STATE OF INDIANA

EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER 21-01

FOR: **SECOND EXTENSION OF EXECUTIVE ORDER 20-50 WITH CONTINUATION OF COUNTY-BASED MEASURES AND RESTRICTIONS BASED ON THE IMPACT AND SPREAD OF THE CORONAVIRUS DISEASE (COVID-19)**

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, on March 6, 2020, I issued Executive Order 20-02 which declared a public health emergency exists throughout the State of Indiana as 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 subsequent Executive Orders (Executive Orders 20-17, -25, -30, -34, -38, -41, -44, -47 -49 & 52);

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 605,000 confirmed cases and over 9,200 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 engaging in social distancing and wearing face coverings in public settings and when around individuals who don't live in the same household;

WHEREAS, in order to take all necessary steps to increase containment of this virus, I have issued various Executive Orders directing Hoosiers to stay-at-home order, closing of state government buildings and restricting retail establishments and in-person dining at restaurants, among other things;

WHEREAS, by consulting with experts and 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 the process;

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 was instituted. Five stages were outlined with each ensuing stage being subject to fewer restrictions and limitations than the previous stage. These stages were initiated on March 23, 2020, and continued through November 14, 2020, at which time the stage system was rescinded;

WHEREAS, by Executive Order 20-43, I directed the Commissioner of the ISDH to conduct county-based assessments to better understand the impact of COVID-19 throughout the Hoosier state and to allow state and local officials to make targeted adjustments to address the spread of COVID-19 within a particular county and by Executive Order 20-48, effective November 15, 2020, the State of Indiana transitioned to county-based measures and restrictions based on the impact and spread of COVID-19 in each county;

WHEREAS, on a weekly basis, the ISDH reviews each county's number of cases per 100,000 individuals and the county's seven-day positivity rate for the prior week and from that data assigns a numerical score which translates to one of four colors (blue, yellow, orange or red);

WHEREAS, key data points or numbers regarding COVID-19 have significantly and steadily increased over the past several weeks in our state, specifically our hospitalizations continue to decline but slowly; our seven-day positivity rate similarly is declining but is still above 10%; and all counties but one fall within the most severe two categories although the counties in red have decreased from 73 last week to 34 this week;

WHEREAS, many areas across the United States, including all of the states surrounding Indiana, are experiencing increased coronavirus spread and a resurgence of this dangerous virus;

WHEREAS, the data has shown us that the spread or resurgence of COVID-19 in the Hoosier state and in other areas has occurred where there has been a disregard of mitigation efforts; and

WHEREAS, based on all of the above, the State of Indiana shall continue to use county-based assessments to determine which measures and restrictions are needed to counter the spread or impact of COVID-19 within a particular county.

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. **Continuation of Executive Order 20-50**

   Effective 12:01 a.m. on January 25, 2021, Executive Order 20-50 is further extended and shall remain in full force and effect until 11:59 p.m. on Sunday, January 31, 2021, subject only to the modification listed paragraph 2 below. All Indiana counties will continue to adhere to the directives of Executive Order 20-50 as modified.

2. **Paragraph 5 of Executive Order 20-50 on Hospitals, as First Modified in Executive Order 20-53, Shall Remain as Follows:**

   Hospitals are directed to implement evidenced-based criteria to ensure sufficient capacity to care for all patients, and where necessary, should reprioritize or postpone non-emergent surgeries or procedures. Hospitals should consult the best practices and recommendations developed by their respective medical associations and industries in making this assessment.

3. **Local Authority:**

Unless otherwise specified, nothing in this Executive Order prohibits a county, political subdivision, local government entity or school corporation from imposing more stringent requirements than this Executive Order.

4. **Other Executive Orders:**

This Executive Order shall be read in conjunction with other Executive Orders responding to the COVID-19 pandemic which are still in effect and supersedes any contrary provisions of previous orders.

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 22nd day of January, 2021.

Eric J. Holcomb
Governor of Indiana

ATTEST: Connie Lawson
Secretary of State