STATE OF INDIANA

EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER 20-22

FOR: **EXTENSION OF DIRECTIVE FOR HOOSIERS TO STAY AT HOME; CONTINUITY OF OPERATIONS OF GOVERNMENT; and EXECUTIVE ORDERS PERTAINING TO RESTAURANTS AND ALCOHOLIC BEVERAGES**

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, on March 6, 2020, I issued Executive Order 20-02 which declared that a public health emergency exists throughout the State of Indiana as result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and a confirmed report of the disease in our State;

WHEREAS, since then, on March 11, 2020, the World Health Organization declared COVID-19 to be a global pandemic and, on March 13, 2020, the President of the United States declared a national emergency with respect to this dangerous virus;

WHEREAS, to reduce and slow the spread of COVID-19, the Centers for Disease Control and Prevention (CDC) and Indiana State Department of Health (ISDH) recommended implementation of mitigation strategies to increase containment of this virus, including limitations on large gatherings and social distancing measures designed to prevent initial exposure and secondary transmission;

WHEREAS, in order to take all necessary steps to increase containment of this virus, I have issued various Executive Orders, including, but not limited to, the following:

- on March 23, 2020, I issued Executive Order 20-08 which required all persons residing in Indiana to stay at home except for, among other things, conducting essential travel and activities, participating in the operation of essential businesses or the operation of essential governmental functions;

- on March 23, 2020, I issued Executive Order 20-09 which prohibited access to all state government buildings, offices and facilities by the public, restricting access only to those members of the public needing to conduct services essential to public health and safety and which cannot otherwise be conducted electronically, telephonically and/or delayed. This restriction extends to the Indiana Government Center, Indianapolis office locations, and other offices throughout our State;

- on March 31, 2020, by Executive Order 20-14, I extended Executive Orders 20-04, 20-10 & 20-11 which, among other things, prohibited restaurants, bars, nightclubs and other establishments from providing in-dining services and established compliance and enforcement actions to be taken by ISDH and the Indiana Alcohol and Tobacco Commission (ATC) for dining establishments failing to prohibit in-person dining;

- on April 6, 2020, I issued Executive Order 20-18 which modified and extended the original stay-at-home order of March 23, 2020 (Executive Order 20-08);

WHEREAS, as of the date of this Executive Order, the virus has now spread to every county in Indiana. On March 6th, the ISDH confirmed the first case of COVID-19 in Indiana and, on March 16th, the ISDH reported the first death in our State due to COVID-19. Within the span of six (6) weeks, Indiana now has over 11,200 confirmed cases with over 560 deaths. Unfortunately, we expect these numbers to continue increasing in the days ahead. On April 3, 2020, I extended Executive Order 20-02, which declared a public health emergency, for an additional thirty (30) days;

WHEREAS, as Governor, under Indiana's Emergency Management and Disaster Law, Ind. Code

ch. 10-14-3 ("Emergency Disaster Law"), I have been given broad authority to take actions necessary to prepare for and respond to the prompt and efficient rescue, care and treatment of persons victimized or threatened by disasters, which include an epidemic, public health emergency, and any other public calamity requiring emergency action;

WHEREAS, as Governor, my authority and powers under the Emergency Disaster Law to declare and respond to a public health emergency on behalf of the State of Indiana, specifically include:

- making, amending and rescinding the necessary orders, rules and regulations to carry out the response to a disaster;
- suspending the provisions of any regulatory statute prescribing the procedures for conduct of state business, including the orders, rules or regulations of any state agency if strict compliance with any of these provisions would in any way prevent, hinder, or delay necessary action in coping with the emergency;
- transferring the direction, personnel, or functions of state departments and agencies or units for performing or facilitating emergency services; and
- using any and all available resources of state government and of each political subdivision of the State of Indiana as reasonably necessary to cope with the disaster emergency;

