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Tre Hargett

STATE OF TENNESSEE

EXECUTIVE ORDER

BY THE GOVERNOR

No. 22

AN ORDER DIRECTING TENNESSEANS TO STAY HOME UNLESS ENGAGING IN ESSENTIAL ACTIVITIES TO LIMIT THEIR EXPOSURE TO AND SPREAD OF COVID-19

WHEREAS, local, state, and federal officials have taken numerous actions to limit the spread of Coronavirus Disease 2019 (COVID-19), including a series of statewide executive orders, a nationwide emergency declaration by President Trump, and many local health and emergency orders and actions; and

WHEREAS, on March 4, 2020, the first case of COVID-19 in the State of Tennessee was identified, and now there are 1,834 total cases of COVID-19 in Tennessee, resulting in 148 hospitalizations and 13 deaths; and

WHEREAS, despite the numerous actions taken in recent weeks to limit the spread of COVID-19, in the last five (5) days, the number of cases in Tennessee has more than doubled, and there are now at least 72 counties with cases, indicating that COVID-19 is spreading throughout all areas of the State and presents a serious risk to the health, safety, and welfare of all Tennesseans, which requires further statewide action to contain the spread of COVID-19 and preserve the State's health care resources; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) has stated that COVID-19 is frequently spread "[b]etween people who are in close contact with one another (within about 6 feet)," and on March 16, 2020, President Trump issued the President's Coronavirus Guidelines for America, which have been extended through April 30, 2020, and encourage people to contribute to the containment of COVID-19 by taking various precautions, including:

a. Working from home whenever possible;
b. Avoiding social gatherings of ten (10) or more people;
c. Avoiding eating or drinking at restaurants, bars, and food courts, and instead using drive-thru, pick-up, or delivery options;
d. Avoiding discretionary travel and social visits;

e. Avoiding discretionary visits to nursing homes, retirement homes, or long-term care facilities;

f. Avoiding close contact with people who are sick, and distancing oneself from others, especially those who are at higher risk of getting sick, including in particular older adults and persons with serious chronic medical conditions; and

g. Practicing good personal hygiene, including washing hands, especially after touching any frequently used item or surface, avoiding touching the face, and disinfecting frequently used items and surfaces as much as possible; and

WHEREAS, the CDC advises that "[t]he best way to prevent illness is to avoid being exposed to this virus," and the best way to avoid being exposed to the virus is to remain home except as necessary to engage in essential activities, in which case the following health guidelines consistent with the President's and CDC's guidance above (hereafter referred to as "Health Guidelines") should be followed: (1) Maintaining a distance of at least six (6) feet between themselves and others, except for family or household members; and (2) Practicing good personal hygiene, including washing hands, especially after touching any frequently used item or surface, avoiding touching the face, and disinfecting frequently used items and surfaces as much as possible; and

WHEREAS, because protecting personal liberty is deeply important, this Order is not a shelter-in-place mandate and instead strongly urges Tennesseans to stay at home when at all possible for the protection of themselves and their community; and

WHEREAS, because with personal liberty comes great personal responsibility, all Tennesseans must do their part by staying at home whenever possible for a limited period of time to avoid exposure to, and slow the spread of, this virus, which will limit the burden on health care resources and allow normal activities to resume sooner; and

WHEREAS, in addition to the other emergency management powers granted by law, Tennessee Code Annotated, Section 58-2-107(e), provides that during a state of emergency, the Governor is authorized to suspend laws and rules regarding the conduct of state business if necessary to cope with the emergency, order evacuations from certain areas, make orders concerning entry and exit and the occupancy of premises within an emergency area, and take measures concerning the conduct of civilians and the calling of public meetings and gatherings, among other things; and

WHEREAS, the temporary suspension of selected state laws and rules and the other measures contained herein are necessary to facilitate the response to the current emergency.

NOW THEREFORE, I, Bill Lee, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution and other applicable law, in light of the continuing state of emergency to facilitate the response to COVID-19, and to keep the citizens of the State of Tennessee safe and healthy, do hereby order the following statewide:

1. Safer at home. Because staying at home as much as possible for a temporary period of time will protect the health and safety of Tennesseans by limiting the spread of

COVID-19 and preserving health care resources, all persons in Tennessee are urged to stay at home, except for when engaging in Essential Activity or Essential Services as defined in this Order.

