Gary Richard Herbert

Governor

EXECUTIVE ORDER

Moving the State COVID-19 Public Health Risk Status From Red (High Risk) to Orange (Moderate Risk)

WHEREAS, on March 6, 2020, I issued Executive Order 2020-1, declaring a state of emergency to facilitate the State's response to novel coronavirus disease 2019 (COVID-19);

WHEREAS, on March 13, 2020, Donald J. Trump, President of the United States, issued the Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak;

WHEREAS, COVID-19 is caused by a virus that spreads easily from person to person, may result in serious illness or death, and has been characterized by the World Health Organization as a worldwide pandemic;

WHEREAS, on April 17, 2020, I issued the revised Governor's "Stay Safe, Stay Home" Directive to help protect Utahns during the COVID-19 pandemic, and which terminates on May 1, 2020;

WHEREAS, local authorities have issued directives and orders to slow the spread of COVID-19;

WHEREAS, the State must establish statewide standards to address a statewide emergency and recognizes the need for local authorities to impose directives and orders to address the unique circumstances in different locations in Utah;

WHEREAS, the Public Health and Economic Emergency Commission made recommendations regarding the State's response to the COVID-19 emergency on April 21, 2020, April 24, 2020, and April 28, 2020;

WHEREAS, on April 17, 2020, the Utah Economic Response Task Force released version 2 of Utah Leads Together (hereinafter, "ULT 2.0"), recommending actions for Utah businesses and citizens to mitigate the economic consequences of COVID-19;

WHEREAS, ULT 2.0 provides a color-coded health guidance system comprising four levels of activity designated as Red (High Risk), Orange (Moderate Risk), Yellow (Low Risk), and Green (Normal Risk) (hereinafter, "Utah COVID-19 Health Risk Status"), where Red is most restrictive and each level of guidance after Red becomes progressively less restrictive and more economically engaged while still protecting public health;

WHEREAS, on April 29, 2020, the Utah Department of Health released version 4 of the Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Reactivation (hereinafter, "Phased Guidelines") as an addendum to ULT 2.0;

WHEREAS, the statewide COVID-19 intensive care unit (ICU) utilization rate has remained below 20% for the past two weeks, and non-ICU bed utilization is currently at 5%;

WHEREAS, 20 isolation and quarantine sites have been created statewide with 835 beds, expanding the State's emergency COVID-19 healthcare capacity;

WHEREAS, Utah has significantly expanded its COVID-19 testing capacity and is confident that testing capacity can be monitored to ensure that any hotspots are caught early and effectively managed;

WHEREAS, Utah Code § 53-2a-209(1) provides that orders issued by the governor under Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act, have the "full force and effect of law";

WHEREAS, Utah Code § 53-2a-204(1)(a) authorizes the governor to utilize all available resources of state government as reasonably necessary to cope with a state of emergency; and

WHEREAS, Utah Code § 53-2a-204(1)(b) authorizes the governor to employ measures and give direction to state and local officers and agencies that are reasonable and necessary for the purpose of securing compliance with orders made pursuant to the Disaster Response and Recovery Act:

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, hereby order the following:

1. The Utah COVID-19 Public Health Risk Status is moved from Red (High Risk) to Orange (Moderate Risk).
2. Except as provided in Section 5, individuals and businesses in Utah shall comply with the Orange (Medium Risk) provisions of the Phased Guidelines.
3. The recommendations from the Public Health and Economic Emergency Commission submitted to the Governor on April 21, 24, and 28, 2020, that have not been previously adopted are adopted and included in the Phased Guidelines.
4. A political subdivision desiring an exception to this Order or the Phased Guidelines shall submit the request and justification for the request through the applicable Local Health Department to the Utah Department of Health. The Utah Department of Health shall consult with the Office of the Governor as necessary.
5. Any reference in the Phased Guidelines to the use of a mask or face covering is adopted:
    a. as an order with respect to:
        i. each individual acting in the capacity as an employee of a business; and
        ii. each individual in a healthcare setting; and
    b. as a strong recommendation with respect to any individual not identified in Subsection (5)(a).
6. The Governor's "Stay Safe, Stay Home" Directive, issued on April 17, 2020, is rescinded.

This Order is declared effective beginning at 12:01 a.m. on May 1, 2020, and shall remain in effect until 11:59 p.m. on May 15, 2020, unless otherwise lawfully modified, amended, rescinded, or superseded.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 29th day of April, 2020.

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/019/EO