State of Louisiana

EXECUTIVE DEPARTMENT

PROCLAMATION NUMBER 89 JBE 2020

COVID-19 PUBLIC HEALTH EMERGENCY ADDITIONAL PHASE 2 MITIGATION MEASURES

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, the Governor declared a public health emergency on March 11, 2020 in Proclamation Number 25 JBE 2020 in response to the threat posed by COVID-19;

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, on March 11, 2020 in Proclamation Number 25 JBE 2020, the Governor declared that a statewide public health emergency existed in the State of Louisiana because of COVID-19 and expressly empowered the Governor's Office of Homeland Security and Emergency Preparedness and the Secretary of the Department of Health and/or the State Health Officer to take all actions authorized under state law;

WHEREAS, La. R.S. 29:761 provides that "[b]ecause the government must do all that is reasonable and necessary to protect the health and safety of its citizens; because new and emerging dangers, including emergent and resurgent infectious diseases . . . pose serious and immediate threats; because a renewed focus on the prevention, detection, management, and containment of public health emergencies is essential; and because emergency health threats . . . may require the exercise of extraordinary government powers and functions, the state must have the ability to respond, rapidly and effectively, to potential or actual public health emergencies";

WHEREAS, on March 22, 2020, in Proclamation Number 33 JBE 2020, the Governor issued a Stay at Home order that, among other things, ordered the people of Louisiana to stay at their homes unless taking essential trips or to travel to or from a place of employment, ordered some non-essential businesses to be closed, and placed limitations on other businesses that were allowed to remain open, which was ultimately extended until May 15, 2020;

WHEREAS, on April 16, 2020, the White House Coronavirus Task Force issued guidelines entitled "Opening Up America Again" that provided guidance to the states on how various parts of the economy could be re-opened;

WHEREAS, this guidance calls for the re-opening to occur in three phases, with the criteria for movement into the first phase being a 14-day downward trajectory in influenza-like and COVID-like symptoms, a 14-day downward trajectory in cases or positive tests as a percent of total tests, and the ability for hospitals to treat all patients without crisis care;

WHEREAS, the criteria also calls for the state to have a robust testing program in place, including testing for at-risk healthcare workers;

WHEREAS, pursuant to Proclamation Number 58 JBE 2020, the State of Louisiana moved into Phase 1 of recovery on Friday, May 15, 2020;

WHEREAS, pursuant to Proclamation Number 74 JBE 2020, the State of Louisiana moved into Phase 2 of recovery on Friday, June 4, 2020;

WHEREAS, since the Phase 2 order, Louisiana has seen an alarming increase in the number of new COVID-19 positive tests, with increasing positivity rates, and hospitalizations, requiring that the state remain in Phase 2 so as to maintain the progress the state has made while at the same time slowing down the recent spread of COVID-19;

WHEREAS, in the last seven days alone, Louisiana has seen an increase of 13,514 cases and over 200 new hospitalized patients with COVID-19, with the highest current amount of hospitalized patients since the middle of May;

WHEREAS, the rise in new cases of COVID-19 is not uniform across age groups as it was in the initial weeks of the outbreak, with young adults aged 18-29 years and children under 18 accounting for the majority of new cases since entering Phase 2;

WHEREAS, this age-group has seen a significant increase in the number of cases per capita from 207 per 100,000 in March to 1058 per 100,000 in June;

WHEREAS, this age-group specific increase may reflect, in part, the effect of opening and expanding sectors related to amusement, with at least 36 known outbreaks across the state occurring in bars;

WHEREAS, poor adherence to mask wearing appears to be a significant problem and recurrent theme in case interviews conducted through contact tracing;

WHEREAS, there is an increased risk of infection at large gatherings, with a significant number of the new COVID-19 cases being traced back to such events, necessitating a reduction in the number of people who can gather in a single space at a single time, where strict social distancing is unable to occur;

WHEREAS, this restriction is based upon the White House Coronavirus Task Force guidance which recommends that any gatherings of over 50 people in Phase 2 be limited;

WHEREAS, this gradual re-opening is based upon the advice and expertise of medical experts at the Louisiana Department of Health;

WHEREAS, should there be an increase in the number of confirmed COVID-19 cases or should the number of COVID-19 related hospitalizations threaten the ability of the health care system to properly respond, it may be necessary to go back to the full restrictions in the Stay at Home order in Proclamation Number 52 JBE 2020; and

WHEREAS, these measures are necessary to protect the health and safety of the people of Louisiana.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: This order is meant to supplement the declaration of emergency in Proclamation 83 JBE 2020 and the mitigation measures therein, therefore, Proclamation 83 JBE 2020 shall remain in full force and effect until it expires on July 24, 2020, unless extended.

