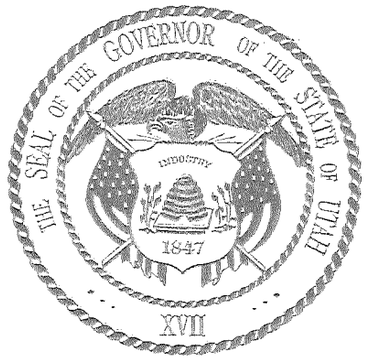

Gary Richard Herbert

Governor

EXECUTIVE ORDER

Moving the Utah COVID-19 Public Health Risk Status to Yellow With Certain Exceptions

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, the State must establish minimum 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, on April 17, 2020, the Utah Economic Response Task Force released version 2 of Utah Leads Together (hereinafter, "ULT 2.0"), which 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, I ordered the Utah COVID-19 Public Health Risk Status moved from Red (High Risk) to Orange (Medium Risk);

WHEREAS, on May 15, 2020 the Utah Department of Health released version 4.4 of the Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Reactivation as an addendum to ULT 2.0;

WHEREAS, Utah has maintained a COVID-19 transmission rate of less than 1.5 for 14 days, and statewide intensive care unit bed usage related to COVID-19 has not exceeded 10% for 14 days;

WHEREAS, the Utah Department of Health and local health departments agree that certain areas of the State should remain at Orange (Medium Risk);

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. As used in this Order, "Phased Guidelines" means the Phased Guidelines for the General Public and Businesses to Maximize Public Health and Economic Reactivation Version 4.4.
2. The Utah COVID-19 Public Health Risk Status is:
    a. Orange (Moderate Risk) in Grand County, Summit County, Wasatch County, Salt Lake City, West Valley City, and Magna metro township; and
    b. Yellow (Low Risk) in all other areas of the State not identified in Subsection (2)(a).
3. The provisions of the Phased Guidelines apply as follows:
    a. An individual or business in an area identified in Subsection (2)(a) shall comply with the Orange (Moderate Risk) provisions of the Phased Guidelines;
    b. An individual or business in an area identified in Subsection (2)(b) shall comply with the Yellow (Low Risk) provisions of the Phased Guidelines;
    c. Notwithstanding any other provision of this Section (3), any reference in the Phased Guidelines to the use of a mask or face covering is adopted:
        i. as an order with respect to:
            A. each individual acting in the capacity as an employee of a business when the individual is unable to maintain a distance of six feet from another individual; and
            B. each individual in a healthcare setting; and
        ii. as a strong recommendation with respect to any individual not identified in Subsection (3)(c)(i).
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.

This Order is declared effective at 12:01 a.m. on May 16, 2020, and shall remain in effect until 11:59 p.m. on May 29, 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 15th day of May, 2020.

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/022/EO