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

WHEREAS, the Indiana Occupational Safety and Health Agency (IOSHA) has authority under Title 22 of the Indiana Code to inspect and take steps to ensure businesses are operating a workplace free from recognized hazards that are causing or likely to cause death or serious physical harm to employees; and

WHEREAS, in order to continue slowing and containing the spread of COVID-19 in our State, and in consultation with and concurrence of the Commissioner of the ISDH, we are continuing the measures under Executive Order 20-18 through 11:59 p.m. on May 1, 2020;

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 order:

1. **Preamble**

   This Executive Order, upon taking effect, replaces Executive Order 20-18. This Executive Order, in large part, incorporates the terms and provisions of Executive Order 20-18; however, where modifications have been made, they are indicated by *italic font.*

   Executive Orders 20-04, 20-09, 20-10, 20-11, and 20-14, including any and all directives thereunder, as they may have been extended and/or modified, as applicable, shall be extended through 11:59 p.m. on May 1, 2020.

2. **Duration**

   This Executive Order 20-22 shall become effective at 11:59 p.m. on April 20, 2020, and will remain in full force and effect until 11:59 p.m. on May 1, 2020, unless I rescind, modify, or extend this Executive Order.

3. **Stay at Home or Place of Residence**

   With exceptions as outlined below, all individuals currently living in the State of Indiana are ordered to stay at home or their place of residence, except as allowed in this Executive Order.

   To the extent individuals are using shared or outdoor spaces when outside of their homes or residences, they must at all times, and as much as reasonably possible, maintain social distancing

of at least six (6) feet from any other person, with the exception of family or household members, consistent with the Social Distancing Requirements set forth in ¶17 of this Executive Order. All persons may leave their homes or residences only for: Essential Activities as set forth in ¶7 of this Executive Order; Essential Governmental Functions as set forth in ¶12 of this Executive Order; or to participate in Essential Businesses and Operations as set forth in ¶14 of this Executive Order.

In conducting retail purchases of goods or services:

a. All individuals in the State should postpone making in-person purchases of goods and services unless and until such items are needed for sustenance, health, education, or employment;

b. All individuals in the State should use online or call-in ordering of goods and services with either delivery or curbside pickup to the greatest extent practicable;

c. In instances where an individual must visit a retail business, an individual should limit the number and frequency of retail businesses visited to purchase goods and services; and

d. All individuals in the State should limit the number of household members who travel to and enter stores for the purpose of making necessary purchases to the minimum necessary.

Individuals experiencing homelessness are exempt from this provision, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as reasonably possible and to the maximum extent practicable (and to use, in their operation, COVID-19 risk mitigation practices recommended by the CDC and the ISDH).

With respect to individuals whose residences are unsafe or become unsafe, such as, by way of example, victims of domestic violence, they are expressly permitted and urged to leave their home and stay at a safe alternative location.

For purposes of this Executive Order, the terms "homes" and "residences" include hotels, motels, shared rental units, shelters, and similar facilities.

4. Non-Essential Business and Operations Must Cease

All businesses and operations in the State of Indiana, except for Essential Businesses and Operations (as defined in ¶14), are hereby required to cease all activities within the State, except, however, for Minimum Basic Operations (as defined in ¶15). For purposes of clarity, businesses (which includes home-based businesses) may also continue operations consisting exclusively of employees or contractors performing activities at their own homes or residences (*i.e.*, working from home).

All Essential Businesses and Operations are hereby encouraged to remain open by conducting business in the manner permitted by this Executive Order. Further, Essential Businesses and Operations shall comply with the Social Distancing Requirements (as defined in ¶17), including by maintaining six-foot social distancing for both employees and members of the public at all times even when customers are standing in line.

5. Prohibited Activities

All public and private gatherings, whether governmental, social, philanthropic, religious, spiritual or otherwise, of any number of people that occur outside of a single household or living unit, are prohibited unless such gathering is of ten (10) or less people who engage in social distancing and other sanitation measures. Any gathering of more than ten (10) people is hereby prohibited unless exempted by this Executive Order. Nothing in this Executive Order prohibits the gathering of members of a household or residence.