2. Closure of non-essential businesses for public use. Businesses or organizations that do not perform Essential Services shall not be open for access or use by the public or its members. Such businesses or organizations are strongly encouraged to provide delivery, including delivery curbside outside of the business or organization, of online or telephone orders, to the greatest extent practicable, and persons are encouraged to use any such options to support such businesses during this emergency.

3. Essential Activity and Essential Services should be limited. Even though Essential Activity and Essential Services are permitted under this Order, all persons are strongly encouraged to limit to the greatest extent possible the frequency of engaging in Essential Activity or Essential Services. For example, all persons are strongly encouraged, among other things, to use thoughtful planning, careful coordination, and consideration of others when engaging in Essential Activity or Essential Services in order to minimize the need and frequency for leaving their place of residence or property. When engaged in Essential Activity or Essential Services, persons shall at all times follow the Health Guidelines to the greatest extent practicable.

4. Essential Services businesses should follow Health Guidelines. For those offices, workplaces, and businesses that remain open as permitted by this Order, employers should take steps to the greatest extent practicable to equip and permit employees to work from home, and employees and their customers should practice good hygiene and observe the Health Guidelines and necessary precautions advised by the President and the CDC to reduce the spread of COVID-19.

5. Employers shall not require or allow employees with COVID-19 to work. An employer, through its supervisors or appropriate management personnel, shall not require or allow an employee who the employer knows has tested positive for COVID-19 to report to work until that employee has satisfied the conditions for discontinuing home isolation under CDC guidelines, which are available at the following web address: https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html.

6. List of Essential Services detailed in Attachment A. Essential Services are defined in Attachment A to this Order. Nothing in this Order precludes an employer from encouraging, allowing, or requiring an employee to work remotely or via telework as a method of conducting Essential Services, where practicable.

7. Executive Order Nos. 17 and 21 remain in full force and effect. Defining Essential Services in Attachment A does not repeal, by implication or otherwise, the terms and conditions of Executive Order Nos. 17 and 21 relative to restaurants, bars, and

similar food and drink establishments, gyms, fitness/exercise centers, and similar facilities, close-contact personal services, and entertainment and recreational gathering venues, and visiting nursing homes, retirement homes, or long-term care or assisted-living facilities, the provisions of which are incorporated herein and remain in full force and effect.

8. Essential Activity. For purposes of this Order, Essential Activity means:

a. Engaging in activities essential to a person's health and safety or the health and safety of family or household members, persons who are unable or should not leave their home, or pets, including, but not limited to, seeking emergency services, obtaining medical supplies or assistance, obtaining medication, obtaining non-elective medical care or treatment or other similar vital services, or visiting a health care professional;

b. Obtaining necessary services or supplies for persons and their family or household members, persons who are unable or should not leave their home, or pets or delivering those services or supplies to others, including, but not limited to, groceries and food, household consumer products, supplies required to work from home, automobile supplies (including dealers, parts, supplies, repair, and maintenance), and products necessary to maintain the safety, sanitation, and essential operation of residences;

c. Providing, facilitating, or receiving delivery or curbside carry-out delivery of online or telephone orders from businesses or organizations that do not perform or are not necessary for the performance of Essential Activity;

d. Engaging in outdoor activity, provided that persons the Health Guidelines to the greatest extent practicable, including, but not limited to, driving or riding in a vehicle, walking, hiking, running, biking, swimming, kayaking, canoeing, golf, tennis, or other sports or recreational activities that can be performed while maintaining the aforementioned precautions or utilizing public parks and outdoor recreation areas; provided, however, that congregating or playing on playgrounds presents a unique risk for the spread of COVID-19 and is therefore not covered as an Essential Activity;

e. Caring for or visiting a family member, friend, or pet in another household, or transporting or traveling with family members, friends, or pets as allowed by this Order; provided, that the Health Guidelines are followed to the greatest extent practicable;

f. Visiting a place of worship or attending a wedding or funeral; provided, that the Health Guidelines are followed to the greatest extent practicable. However, it is strongly encouraged that the public celebration component of weddings and funerals be postponed or attended only by close family members; or

g. Engaging in Essential Travel, as defined below.

