GOVERNOR DOUGLAS A. DUCEY

STATE OF ARIZONA

EXECUTIVE ORDER

Executive Order 2020-25

Flexible Food Item & Sale of Goods at Restaurants

WHEREAS, a Public Health State of Emergency was declared in Arizona on March 11, 2020 to prepare for and respond to the outbreak of the 2019 novel coronavirus (COVID-19); and

WHEREAS, the President of the United States declared a national emergency on March 13, 2020 due to both the health and economic implications of the COVID-19 virus; and

WHEREAS, the State of Arizona has experienced community spread of COVID-19 in all counties as it continues to spread across the country and the state, posing an increasing threat to public health and having a devastating impact on the economy; and

WHEREAS, the state has taken critical measures to protect public health and safety, which will result in direct economic consequences for businesses across the State of Arizona that provide employment for many Arizonans; and

WHEREAS, the economic impacts of COVID-19 on Arizona businesses have been significant; and

WHEREAS, on March 19, 2020, Executive Order 2020-09 was issued requiring restaurants in Arizona counties with confirmed COVID-19 cases to provide dine-out options only; and

WHEREAS, though many restaurants are still operating, they are unable to generate the same level of revenue through sales in a takeout and delivery only model; and

WHEREAS, many restaurants rely on suppliers who are also suffering economic loss due to the decline in restaurant sales; and

WHEREAS, due to the decrease in business, many restaurants are in possession of commodities that they do not currently need and could sell; and

WHEREAS, regulations regarding weights and measures and food labeling may prevent such sales and limit the ability of restaurants to adapt to the current market which limits their original business model; and

WHEREAS, on March 26, 2020, the Food and Drug Administration provided temporary flexibility for nutrition labeling of packaged food; and

WHEREAS, by suspending enforcement of such provisions while requiring minimal labeling requirements, restaurants can mitigate damage from the economic impacts of COVID-19 while facilitating access to food and reducing logistical burdens on the grocery store supply chain.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this state, hereby order as follows:

1. Restaurants currently licensed or permitted to serve prepared food may sell grocery items including, but not limited to, paper goods, cleaning supplies, prepared food in bulk, meat and vegetables whether or not those items are normally packaged for resale or are raw provided that the following provisions are followed:
    a. Food sold must be wholesome and unadulterated.
    b. Open ready-to-eat foods must be within the date marking requirements to be sold.
    c. Products requiring refrigeration must remain under temperature control (41°F or less) until ready for pick up or delivery. Customers should be instructed to get food home quickly and placed under refrigeration.
    d. Bulk household goods should be sold in their original containers.
    e. Raw meats should be separated from other foods, especially produce and other ready-to-eat food items to prevent cross contamination.
    f. Businesses shall assess their customer traffic flows to ensure a takeout or curbside business model will maintain the Governor's social distancing requirements.

2. No county, city or town may make, restrict, or prohibit a restaurant covered by this order from placing temporary signage to indicate that they are open, have delivery, drive-thru or carryout available or that the restaurant has other items for sale. Any restrictions currently in place by a county, city or town, other than those necessary for safety purposes shall be suspended for the duration of this order.

3. The Arizona Department of Agriculture, Weights and Measures Division and any county, city or town entity that enforces the provisions outlined by the National Institute for Standards and Technology Handbook 130-2020 and 133-2020, shall suspend enforcement of such standards in relation to restaurants currently licensed or permitted to serve prepared or packaged food by a state or local jurisdiction.

4. This order does not permit a restaurant that does not hold a current license from the Arizona Department of Liquor Licensing and Control to sell alcoholic beverages. The provisions of Executive Order 2020-09 are still in effect.

5. To the extent possible, a restaurant shall sell items in their original packing. However, if it is not possible to sell food items in their original packaging, restaurants shall maintain information to ensure traceability for food safety purposes.

6. This order shall remain in place until further notice, and shall be reconsidered for repeal or revision every two weeks following issuance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Douglas A. Ducey

GOVERNOR

DONE at the Capitol in Phoenix on this seventh day of April in the Year Two Thousand Twenty and of the Independence of the United States of America the Two Hundred and Forty-Fourth.

ATTEST:

Secretary of State