STATE OF INDIANA

EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER 20-36

FOR: **BACK ON TRACK INDIANA: CONTINUATION OF STAGE 4.5**

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 a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and a confirmed report of the disease in our State and this initial declaration has been extended by me in Executive Orders 20-17, 20-25, 20-30 & 20-34;

WHEREAS, 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, as of the date of this Executive Order, the virus has now spread to every county in our State, with over 54,000 confirmed cases and over 2,600 deaths;

WHEREAS, as Governor, under Indiana's Emergency Management and Disaster Law, Ind. Code ch. 10-14-3 ("Emergency Disaster Law"), I have authority to take actions necessary to prepare for, respond to and address a public health disaster emergency including the following:

- making, amending and rescinding the necessary orders, rules and regulations to carry out the response to a public health disaster emergency;
- 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 our State as reasonably necessary to cope with the public health disaster emergency;

WHEREAS, in addition to the authority granted to me by the Indiana General Assembly, the Indiana State Department of Health (ISDH) has been granted authority under Title 16 of the Indiana Code to take measures in connection with prevention and suppression of disease and epidemics;

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;

WHEREAS, to reduce and slow the spread of COVID-19, the Centers for Disease Control and Prevention (CDC) and the ISDH recommended implementation of mitigation strategies to contain this virus including limitations on large gatherings and social distancing measures;

WHEREAS, in order to take all necessary steps to increase containment of this virus, I have issued various Executive Orders including a stay-at-home order, closure of state government buildings and restrictions on in-person dining at restaurants;

WHEREAS, by consulting with experts utilizing a data-driven approach to make decisions based on facts, science, and recommendations from experts in health care, business, labor, and education, we began to reopen our Hoosier economy while prioritizing Hoosiers' health in reopening our economy;

WHEREAS, to continue mitigation of COVID-19 and to lower the risk of a resurgence, a measured and staggered approach to reopening businesses and entities has been instituted. Five stages were outlined with each ensuing stage being subject to fewer restrictions and limitations than the previous stage, as follows:

- Stage 1 began with the stay-at-home directive issued on March 23, 2020, and continued until May 4, 2020 when Stage 2 commenced;
- Stage 2 began the reopening of Indiana on May 4, 2020, and continued until May 22, 2020 when Stage 3 commenced;
- Stage 3 continued the reopening of Indiana on May 22, 2020, and continued until June 12, 2020, when Stage 4 commenced;
- Stage 4 further expanded the reopening of Indiana, beginning on June 12, 2020, and expired at 11:59 on July 3, 2020; and
- Subject to continuing improvement, Stage 5 was scheduled to begin at 12:01 a.m. on July 4, 2020, however, Stage 5 was replaced by Stage 4.5 which began at 11:59 p.m. on Friday, July 3, 2020, and is set to expire at 11:59 p.m. on Friday, July 17, 2020;

WHEREAS, as the impact of COVID-19 for each county has varied, the impact in each county will be continually assessed to determine which stage applies to a particular county at the end of each time period. If the impact of COVID-19 is minimal or has significantly lessened, the county may be permitted to advance to the next stage. However, if the impact of COVID-19 has increased or failed to lessen, the county may be required to stay at the current stage or return to a prior stage;

WHEREAS, for a county to advance to the next stage or be required to stay at a current stage or return to a prior stage, the following factors will be considered: i) the number of hospitalized COVID-19 patients; ii) the capacity for critical care beds and ventilators; iii) the ability to test for COVID-19; and iv) the capacity for contact tracing;

WHEREAS, since the reopening of Indiana began on May 4, 2020, the number of hospitalized COVID-19 patients has recently increased; our capacity for critical care beds and ventilators is stable; our testing for COVID-19 is available to all Hoosiers; and our ability to contact trace is available and ongoing in all 92 counties; however, the percentage of positive cases compared to the number of tests performed has increased in recent days and thus, warrants additional monitoring before a significant lessening of further restrictions occurs;

WHEREAS, throughout many areas across the United States, there are preliminary signs of increased coronavirus spread and evidence of resurgence in areas where there has been significant reopening of businesses and easing or disregard of mitigation efforts; and

WHEREAS, based on all of the above, Indiana must refrain from transitioning fully into Stage 5 and must, instead, remain in Stage 4.5 while continuing to take measures to protect Hoosiers from the spread of this dangerous virus.

