that, while New Hampshire's mitigation strategy has been effective in controlling the spread of COVID-19, 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, the COVID-19 pandemic continues to affect New Hampshire residents and there is a continued need to take significant precautions. New Hampshire's actions to date appear to have succeeded in stabilizing the rate of increase in cases of COVID-19; 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.

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NOW, THEREFORE, I, Christopher T. Sununu, pursuant to Section 18 of Executive Order 2020-04 as extended by Executive Orders 2020-05, 2020-08, 2020-09, 2020-10, 2020-14, and 2020-15, it is hereby ordered, effective immediately, that:

1. Emergency Order #52, issued pursuant to Executive Order 2020-04 as extended by Executive Orders 2020-05, 2020-08, 2020-09, 2020-10, 2020-14, and 2020-15, is hereby extended and shall remain in effect until September 1, 2020.

Given under my hand and seal at the Executive Chambers in Concord, this 31st day of July, in the year of Our Lord, two thousand and twenty, and the independence of the United States of America, two hundred and forty-four.

Christopher T. Sununu

GOVERNOR OF NEW HAMPSHIRE

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