STATE OF INDIANA

EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER 20-10

FOR: **ENFORCEMENT DIRECTIVE REGARDING PROHIBITION OF IN-PERSON DINING IN RESPONSE TO THE CORONAVIRUS DISEASE 2019 EPIDEMIC**

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 in the State of Indiana as a result of the novel (new) Coronavirus Disease 2019 (COVID-19) outbreak in Indiana, throughout the United States and worldwide;

WHEREAS, on March 13, 2020, the President of the United States declared COVID-19 to be a national emergency;

WHEREAS, to reduce and slow the spread of COVID-19, the Centers for Disease Control and Prevention (CDC) and the Indiana State Department of Health (ISDH) have recommended implementation of mitigation strategies to increase containment of the virus, including cancellation of large gatherings and social distancing in smaller gatherings;

WHEREAS, limitations on large gatherings and social distancing measures can prevent initial exposure and secondary transmission to our most vulnerable populations and are especially important for people who are over 60 years old or have chronic health conditions;

WHEREAS, on March 16, 2020, under Executive Order 20-04, I ordered all "restaurants, bars, nightclubs and other establishments providing in-dining services ... to close to in-person patrons through March 31, 2020, but these entities are authorized to provide drive-thru, take-out and delivery services";

WHEREAS, since March 16, 2020, certain establishments have continued to provide and allow in-dining service, notwithstanding the issuance of Executive Order 20-04;

WHEREAS, in light of the above, it is necessary and proper to take further actions to protect the health, safety and welfare of all Hoosiers in connection with the continuing and evolving threat posed to public health by COVID-19;

WHEREAS, as Governor, under Indiana's Emergency Management and Disaster Law, Ind. Code Ch. 10-14-3, I have authority to employ any measure and give any direction to the state department of health or local boards of health as is reasonably necessary for securing compliance with this chapter and to take any action and give any direction to state and local law enforcement officers and agencies as may be reasonable and necessary for securing compliance with any orders made under this emergency law;

WHEREAS, the ISDH has authority under Title 16 of the Indiana Code to forbid public gatherings when considered necessary to prevent and stop epidemics and further has authority to issue an order condemning or abating conditions causative of disease;

WHEREAS, the ISDH and local boards of health have the authority to ensure owners or operators of retail food establishments immediately discontinue operations when circumstances may endanger public health;

WHEREAS, the Indiana Alcohol Tobacco Commission (ATC) has, among other things, regulatory authority over establishments that sell alcoholic beverages and which also provide in-dining services; and

WHEREAS, the ATC has the power to prohibit the sale of alcoholic beverages when it is necessary during a time of public emergency and further has the authority to declare a public nuisance where alcoholic beverages are kept for sale in violation of law;

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:

1. Direct the ISDH and local boards of health take all available administrative and enforcement actions against establishments that provide in-dining services, including:

    a. issue an order to cease in-person dining during this public health emergency pursuant to Ind. Code § 16-19-3-11.

    b. if an establishment fails to comply with an order to discontinue in-person dining, issue a citation pursuant to 410 IAC 7-24-109 under the authority of Ind. Code § 16-42-5-28 and 410 IAC 7-23-1.

    c. if an establishment continues with in-person dining after being issued a citation, issue an order to close the facility.

2. Direct the ATC with respect to establishments permitting in-person dining and holding alcoholic beverage permits:

    a. to issue an order prohibiting the sale of alcoholic beverages for on-premises consumption at restaurants, bars, nightclubs and other establishments that provide in-dining services pursuant to Ind. Code § 7.1-2-3-11 as it is necessary during a time of public emergency or epidemic. I suspend the requirement that the ATC make the requisite determinations under Ind. Code § 7.1-2-3-11 and authorize the chairman to issue this order.

    b. if an establishment fails to comply with the chairman's order to discontinue in-person dining where alcoholic beverages are served, the ATC shall take all available administrative and enforcement actions, including suspension or revocation of an alcoholic beverage permit, against such establishments.

    c. at the time of permit renewal, the ATC shall consider non-compliance with these executive orders and orders of the chairman, when determining whether the permittee failed to maintain a high and fine reputation required by Ind. Code § 7.1-3-9-10 or allowed the licensed premises to become a public nuisance pursuant to Ind. Code § 7.1-2-6-1.

This Executive Order is a supplement to, and deemed to be part of, Executive Orders 20-02 and 20-04 and therefore, shall expire on March 31, 2020, unless further extended.

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 23rd day of March, 2020.

Eric J. Holcomb
Governor of Indiana

ATTEST: Connie Lawson
Secretary of State