9. Essential Travel. For purposes of this Order, Essential Travel means:

a. Travel related to Essential Activity or otherwise permitted by this Order;
b. Travel related to performing Essential Services;
c. Travel to care for the elderly, minors, dependents, persons with disabilities, or other vulnerable persons;
d. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
e. Travel to and from outside of the State of Tennessee; or
f. Travel required by law, law enforcement, or court order, including to transport children pursuant to a custody agreement.

10. Critical infrastructure remains open and operational. All critical infrastructure remains operational, and government entities and businesses will continue providing important and essential services.

11. Special care should be taken to protect vulnerable populations. Persons and businesses should take particular care to protect the well-being of those populations especially vulnerable to COVID-19, including older adults and persons with compromised immune systems or serious chronic medical conditions, by, among other things, taking care to adhere to all precautions advised by the President and the CDC and refraining to the extent practicable from physical contact and association. Businesses should further consider implementing measures to protect our most vulnerable populations by, for example, offering delivery service or special opportunities for members of vulnerable populations to shop in retail establishments exclusive of the general population.

12. Suspension of laws that would limit application of this Order. Any law, order, rule, or regulation that would otherwise limit the enforceability of this Order is hereby suspended, pursuant to Tennessee Code Annotated, Section 58-2-107.

13. No repeal of local orders. Nothing herein repeals, preempts, or otherwise limits the authority, if any, of a locality to issue further orders or measures on these same subjects.

14. Severability. If any provision of this Order or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Order which can be given effect without the invalid provision or application, and to that end the provisions of this Order are declared to be severable.

15. Term and effective date. This Order shall be effective and enforceable at 11:59 p.m., Central Daylight Time, on March 31, 2020, and shall remain in effect until

11:59 p.m., Central Daylight Time, on April 14, 2020, at which time the suspension of any state laws and rules and the other provisions of this Order shall cease and be of no further force or effect.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 30th day of March, 2020.

Bill Lee

GOVERNOR

ATTEST:

Tre Hargett

SECRETARY OF STATE

ATTACHMENT A TO EXECUTIVE ORDER NO. 22

For purposes of Executive Order No. 22, Essential Services include:

1. Personnel identified on pages 5–15 of the Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response issued by the Cybersecurity and Infrastructure Security Agency (CISA) of the United States Department of Homeland Security, available at: https://www.cisa.gov/sites/default/files/publications/CISA_Guidance_on_the_Essential_Critical_Infrastructure_Workforce_Version_2.0_Updated.pdf.

2. **Health Care and Public Health Operations.** This includes, but is not limited to: hospitals; clinics; medical practices and services; mental health and substance abuse services; 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 components); organizations collecting blood, platelets, plasma, and other necessary materials; obstetricians and gynecologists; eye care centers, including those that sell glasses and contact lenses; home health care services providers; mental health and substance use providers; other health care facilities and suppliers; providers of any related and/or ancillary health care services; entities that transport and dispose of medical materials and remains; manufacturers, technicians, logistics, and warehouse operators, and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood, platelets, and plasma products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products; veterinary care and all health care services provided to animals. This also includes any medical or administrative personnel necessary to operate those functions in this paragraph. Health Care and Public Health Operations shall be construed broadly to avoid any impacts to the delivery of health care, broadly defined. Health Care and Public Health Operations does not include any procedures that would violate Executive Order No. 18, which remains in effect;

3. **Human Services Operations.** This includes, but is not limited to: government or government-funded human services to the public through state-operated, institutional, or community-based settings; long-term care facilities; day care centers, day care homes, or group day care homes; residential settings and shelters for adults, seniors, children, or people with developmental disabilities, intellectual disabilities, substance use disorders, or mental illness; transitional facilities; home-based settings to provide services to individuals with physical, intellectual, or developmental disabilities, seniors, adults, or 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, social services, and other necessities of life for economically disadvantaged individuals, individuals with physical, intellectual, and/or developmental disabilities, or individuals otherwise in need. Human Services

Operations shall be construed broadly to avoid any impacts to the delivery of human services, broadly defined;

4. **Essential Infrastructure Operations.** This includes, but is not limited to: food production, distribution, and sale; construction-related services, including, but not limited to, construction required in response to this public health emergency, hospital construction, construction of long-term care facilities, public works construction, school construction, construction related to Essential Activity or Essential Services, and housing construction; building management and maintenance; landscape management; airport operations; operation and maintenance of utilities, including water, sewer, and gas; electrical services, including power generation, distribution, and production of raw materials; distribution centers; oil and biofuel refining; services related to roads, highways, railroads, ports, and public transportation; cybersecurity operations; flood control; solid waste and recycling collection, removal, and processing; and internet, video, and telecommunications systems and services, including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services. Essential Infrastructure Operations shall be construed broadly to avoid any impacts to essential infrastructure, broadly defined;