All places of public amusement, whether indoors or outdoors, including locations with amusement rides, carnivals, amusement parks, water parks, aquariums, zoos, museums, arcades, fairs, children's play centers, playgrounds, funplexes, theme parks, bowling alleys, movie and other theaters, concert and music halls, and country clubs or social clubs, shall be closed.

Campgrounds throughout Indiana are directed to close as of 11:59 p.m. on April 7, 2020, except persons residing in recreational vehicles (RVs) or cabins at campgrounds who genuinely have no other viable place of residence may remain at the campground. No overnight stays are permitted in state parks.

6. Prohibited and Permitted Travel

Only Essential Travel (as defined in ¶16) and Essential Activities (as defined in ¶7) are permitted. People riding on public transit must comply with Social Distancing Requirements to the greatest extent feasible. This Executive Order allows travel into, or out of, the State of Indiana in order to maintain Essential Businesses and Operations and Minimum Basic Operations.

7. Leaving the Home for Essential Activities is Permitted

For purposes of this Executive Order, individuals may leave their homes or residences only to perform any of the following, which are deemed to be Essential Activities:

a. For Health and Safety

To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members or persons who are unable or should not leave their home (including pets), such as, by way of example and without limitation, seeking emergency services, obtaining medical supplies or medication, or visiting a health care professional.

b. For Necessary Supplies and Services

To obtain necessary services or supplies for themselves and their family or household members or persons who are unable or should not leave their home, or to deliver those services or supplies to others, such as, by way of example and without limitation, groceries and food, household consumer products, supplies needed to work from home or for education, automobile supplies (including dealers, parts, supplies, repair and maintenance) and products necessary to maintain the safety, sanitation, and/or essential operation of homes or residences.

c. For Outdoor Activity

To engage in outdoor activity, provided they comply with Social Distancing Requirements, such as walking, hiking, running or biking. Individuals may go to public parks and open outdoor recreation areas. However, public access playgrounds may increase spread of COVID-19, and therefore, shall be closed.

For sake of clarity, outdoor activity also includes yard-work, gardening, planting and landscaping at residential, commercial and industrial properties and farms; and nurseries and garden centers, both the outdoor display and in-store areas, may be open for business in connection therewith, so long as they: (a) limit the number of customers in their facility at any given time to achieve the CDC's required social distancing; (b) limit their hours of operation and consider implementing separate operating hours for the elderly and other vulnerable customers; and (c) comply with social distancing and sanitation of applicable areas and other mitigation measures to protect its employees and the public.

d. For Certain Types of Work

To perform work providing essential products and services at Essential Businesses or Operations (which, as defined below, includes Essential Governmental Functions, Healthcare and Public Health Operations, Human Services Operations, and Essential Infrastructure) or to otherwise carry out activities specifically permitted or allowed by this Executive Order, including Minimum Basic Operations.

e. To Take Care of Others

To care for a family member, friend, or pet in another household, and to transport family members, friends, or pets as allowed by this Executive Order.

8. Elderly People & Those Vulnerable as a Result of Illness Should Take Additional Precautions

People at high risk of severe illness from COVID-19, including elderly people and those who are sick, are urged to stay in their residence to the extent possible, except as necessary to seek medical care. Nothing in this Executive Order prevents the ISDH or local health departments from issuing and enforcing isolation and quarantine orders.

9. Healthcare and Public Health Operations

For purposes of this Executive Order, individuals may leave their residences to work for or to obtain services through Healthcare and Public Health Operations.

The phrase "Healthcare and Public Health Operations" includes the following: hospitals; clinics; dental offices; pharmacies; public health entities, including those that compile, model, analyze and communicate public health information; pharmaceutical, pharmacy, medical device and equipment, and biotechnology companies (including operations, research and development, manufacture, and supply chain); organizations collecting blood, platelets, plasma, and other necessary materials; obstetricians and gynecologists; eye care centers, including those that sell glasses and contact lenses; home healthcare services providers; mental health and substance use providers; other healthcare facilities and suppliers and providers of any related and/or ancillary healthcare services; entities that transport and dispose of medical materials and remains; and veterinary care and all healthcare services provided to animals.

