OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR

MIKE COONEY
LT. GOVERNOR

TO: Montanans; all officers and agencies of the State of Montana
FROM: Governor Steve Bullock
DATE: March 20, 2020
RE: Directive Implementing Executive Orders 2-2020 and 3-2020 and providing for measures to combat the spread of COVID-19 via food and beverage services or casinos

Executive Orders 2-2020 and 3-2020 declare that a state of emergency exists in Montana due to the global outbreak of COVID-19 Novel Coronavirus.

Section 10-3-104, MCA, provides emergency powers to the Governor to "control ingress and egress to and from an incident or emergency or disaster area, the movement of persons within the area, and the occupancy of premises within the area." Moreover, pursuant to § 50-1-202, MCA, the Department of Public Health and Human Services, at the direction of the Governor, may issue orders to correct conditions of public health importance.

To curtail the spread of the COVID-19 pandemic in Montana, it is necessary immediately to prohibit any number of people from congregating in public venues for purposes of public food or beverage service and other activities that pose an enhanced risk, in order to limit opportunities for disease exposure and transmission in the state.

In accordance with the authority vested in me under the Constitution, Article VI, Sections 4 and 13, and the laws of the State of Montana, Title 10, Chapter 3 and Title 50, Chapter 1, MCA, and other applicable provisions of the Constitution and Montana Law, I hereby direct the following measures be in place in the State of Montana effective as of 8 p.m. on Friday, March 20, 2020:

- The following places are closed to ingress, egress, use, and occupancy by members of the public:
    - Restaurants, food courts, cafes, coffeehouses, and other similar establishments offering food or beverage for on-premises consumption.
    - Alcoholic beverage service businesses, including bars, taverns, brew pubs, breweries, microbreweries, distilleries, wineries, tasting rooms, special licensees, clubs, and other establishments offering alcoholic beverages for on-premises consumption.
    - Cigar bars.
    - Health clubs, health spas, gyms, aquatic centers, pools and hot springs, indoor facilities at ski areas, climbing gyms, fitness studios, and indoor recreational facilities.
    - Movie and performance theaters, nightclubs, concert halls, bowling alleys, bingo halls, and music halls.
    - Casinos.

- The places subject to this Directive are permitted and encouraged to offer food and beverage using delivery service, window service, walk-up service, drive-through service, or drive-up service, and to use precautions in doing so to mitigate the potential transmission of COVID-19, including social distancing. Customers may order and pay by telephone or online from a

retailer or manufacturer licensed to sell alcoholic beverages in the State of Montana. A retailer or manufacturer licensed to sell alcoholic beverages in the state of Montana may deliver for sale the alcoholic beverages for which it is licensed. Delivery must be conducted by the licensee's employees over the age of 21 and age of the purchaser and recipient must be verified at the time of delivery. The purchased alcohol must be hand-delivered to the purchaser.
    - In offering food or beverage, a place subject to this section may permit up to five members of the public at one time inside for the purpose of picking up their food or beverage orders, so long as those individuals are at least six feet apart from one another while on premises.

- The restrictions imposed by this order do not apply to any of the following:
    - Establishments that offer food and beverage not for on-premises consumption, including grocery stores, markets, convenience stores, pharmacies, drug stores, and food pantries, other than those portions of the establishments restricted above.
    - Room service in hotels.
    - Health care facilities, residential care facilities, university dining facilities, congregate care facilities, and juvenile justice facilities.
    - Crisis shelters or similar institutions.
    - Airport concessionaires.
    - Military dining facilities or military food operations.
    - Any facilities necessary for the response to the emergency, including schools providing necessary meal services to children.
    - All of the above-named facilities and establishments should adopt appropriate social distancing practices to avoid the spread of disease, to the extent practicable.

- Consistent with the above, strict compliance with §§ 16-3-101, -219, -243, and -418, MCA, and other applicable laws are waived pursuant to § 10-3-104, MCA and other applicable provisions of law.

- In the interest of uniformity of laws and to prevent the spread of disease, all inconsistent emergency county health ordinances are preempted by this Directive, but only to the extent they are less restrictive. Counties may adopt more restrictive ordinances.

Authorities: Section 10-3-104, MCA; §§ 50-1-202, -203, and -204, MCA; Executive Orders 2-2020 and 3-2020; Montana Constitution, Art. VI, Sections 4 and 13; §§ 10-3-103, -302, and -305, MCA; and all other applicable provisions of state and federal law.

Limitations

- This Directive is effective at 8:00 p.m. on Friday, March 20, 2020 and expires at 11:59 p.m. on March 27, 2020, though it may be extended by a further Directive.
- This Directive shall be implemented consistent with applicable law and subject to the availability of appropriations.
- This Directive is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the State of Montana, its departments, agencies, or entities, its officers, employees, or agents, or any other person.