SECTION 2: Sections 2(G)(1)(c) and (d) of Proclamation 83 JBE 2020 are hereby amended to the following:

> No bar, with or without a food service permit from the Louisiana Department of Health, shall allow for on premises consumption of any food or drinks. However, any bar shall be allowed to provide for takeout through drive-thru or curbside delivery, including alcoholic beverages.

SECTION 3: Section 2(H) of Proclamation 83 JBE 2020 is hereby amended to the following:

> Crowd sizes are limited to no more than 50 people in any single indoor space at the same time. Crowd sizes are limited to no more than 50 people in any single outdoor

space where individuals will be in close proximity to one another and unable to maintain strict social distancing of six feet apart from individuals who are not immediate household members. This crowd size limitation shall not apply to those businesses deemed essential as defined by the Cybersecurity and Infrastructure Security Agency or any businesses and organizations operating at 50% capacity pursuant to Paragraphs (1) through (6) of Subsection (G) of Section 2 of 83 JBE 2020, including churches and other faith-based organizations.

SECTION 4: FACE COVERING ORDER

A) Every individual in Louisiana shall wear a face covering over the nose and mouth when inside a commercial establishment or any other building or space open to the public, whether indoor or outdoor. This shall include public or commercial modes of transportation.

B) This requirement does not apply to the following:

1) Any individual who will not come in contact with any other individual (outside of their immediate household members) or who will be able to maintain strict social distancing of six feet apart from any other individual (outside of their immediate household members);
2) Any child under the age of eight, however all children between the ages of two and seven years old are strongly encouraged to wear a face covering in accordance with Subsection (A) of this Section;
3) Any individual with a medical condition that prevents the wearing of a face covering;
4) Any individual who is consuming food or drinks;
5) Any individual seeking to communicate with someone who is hearing impaired;
6) Any individual giving a speech for broadcast or to an audience; and
7) Any individual temporarily removing his or her face covering for identification purposes.

C) All businesses or organizations, including all offices of the State of Louisiana, its political subdivisions, and all other governmental offices, shall require all persons who enter the premises to wear a face covering, unless either of the following apply:

1) The individual is not required to wear a face covering pursuant to Subsection 4(B) of this order.
2) The business or organization is located in a parish that has opted out of the face covering requirements pursuant to Subsection 4(F) of this Emergency Proclamation.

D) Citations under this Section shall be written only to businesses or organizations, other than religious organizations, that fail to enforce the requirement to wear face coverings. Operators of businesses and organizations are entitled to rely on the representations of their customers, patrons, or employees regarding whether or not they qualify for an exception from the face covering requirements. Businesses and organizations that rely on such a representation shall not be deemed to be in violation of this Emergency Proclamation.

E) If a business or organization does not allow entry to a worker, customer, or patron because that person refuses to wear a face covering, and if that worker, customer, or patron enters the premises or refuses to leave the premises, law enforcement personnel may enforce the trespassing laws and any other laws that the worker, customer, or patron may violate.

F) This order shall apply statewide. However, if a parish has less than 100 new positive cases of COVID-19 per 100,000 people in the parish for the immediate preceding two-week cumulative period, as determined by the Louisiana Department of Health, the parish may opt out of this face covering requirement

by sending written notice from the governing authority of the parish to the Director of the Governor's Office of Homeland Security and Emergency Preparedness. The Louisiana Department of Health shall publish on its COVID-19 dashboard a rolling list of the two-week incidence of cases per 100,000 residents in each parish.

SECTION 5: The Governor's Office of Homeland Security and Emergency Preparedness and the State Fire Marshal are directed to ensure compliance with this order, and are empowered to exercise all authorities pursuant to La. R.S. 29:721, *et seq.*, and La. R.S. 29:760, *et seq.*

SECTION 6: All departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate in actions the state may take in response to the effects of this event.

SECTION 7: Unless otherwise provided in this order, these provisions are effective from Monday, July 13, 2020 to Friday, July 24, 2020, or as extended by any subsequent Proclamation, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 11th day of July, 2020.

GOVERNOR OF LOUISIANA

ATTEST BY THE SECRETARY OF STATE

SECRETARY OF STATE