Included in veterinary care that is referenced above and permitted under this Executive Order is pet grooming, which may occur at a pet salon or store, or by mobile unit; however, no pet grooming shall be provided to customers inside any home at this time.

Also included in Healthcare and Public Health Operations are manufacturers, technicians, logistics, and warehouse operators and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products.

Fitness and exercise gyms, spas, salons, barber shops, tattoo parlors, and similar facilities are not included in Healthcare and Public Health Operations and shall close.

Further, the phrase "Healthcare and Public Health Operations" shall be construed broadly in order to avoid any impacts to the delivery of healthcare.

In addition, as long as sufficient personal protective equipment (PPE), staff and other supplies are available so as not to detract from what is necessary and appropriate to properly care for and treat patients who have or may have COVID-19, hospitals should conduct clinically indicated procedures meant to diagnose, screen and treat medical conditions that have the potential for short-term or long-term morbidity and/or mortality. These include, but are not limited to, cardiac, vascular, neurologic, cancer, gastrointestinal and respiratory procedures, as well as those procedures meant to reduce significant pain or symptoms making quality of life unacceptable.

Furthermore, in connection with health care providers, whether medical, dental or other, and health care facilities, whether hospitals, ambulatory surgical centers, dental facilities, plastic surgery centers, dermatology offices, abortion clinics, or veterinary practices, any current restrictions involving their medical procedures that have been imposed by an Executive Order will be re-evaluated for possible modifications, as warranted by the circumstances, that would allow for them to resume commencing as of 11:59 p.m. on Sunday, April 26, 2020. In addition, these restrictions on medical procedures will be re-evaluated every seven (7) days thereafter for any appropriate and timely modifications that could be implemented.

10. Human Services Operations

For purposes of this Executive Order, individuals may leave their homes and residences to work for or obtain services at any Human Services Operations including any provider funded by the ISDH, Indiana Family and Social Services Administration, Indiana Medicaid, Indiana Division of Mental Health and Addiction, Indiana Department of Child Services, Indiana Department of Veterans Affairs and other similar governmental entities which provide services to the general public and include state-operated, institutional, or community-based settings providing human services to the public.

The phrase "Human Services Operations" includes the following: long-term care facilities; day care centers, day care homes or group day care homes; residential settings and shelters for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders and/or mental illness; transitional facilities; home-based settings to provide services to individuals with physical, intellectual, and/or developmental disabilities, seniors, adults, and children; field offices that provide and help to determine eligibility for basic needs including food, cash assistance, medical coverage, child care,

vocational services, rehabilitation services; developmental centers; adoption agencies; businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged individuals, individuals with physical, intellectual, and/or developmental disabilities, or otherwise needy individuals.

Further, the phrase "Human Services Operations" shall be construed broadly to avoid any impacts to the delivery of human service operations.

11. Essential Infrastructure

For purposes of this Executive Order, individuals may leave their homes and residences in order to provide any services or to perform any work necessary to offer, provision, operate, maintain, and repair Essential Infrastructure.

The phrase "Essential Infrastructure" includes the following: food production, distribution, fulfillment centers, storage facilities, marinas, and sale; construction (including construction required in response to this public health emergency, hospital construction, construction of long-term care facilities, public works construction, school construction, essential business construction, and housing construction); building management and maintenance; airport operations; operation and maintenance of utilities, including, for example, water, sewer, and gas; electrical (including power generation, distribution, and production of raw materials); distribution centers; oil and biofuel refining; roads, highways, railroads, and public transportation; ports; cybersecurity operations; flood control; solid waste and recycling collection and removal; and internet, video, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications and web-based services).