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. **Continuation of Stage 4.5**

   a. All Indiana counties, except Elkhart county, will continue in Stage 4.5 until 11:59 p.m. on Friday, July 31, 2020.

   b. All individuals in counties in Stage 4.5 shall follow the directives in Executive Order 20-32 as modified by Executive Order 20-35 and this Executive Order.

c. Individuals in Elkhart county will remain in Stage 4 through 11:59 p.m. on July 31, 2020, and must continue to adhere to the directives in Executive Order 20-32, Stage 4.

d. Executive Orders 20-32 and 20-35 are extended and remain in full force and effect.

e. Unless otherwise specified, nothing in this Executive Order prohibits a county or political subdivision from imposing more stringent requirements than in this Executive Order or Executive Orders 20-32 & 20-35.

2. <u>Additional Requirements for Gatherings and Events</u>

a. *Gatherings and Meetings:*

i) As set out in Executive Order 20-32, all public and private meetings or gatherings (outside a single household or living unit or religious service), whether familial, social, governmental, philanthropic or otherwise, may have up to two hundred fifty (250) people provided social distancing requirements can be achieved and maintained and other sanitation measures are implemented at the site where the meeting or gathering occurs. A host of the meeting or gathering is encouraged to ensure a health screening process for attendees is instituted.

ii) A "social gathering" is an event, assembly, or convening that brings together multiple people, individually or from separate households, in a single space, indoors or outdoors, at the same time and in a coordinated fashion where a significant purpose is to interact with others — such as a wedding, family reunion, party, barbecue, picnic, club, banquet, or conference.

iii) All gatherings and meetings, including social gatherings, are limited to no more than 250 people.

b. *Special or Seasonal Events:*

i) A special or seasonal event is an assembly or convening of multiple people from separate households in a single space, indoors or outdoors, at the same time but where the main purpose is not necessarily for individuals to interact with others outside of one's household but to attend a single event and/or events of limited duration – such as weekly summer concerts or movies-in-the-park, fairs, festivals, carnivals, parades, graduation ceremonies, community holiday celebrations, conventions, fundraisers, sport or racing competitions, shows, or other entertainment events.

ii) Special or seasonal events scheduled to occur on or after July 23, 2020, and where the total attendance is expected to exceed 250 individuals, must have an event plan approved by local health officials before proceeding.

iii) Event Plan: Event organizers must develop and submit to the local health department a written plan outlining the steps to be taken to mitigate against COVID-19. Each plan must address the following issues:

a) Capacity Limits – outlining what steps have been taken and will be taken to ensure the overall capacity does not exceed allowable limits set out in Stage 4 or Stage 4.5 and how social distancing will be achieved;

b) Guest Information – identifying the appropriate information to be provided to guests to stay home if sick or part of a vulnerable population, engage in social distancing, increase handwashing, etc.;

c) Staff & Volunteer Screening – identifying measures to be taken to appropriately screen staff and volunteers for COVID-19 symptoms;

d) Social Distancing Measures – identifying measures to be employed to ensure attendees engage in social distancing such as use of multiple entrances, designated seating, one-way flow of attendees, ground markings, etc.

e) Increased Sanitation – outlining steps to be taken to ensure the event space is appropriately cleaned and sanitized, that high touch areas have increased cleaning, and that additional handwashing or hand sanitizing is available;

f) Face Coverings – identifying if face coverings are recommended or required; and

g) Compliance – identifying the number of event staff or volunteers who will be available and sufficient to monitor and ensure compliance with the approved plan and other Executive Order directives.

iv) Plan Submission Timeline:

a) For events scheduled to occur between July 23 – 26, 2020, plans must be submitted as soon as practicable but at least 72 hours in advance.

b) For events occurring on or after July 27, 2020, plans must be submitted at least 7 days in advance of the event.

v) Local Health Department Approval: Local health departments must review and approve/disapprove event plans.

vi) Monitoring & Enforcement: Event planners must have sufficient event staff or volunteers present during the event to monitor and ensure compliance with the approved plan and other Executive Order directives.

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 16th day of July, 2020.

Eric J. Holcomb
Governor of Indiana

ATTEST: Connie Lawson
Secretary of State