5. **Essential Government Functions.** This includes, but is not limited to: first responders, emergency management personnel, emergency dispatchers, and those supporting 911 and emergency services; legislators and legislative branch officials and employees, as determined by the Legislative Branch; judges, judicial branch employees, court personnel, jurors, and grand jurors, as determined by the Judicial Branch; law enforcement personnel; corrections and community supervision personnel; hazardous materials responders; election officials and operations; child protection and child welfare personnel; housing and shelter personnel; park personnel that provide admission, maintenance, and operation of park facilities that provide outdoor recreation; military; and other governmental employees working for or to support Essential Activity or Essential Services. Essential Government Functions also means all services provided by the State, the political subdivisions of the State, and boards, commissions, or agencies of government needed to ensure the continuing operation of the government agencies or to provide for or support the health, safety, and welfare of the public. Essential Government Functions also includes contractors performing or supporting such functions. Each branch of government and government entity shall determine its Essential Government Functions and ensure a plan is in place for the performance of these functions. This paragraph does not apply to the United States government; provided, however, that any employee, official, or contractor of the United States government shall not be restricted from performing their functions under law;

6. **Food and Medicine Stores.** This includes, but is not limited to: stores that sell groceries and medicine; grocery stores; pharmacies; certified farmers' markets; farm and produce stands; supermarkets; convenience stores; and other establishments engaged in the retail sale of groceries, canned food, dry goods, frozen foods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, prepared food, alcoholic

and non-alcoholic beverages, and any other household consumer products (such as cleaning and personal care products); and the supply chain and administrative support operations for Food and Medicine Stores. Food and Medicine Stores also includes stores that sell groceries or medicine, including medication not requiring a medical prescription, and also that sell other non-grocery products and products necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activity, and Essential Services;

7. **Food and Beverage Production and Agriculture.** This includes, but is not limited to: food and beverage manufacturing, production, processing, and cultivation, including farming, livestock, fishing, baking, and other agricultural production, 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;

8. **Organizations that Provide Charitable and Social Services.** This includes, but is not limited to: businesses and religious and secular nonprofit organizations, including food banks, when providing food, shelter, social services, and other necessities of life for economically disadvantaged or individuals otherwise in need, individuals who need assistance as a result of this emergency, or persons with disabilities;

9. **Religious and Ceremonial Functions.** This includes, but is not limited to: religious facilities, entities, groups, personnel, services, rites, and gatherings, including weddings and funerals, provided that the Health Guidelines set forth in Executive Order No. 22 are followed to the greatest extent practicable;

10. **Media.** This includes, but is not limited to: newspapers, books, television, radio, publishing, and other media services and related supply chain operations;

11. **Gas Stations and Businesses Needed for Transportation.** This includes, but is not limited to: gas stations, travel centers, and truck stops; automotive suppliers, manufacturers, repair services, and related facilities; roadside assistance operations; farm and construction equipment related services; boat repair services; bicycle shops; and related facilities;

12. **Financial Institutions and Insurance Entities.** This includes, but is not limited to: banks, currency exchanges, consumer lenders, including but not limited to payday lenders, pawnbrokers, consumer installment lenders, sales finance lenders, credit unions, appraisers, title companies, financial markets, trading and futures exchanges, affiliates of financial institutions, entities that issue bonds, related financial institutions, institutions selling financial products, insurance companies, underwriters, insurance agents, insurance brokers, and related insurance claims and agency services;

13. **Hardware and Supply Stores.** This includes, but is not limited to: Hardware stores and businesses that sell electrical, plumbing, and heating materials;

14. **Critical Trades.** This includes, but is not limited to: building and construction tradesmen and tradeswomen and other trades, including, but not limited to, plumbers, electricians, exterminators and pest control, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC, painting, moving and relocation services, and other manufacturing, distribution, retail or service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activity, and Essential Services, including electronic security and life safety services to assist with fire prevention and response, security, and emergency management and response;