Further, the phrase "Essential Infrastructure" shall be construed broadly in order to avoid any impacts to essential infrastructure.

12. Essential Governmental Functions

For purposes of this Executive Order, all first responders, law enforcement, emergency dispatchers and management personnel, legislators, judges, court personnel, jurors and grand jurors, corrections personnel, hazardous materials responders, child protection and child welfare personnel, housing and shelter personnel, military, and other governmental employees working for, or to support, Essential Businesses and Operations, are hereby categorically exempt from this Executive Order.

The phrase "Essential Governmental Functions" means all services provided by the State of Indiana or any municipality, township, county, political subdivision, board, commission or agency of government and needed to ensure the continuing operation of government agencies or to provide for or support the health, safety and welfare of the public, and including contractors performing Essential Governmental Functions. Each governmental body shall determine its Essential Governmental Functions and identify employees and/or contractors necessary to the performance of those functions.

This Executive Order does not apply to the United States government.

13. Businesses Covered by this Executive Order

For the purposes of this Executive Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function it performs, or its corporate or entity structure.

All Essential Businesses and Operations shall comply with social distancing requirements established by the CDC, including maintaining six-foot social distancing for both employees and members of the general public at all times and must utilize or employ other CDC recommended sanitation measures such as washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

All employers, whether manufacturers, distributors, professional offices, retailers or others, must comply with safety and health standards established and enforced by IOSHA. Employers are subject to specific standards to prevent the exposure or spread of a disease. Additionally, the General Duty Clause requires employers to provide their employees with a workplace free

from recognized hazards likely to cause death or serious physical harm.

14. Essential Businesses and Operations

For the purposes of this Executive Order, the phrase "Essential Businesses and Operations" means Healthcare and Public Health Operations, Human Services Operations, Essential Governmental Functions, and Essential Infrastructure, as well as the following:

a. CISA List

On March 28, 2020, the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency (CISA), issued an updated Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response. The definition of Essential Businesses and Operations in this Executive Order includes all of the workers identified in that Memorandum, which may be found or accessed at the following link: https://www.cisa.gov/critical-infrastructure-sectors.

b. Retail Businesses

Retail businesses providing the necessities of life include grocery stores, supermarkets, supercenters or mass merchandizers (provided they have a sizable food/grocery section such as Meijer and Walmart), specialty food stores, certified farmer's markets, farm and produce stands, convenience stores and gas stations, pharmacies, auto sales, auto supply auto maintenance or repair, farm equipment, construction equipment, bicycle shops, hardware and supply stores, office supply stores, pet supply stores, club stores (provided they have a sizable food/grocery section, such as Sam's Club or Costco), building material and supplies stores (e.g., Lowe's, Menards, Home Depot).

Retail businesses providing the necessities of life as described above may remain open to the public under the following conditions and restrictions:

i) Such businesses should limit the number of customers in their facility at any given time to achieve the CDC's required social distancing;

ii) Such businesses should limit their hours of operation and consider implementing separate operating hours for the elderly and other vulnerable customers; and

iii) Such businesses shall comply with social distancing and sanitation of applicable areas and other mitigation measures to protect its employees and the public.

As of 11:59 p.m. on April 7, 2020, all other retail businesses not included above as selling the necessities of life may remain open only for online or call-in ordering with delivery or curbside pickup. These retail businesses shall comply with social distancing and sanitation of applicable areas and other mitigation measures to protect its employees and the public.

c. Sale of Firearms and Ammunition

Pursuant to Ind. Code § 10-14-3-33.5, neither the state nor a political subdivision may prohibit or restrict the lawful possession, transfer, sale, transportation, storage, display or use of firearms or ammunition during a disaster emergency; however, firearms and ammunition dealers must comply with all CDC social distancing and sanitation measures.

d. Food, Beverage, and Agriculture (Businesses Other than Retail Stores)

