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Secretary of State
Tre Hargett

STATE OF TENNESSEE

EXECUTIVE ORDER

BY THE GOVERNOR

No. 35

AN ORDER AMENDING EXECUTIVE ORDER NO. 30 TO ALLOW REOPENING OF SMALL GROUP, NON-CONTACT ENTERTAINMENT AND RECREATIONAL VENUES PURSUANT TO NEW SAFETY GUIDELINES

WHEREAS, on April 28, 2020, I issued Executive Order No. 30, which replaced Executive Order Nos. 17, 21, 22, 23, 27, and 29 and allowed many Tennesseans to return to work by lifting the stay-at-home order and allowing the reopening of many businesses, subject to business safety guidelines, while strongly urging Tennesseans to continue to refrain from non-essential activities and to stay at home as much as possible; and

WHEREAS, Executive Order No. 30 provided that additional business guidelines were forthcoming that would allow for reopening additional businesses safely, at which time that Order would be amended accordingly; and

WHEREAS, on May 6, 2020, the Governor's Economic Recovery Group issued guidelines for the safe operation of small group, non-contact recreation businesses, such as bowling alleys and arcades, to allow such businesses to reopen at limited capacity in at least 89 of Tennessee's 95 counties beginning on May 8, 2020; and

WHEREAS, with guidelines providing for the safe operation of small group, non-contact recreation businesses, it is important to allow these Tennesseans to return to work to support their families and communities while trusting and expecting them to serve their customers in a safe way; and

WHEREAS, in addition to the other emergency management powers granted by law, Tennessee Code Annotated, Section 58-2-107(e), provides that during a state of emergency, the Governor is authorized to suspend laws and rules regarding the conduct of state business if necessary to cope with the emergency, order evacuations from certain areas, make orders concerning entry and exit and the occupancy of premises within an emergency area, and take measures concerning the conduct of civilians and the calling of public meetings and gatherings, among other things; and

WHEREAS, the temporary suspension of selected state laws and rules and the other measures contained herein are necessary to facilitate the response to the current emergency.

NOW THEREFORE, I, Bill Lee, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution and other applicable law, do hereby declare that a state of emergency continues to exist in Tennessee and order the following:

Reopening of Small Group, Non-contact Recreation Businesses. Effective at 12:01 a.m., Central Daylight Time, on May 8, 2020, Paragraph 11 of Executive Order No. 30, dated April 28, 2020, is hereby deleted in its entirety and the following language is substituted instead, the effect of which is that small-group, non-contact entertainment, recreational, and other gathering venues are no longer required to be closed, unless, pursuant to Paragraph 13.c., a locally run county health department in Davidson, Hamilton, Knox, Madison, Shelby, or Sullivan County has issued an order or measure requiring that such businesses or organizations in that county remain closed:

11. Continued closure of some businesses, organizations, or venues.

a. The following venues shall continue to be closed to members or to the public, for the time being: Entertainment, recreational, and certain other gathering venues where operation is likely to result in persons: (1) Being in groups of ten (10) or more; or (2) Coming in close proximity (less than six feet of separation) to other persons outside of their household or small group of less than ten (10) persons. Examples of such venues that shall continue to be closed include, but are not limited to:

i. Bars, night clubs, and live performance venues; provided, that limited service restaurants, as defined in Tennessee Code Annotated, Section 57-4-102(22), may serve food to customers seated at tables but must follow the Economic Recovery Group Guidelines (e.g., Tennessee Pledge) for restaurants in doing so, which are set forth at the following web address: https://www.tn.gov/governor/covid-19/economic-recovery/restaurant-guidelines.html; and further provided, that such establishments may offer drive-through, pickup, carry-out, or delivery service for food or drink, and persons are highly encouraged to use such drive-through, pickup, carry-out, or delivery options to support such businesses during this emergency;
ii. Concert venues;
iii. Sporting event venues;
iv. Theaters, auditoriums, performing arts centers, and similar facilities;
v. Racetrack spectator venues;
vi. Indoor children's play areas;
vii. Adult entertainment venues;
viii. Amusement parks;
ix. Senior centers or equivalent facilities; or
x. Roller or ice skating rinks.

b. Other than the venues defined or specifically listed in Paragraph 11.a., entertainment, recreational, and other gathering venues that operate in the following manner may reopen: (1) All persons are in groups of less than ten (10) persons; and (2) Such persons and groups maintain at least six (6) feet of separation from, and

avoid physical contact with, other persons or groups of less than ten (10) persons outside of their own group. Examples of such venues that may be allowed to reopen, provided that such venues can and do operate in accordance with this Paragraph 11.b., include, but are not limited to:

i. Bowling alleys;
ii. Arcades;
iii. Climbing gyms;
iv. Water sports activities;
v. Golf driving ranges and mini-golf facilities;
vi. Shooting ranges;
vii. Dance classes; or
viii. Other similar activities and venues that can achieve and maintain the necessary capacity and proximity limitations.

All venues, businesses, and employers that reopen are expected to operate in accordance with, and to fulfill the spirit of, the Non-Contact Recreation Guidelines (e.g., Tennessee Pledge) issued by the Governor's Economic Recovery Group, which are available at the following web address and may be periodically updated: https://www.tn.gov/governor/covid-19/economic-recovery/recreation-guidelines.html.

Notwithstanding this Paragraph 11, businesses and employers that are closed shall be permitted to: (1) operate or utilize their facilities in a manner permitted under Executive Order No. 30, including allowing use by employees or other persons so long as no more than ten (10) persons are present within the premises at a time; or (2) engage in the minimal activities required to maintain such businesses, organizations, and venues, including such activities as maintaining inventory; preserving physical plant, premises, and equipment; ensuring the security of the business or organization; processing mail, payroll, and employee benefits; facilitating employees of the business or organization being able to work remotely from home; or conducting any functions related to such activities.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 7th day of May, 2020.

GOVERNOR

ATTEST:

SECRETARY OF STATE