RECEIVED
APR 24 2020
Secretary of State
Tre Hargett

STATE OF TENNESSEE

EXECUTIVE ORDER

BY THE GOVERNOR

No. 29

AN ORDER AMENDING EXECUTIVE ORDER NO. 17 TO REOPEN DINING IN RESTAURANTS

WHEREAS, on March 22, 2020, I issued Executive Order No. 17, which directed restaurants and similar food and drink establishments to offer take-out or delivery options only; and

WHEREAS, the efforts and sacrifices of Tennesseans, businesses, places of worship, and governmental and nongovernmental entities and organizations of all types in accordance with these measures have flattened, and continue to flatten, the COVID-19 curve in Tennessee; and

WHEREAS, though the measures taken to reduce the spread of COVID-19 have been and are necessary and invaluable in preserving the health and lives of Tennesseans, they have also damaged many businesses and livelihoods, with over 400,000 unemployment claims filed since March 1, 2020, and it is essential to their health and welfare to allow Tennesseans to return to work so long as progress in slowing COVID-19 makes it safe to do so; and

WHEREAS, because of the recent reduction in the spread of COVID-19 in Tennessee, it is now appropriate to allow more Tennesseans to return to work to support their families and communities, subject to guidelines for safe operation of businesses, trusting and expecting Tennesseans to continue to limit activity and follow the health and safety practices that have resulted in this progress; 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, do hereby declare that a state of emergency continues to exist in Tennessee and order the following:

1. Reopening of restaurants for on-site dining. Effective at 12:01 a.m., Central Daylight Time, on April 27, 2020, Executive Order No. 17, dated March 22, 2020, as extended by Executive Order No. 21, dated March 30, 2020, and Executive Order No. 27, dated April 13, 2020, is amended by:

    a. Deleting in Paragraph 1b. the language "shall not eat or drink onsite at restaurants, bars, or other similar food or drink establishments" and substituting instead "shall not eat or drink onsite at limited service restaurants, as defined in Tennessee Code Annotated, Section 57-4-102(22), bars, nightclubs, and similar establishments"; and

    b. Deleting in Paragraph 1c. the language "Restaurants, bars, and similar food or drink establishments, including nightclubs," and substituting instead "Limited service restaurants, as defined in Tennessee Code Annotated, Section 57-4-102(22), bars, nightclubs, and similar establishments"

2. ERG Guidelines. Restaurants are expected to operate in accordance with, and to fulfill the spirit of, applicable operational guidance and measures adopted and/or issued by the Governor's Economic Recovery Group (ERG), which are available at the following web address and may be periodically updated: https://www.tn.gov/governor/covid-19/economic-recovery.html. If a restaurant does not operate in a safe manner, or if health outcomes demonstrate that a particular business or industry sector is unable to be operated in a sufficiently safe manner, the Governor and/or other applicable state official(s) may issue additional health and safety orders as may be appropriate under the circumstances.

3. Take-out and delivery alcohol sales by restaurants remain permitted. To encourage carryout or delivery orders while restaurant capacity must be reduced, Paragraph 5 of Executive Order No. 17, issued March 22, 2020, allowing restaurants to sell for take-out or delivery alcoholic beverages or beer is not affected by this Order and remains permitted.

4. 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, including any provisions of Executive Order No. 22 that would limit the effectiveness of this Order.

5. Local orders. This Order shall supersede and preempt any emergency order, health order, or other order issued by a local official or local governmental entity addressing or otherwise related to COVID-19; provided, that the six locally run county health departments in Davidson, Hamilton, Knox, Madison, Shelby, or Sullivan Counties shall have the authority

to maintain any existing order or issue further restrictions regarding the operation of restaurants for the purposes of containment or management of the spread of COVID-19.

6. Effect of this Order. Subject to the expectation that restaurants will operate within ERG Guidelines, the effect of this Order is that on-site dining at restaurants will no longer be prohibited in Tennessee, unless a locally run county health department in Davidson, Hamilton, Knox, Madison, Shelby, or Sullivan Counties independently prohibits or otherwise regulates the opening, closing, or operation of restaurants within its respective county. Pursuant to prior Executive Order Nos. 17, 21, and 27, bars, nightclubs, and limited service restaurants shall continue to be closed to persons for the purposes of eating or drinking on-site.

7. 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.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 24th day of April, 2020.

GOVERNOR

ATTEST:

SECRETARY OF STATE