Food and beverage manufacturing, production, processing, cultivation, including farming, livestock, fishing, baking, and other production agriculture, including cultivation, marketing, production, and distribution of animals and goods for consumption; and businesses that provide food, shelter, and other necessities of life for animals, including animal shelters, rescues, shelters, kennels, and adoption facilities.

e. Organizations That Provide Charitable and Social Services

Businesses and religious and secular non-profit organizations, including food banks, when providing food, shelter, social services and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities.

f. Religious Entities

Religious facilities, entities and groups, and religious gatherings provided they adhere to the CDC's guidance on social gatherings.

g. Media

Newspapers, television, radio, and other media services.

h. Financial and Insurance Institutions

Banks, currency exchanges, consumer lenders, including credit unions, pawnbrokers, consumer installment lenders and sales finance lenders, title companies, appraisers, financial markets, trading and futures exchanges, payday lenders, affiliates of financial institutions, entities that issue bonds, related financial institutions, and institutions selling financial products. Also, insurance companies, underwriters, agents, brokers, and related insurance claims and agency services.

i. Critical Trades

Building, construction, and other trades, including plumbers, electricians, exterminators, operating engineers, cleaning and janitorial staff for commercial and governmental properties, security staff, HVAC, painting, moving and relocation services, and other service providers who provide services necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses and Operations.

j. Mail, Post, Shipping, Logistics, Delivery and Pick-Up Services

Post offices and other businesses that provide shipping and delivery services, as well as businesses that ship or deliver groceries, food, goods, vehicles, alcoholic and non-alcoholic beverages, or services to end users or through commercial channels.

k. Educational Institutions

Educational institutions (including public and private pre-K-12 schools, colleges, and universities) for purposes of facilitating distance learning, performing critical research, or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible.

This Executive Order is consistent with, and does not amend or supersede, any prior Executive Order regarding the closure of schools.

l. Laundry Services

Laundromats, dry cleaners, industrial laundry services, as well as laundry service providers.

m. Restaurants for Consumption Off-Premises

Restaurants, bars, taverns, and other facilities that prepare and serve food, but only for consumption off-premises, through such means as in-house delivery, third-party delivery, drive-through, curbside pick-up, and carryout as required by Executive Orders 20-04, 20-10 & 20-14.

Schools and other entities that typically provide food services to students or members of the public may continue to do so under this Executive Order on the condition that the food is provided to students or members of the public on a pick-up and takeaway basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site due to the virus's propensity to physically impact surfaces and personal property. This Executive Order is consistent with, and does not amend or supersede, prior Executive Orders regarding the closure of restaurants.

n. Transportation

Airlines, taxis, transportation network providers (such as Uber and Lyft), vehicle rental services, paratransit, marinas, docks, boat storage, and other private, public, and commercial transportation and logistics providers necessary for the Essential Activities and other purposes expressly authorized in this Executive Order.

o. Home-Based Care and Services

Home-based care for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness, including caregivers such as nannies who may travel to the child's home to provide care, and other in-home services including meal delivery.

p. Residential Facilities and Shelters

Residential facilities and shelters for adults, seniors, children, pets, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, or mental illness.

q. Professional Services

Professional services, such as legal services, accounting services, insurance services, and real estate services (including appraisal and title services) should be conducted virtually or by telephone whenever reasonably possible, and any professional services requiring face-to-face encounters should be postponed unless the failure to meet in-person will have a significant adverse impact on the client's financial or legal position.

r. Manufacture, Distribution, and Supply Chain for Critical Products and Industries

Manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for industries, such as healthcare, pharmaceutical, technology, biotechnology, chemicals and sanitization, agriculture, waste pickup and disposal, food and beverage, transportation, energy, steel and steel products, petroleum, fuel, mining, construction, national defense, communications, and products used by other Essential Businesses and Operations.

s. Critical Labor Union Functions

Labor union essential activities, including the administration of health and welfare funds and personnel checking on the well-being and safety of members providing services in Essential Businesses and Operations, provided these checks should be done by telephone or remotely where possible.

t. Hotels and Motels

Hotels and motels to the extent they are used for lodging and delivery or carryout food services.

u. Funeral Services

Funeral, mortuary, cremation, burial, cemetery, and related services.