15. **Mail, Post, Shipping, Logistics, Delivery, and Pick-up Services.** This includes, but is not limited to: post offices and other businesses that provide shipping and delivery services and businesses that ship or deliver groceries, food, alcoholic or non-alcoholic beverages, goods, vehicles, or services to end users or through commercial channels;

16. **Educational Institutions.** This includes, but is not limited to: public and private pre-K schools, K-12 schools, colleges, and universities for purposes of facilitating distance learning, providing food or shelter, performing critical research, or performing essential functions, provided that the Health Guidelines set forth in Executive Order No. 22 are followed to the greatest extent practicable. Schools providing food services to students or members of the public shall provide the food on a carry-out basis only and shall not permit the food to be eaten at the site where it is provided, consistent with Executive Order Nos. 17 and 21;

17. **Laundry Services.** This includes, but is not limited to: laundromats, dry cleaners, industrial laundry services, and laundry service providers;

18. **Restaurants for Off-Premises Consumption.** This includes, but is not limited to: restaurants, bars, or other similar food or drink establishments that prepare and serve food, but only for consumption off-premises, consistent with Executive Order Nos. 17 and 21. Entities providing food services to members of the public shall provide the food on a carry-out basis only and shall not permit the food to be eaten at the site where it is provided or at any other gathering site. This paragraph is consistent with and does not supersede Executive Order Nos. 17 and 21;

19. **Supplies to Work from Home.** This includes, but is not limited to: businesses that sell, manufacture, or supply products necessary for persons to work from home or engage in distance learning;

20. **Supplies for Essential Businesses and Operations.** This includes, but is not limited to: businesses that sell, manufacture, or supply other Essential Services with the support or materials necessary to operate, including computers; audio and video electronics; household appliances; IT and telecommunication equipment; hardware; paint; flat glass; electrical, plumbing, and heating material; sanitary equipment; personal hygiene products; food and food additives, ingredients, and components; medical and orthopedic equipment; optics and photography equipment; diagnostics, food, and

beverages, chemicals, soaps, and detergent; and firearm and ammunition suppliers and retailers for purposes of safety and security;

21. **Transportation.** This includes, but is not limited to: 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 Essential Activity or Essential Services under Executive Order No. 22;

22. **Home-based Care and Services.** This includes, but is not limited to: home-based care for adults, seniors, children, or persons with developmental disabilities, intellectual disabilities, substance use disorders, or mental illness; and caregivers, including nannies, who may travel to a home to provide care or other in-home services, including meal delivery;

23. **Residential Facilities and Shelters.** This includes, but is not limited to: Residential facilities and shelters for adults, seniors, children, pets, or persons with developmental disabilities, intellectual disabilities, substance use disorders, or mental illness;

24. **Professional Services.** This includes, but is not limited to: legal services, accounting services, insurance services, or real estate services (including appraisal and title services);

25. **Manufacturing, Distribution and Supply Chain for Critical Products and Industries.** This includes, but is not limited to: manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, health care, chemicals, sanitization, waste pickup and disposal, agriculture and agricultural products, food and beverage, household consumer products, transportation, energy, steel and steel products, petroleum and fuel, mining, construction, defense and national defense, and communications, as well as products used by or component parts of other Essential Services;

26. **Hotels and Motels.** This includes, but is not limited to: hotels, motels, lodges, dormitories, and short-term rentals, to the extent used for lodging and delivery or carry-out food and beverage services;

27. **Funeral Services.** This includes, but is not limited to: funeral, mortuary, cremation, burial, cemetery, and related services;

28. Any business related to Essential Activity, as defined in Executive Order No. 22, including any outdoor recreation area, park, site, or trail that provides opportunities for outdoor recreation while maintaining adherence to the Health Guidelines;

29. Any other business or organization that operates at all times with ten (10) or fewer persons accessing the premises of the business or organization at a time, including

employees, customers, and other visitors; provided, that the premises allows for operation within the Health Guidelines and that such Health Guidelines are followed at all times; or

30. The minimum necessary activities required to maintain any business or organization, whether otherwise essential or not, including:
    a. Maintaining the value of the business's or organization's inventory;
    b. Preserving the condition of the business's or organization's physical plant and equipment, livestock, or other assets;
    c. Ensuring the security of the business or organization;
    d. Processing the business's or organization's mail, payroll, and employee benefits;
    e. Facilitating employees of the business or organization being able to continue to work remotely from their residences; or
    f. Conducting any functions related to these activities.