15. Minimum Basic Operations

For the purposes of this Executive Order, the term "Minimum Basic Operations" includes the following, provided employees comply with Social Distancing Requirements, to the extent possible, while carrying out such operations:

a. The minimum necessary activities to maintain the value of the business's inventory, preserve the condition of its physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions.

b. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

16. Essential Travel

For the purposes of this Executive Order, the phrase "Essential Travel" includes travel for any of the following purposes:

a. Any travel that is related to the provision of, or access to, Essential Activities, Essential Governmental Functions, Essential Businesses and Operations, or Minimum Basic Operations.

b. Travel to care for the elderly, minors, dependents, persons with disabilities, or other vulnerable persons.

c. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.

d. Travel in order to return to a place of residence from outside the jurisdiction.

e. Travel required by law enforcement or court order, including to transport children pursuant to a custody agreement.

f. Travel required for non-residents to return to their place of residence outside of the State of Indiana. However, individuals are strongly encouraged to verify their transportation out of Indiana remains available and functional prior to commencing such travel.

Individuals engaged in any Essential Travel must comply with all of the Social Distancing Requirements.

17. Social Distancing Requirements

For purposes of this Executive Order, the phrase "Social Distancing Requirements" shall include maintaining at least six-feet of social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands. With respect to Essential Businesses and Operations as well as businesses engaged in Minimum Basic Operations, they must take proactive measures to ensure compliance with the Social Distancing Requirements, including, where possible, the following:

a. Designate Six-Foot Distances

Designating with signage, tape or by other means, six feet of spacing for employees and customers in line to maintain appropriate distance.

b. Hand Sanitizer and Sanitizing Products

Having hand sanitizer, and sanitizing products, readily available for employees and customers.

c. Separate Operating Hours for Vulnerable Populations

Implementing separate operating hours for the elderly and vulnerable customers.

d. Online and Remote Access

Posting online whether a facility is open and how best to reach the facility and to continue services by phone or remotely.

18. Intent of this Executive Order

The intent of this Executive Order is to ensure the maximum number of people self-isolate in their homes or residences to the maximum extent feasible, while also enabling essential services to continue, in order to slow the spread of COVID-19 to the greatest extent possible. When individuals need to leave their homes or residences, whether to perform Essential Activities or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times, and as much as reasonably possible, comply with the Social Distancing Requirements. All provisions of this Executive Order should be interpreted to effectuate this intent.

19. Enforcement

a. Workplace Safety

I direct the IOSHA to take all available administrative and enforcement actions against businesses or entities failing to comply with workplace safety conditions.

b. Enforcement Response Team

I direct the creation of an Enforcement Response Team who shall respond to and investigate all reports of violations of this Executive Order other than reports of unsafe workplace conditions which are under the jurisdiction of IOSHA.

The Enforcement Response Team shall be comprised of state law enforcement from agencies other than the Indiana State Police who are sworn to enforce any law of our State.

I direct all state agency heads who have law enforcement officers within their agencies and who are sworn to enforce any law of our State to make their officers available to assist in enforcing this Executive Order.

I designate the Chairman of the Indiana Alcohol & Tobacco Commission (ATC) to lead this enforcement effort.

I direct the Enforcement Response Team in conjunction with the ISDH and/or local boards of health to take all available administrative and enforcement actions against businesses or entities failing to comply with restrictions and other public health requirements for businesses as set forth in this Executive Order, including:

i) Issuing a verbal order to cease the unsafe practice so an owner has an opportunity to comply;

ii) If a business entity fails to comply with a verbal order, ISDH shall issue an order to cease the unsafe practice;

iii) If a business entity continues operation in an unsafe manner despite an order to cease and desist, the ISDH shall issue an order to close the business entity;

iv) If an order to close a business is issued, the business shall be reported to the Secretary of State and to any relevant licensing, permitting, or certifying board, commission or other entity for consideration of revocation proceedings; and

v) If an order to close a business is issued, the matter should be considered for referral to the local prosecuting attorney.

c. This Executive Order additionally may be enforced by State and local law enforcement to the extent set forth in Indiana law, including the Emergency Disaster Law.

i) Penalty: A knowing violation of an Executive Order issued pursuant to Indiana's Emergency Disaster Law is a class B misdemeanor, punishable up to 180 days incarceration and a fine of up to $1,000.

d. With respect to the in-person dining prohibition set forth in Executive Order 20-04, 20-10 & 20-14, it shall be enforced pursuant to the process described in those Executive Orders.

20. COVID-19 Information and Checklist for All Businesses/Employers

All businesses and employers, whether deemed to be essential under this Executive Order, are ordered to take the following actions:

a. Allow as many employees as possible to work from home by implementing policies in areas such as teleworking and video conferencing.

b. Actively encourage sick employees to stay home until they are free of fever (without the use of medication) for at least 72 hours (three full days) AND symptoms have improved for at least 72 hours AND at least seven days have passed since symptoms first began. Do not require a

healthcare provider's note to validate the illness or return to work of employees who are sick with acute respiratory illness; healthcare provider offices and medical facilities may be extremely busy and not able to provide such documentation in a timely way.

c. Ensure your sick leave policies are up to date, flexible and non-punitive in order to allow sick employees to stay home to care for themselves, children or other family members. Consider encouraging employees to do a self-assessment each day in order to check if they have any COVID-19 type symptoms (fever, cough or shortness of breath).

d. Separate employees who appear to have acute respiratory illness symptoms from other employees and send them home immediately. Restrict their access to the business until they have recovered.

e. Reinforce key messages to all employees (including stay home when sick, use cough and sneeze etiquette and practice hand hygiene), and place posters in areas where they are most likely to be seen. Provide protection supplies such as soap and water, hand sanitizer, tissues and no-touch disposal receptacles for use by employees.

f. Frequently perform enhanced environmental cleaning of commonly touched surfaces, such as workstations, countertops, railings, door handles, and doorknobs. Use the cleaning agents that are usually used in these areas and follow the directions on the label. Provide disposable wipes so commonly used surfaces can be wiped down by employees before each use.

g. Be prepared to change business practices, if needed, in order to maintain critical operations (*e.g.*, identify alternative suppliers, prioritize customers, or temporarily suspend some of your operations).

21. <u>No Limitation on Authority</u>

Nothing in this Executive Order shall, in any way, alter or modify any existing legal authority allowing the State, any local health department, or any other proper entity from ordering: (a) any quarantine or isolation that may require an individual to remain inside a particular residential property or medical facility for a limited period of time, including the duration of this public health emergency; or (b) any closure of a specific location for a limited period of time, including the duration of this public health emergency.

22. <u>Local Declarations of Emergency</u>

a. Pursuant to the Emergency Disaster Law, no local ordinance, directive or order of any county, political subdivision or other local government entity pertaining to this public health emergency, may contradict or impose less restrictive requirements than those set forth in this Executive Order, or else that ordinance, directive or order will be void and of no force or effect. However, unless prohibited by an Executive Order, local ordinances, directives and orders may be more restrictive.

b. No local unit of government or political subdivision may restrict travel within their jurisdiction above a Travel Watch status.

23. <u>Savings Clause</u>

If any provision of this Executive Order, or its application to any person or circumstance, is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are hereby declared to be severable.

This Executive Order supersedes Executive Order 20-18 and is a supplement to, deemed to be part of, Executive Orders 20-02, 20-04, 20-09, 20-10, 20-11, 20-13, 20-14 & 20-17.

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 20th day of April, 2020.

Eric J. Holcomb
Governor of Indiana

ATTEST: Connie Lawson
Secretary of State