State of South Carolina

Executive Department

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Mark Hammond
SECRETARY OF STATE

Office of the Governor

EXECUTIVE ORDER NO. 2020-63

WHEREAS, the State of South Carolina has taken, and must continue to take, all necessary and appropriate actions in coping with the significant public health threats and other impacts associated with the 2019 Novel Coronavirus ("COVID-19"), and in doing so, the State must focus on implementing emergency measures designed to limit community spread and transmission of COVID-19, while also regularly reviewing and revising such measures to account for new and distinct threats and to ensure that any remaining restrictions are targeted and narrowly tailored to address and mitigate the current circumstances; and

WHEREAS, in furtherance of the foregoing, the undersigned has, *inter alia*, convened the Public Health Emergency Plan Committee ("PHEPC"), activated the South Carolina Emergency Operations Plan ("Plan"), and regularly conferred with state and federal agencies, officials, and experts, to include the White House Coronavirus Task Force, the South Carolina Department of Health and Environmental Control ("DHEC"), and the South Carolina Emergency Management Division ("EMD"); and

WHEREAS, on March 13, 2020, the undersigned issued Executive Order No. 2020-08, declaring a State of Emergency based on a determination that COVID-19 posed an imminent public health emergency for the State of South Carolina; and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia, pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121–5207 ("Stafford Act"); and

WHEREAS, on March 13, 2020, the President of the United States also declared that the COVID-19 pandemic in the United States constitutes a national emergency, pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. §§ 1601 *et seq.*, and consistent with Section 1135 of the Social Security Act, 42 U.S.C. § 1320b-5, as amended, retroactive to March 1, 2020; and

WHEREAS, on March 16, 2020, based on updated information and recommendations from the Centers for Disease Control and Prevention ("CDC"), the President of the United States and the White House Coronavirus Task Force issued new guidance—titled, "The President's Coronavirus Guidelines for America"—to help protect Americans during the global COVID-19 outbreak; and

WHEREAS, the President's Coronavirus Guidelines for America recommend, *inter alia*, that the American people "[w]ork or engage in schooling from home whenever possible"; "[a]void social gatherings in groups of more than 10 people"; "[a]void eating or drinking at bars, restaurants, and food courts—use drive-thru, pickup, or delivery options"; and "[a]void discretionary travel, shopping trips, and social visits"; and

WHEREAS, on March 24, 2020, the undersigned requested that the President of the United States declare that a major disaster exists in the State of South Carolina pursuant to Section 401 of the Stafford Act, and on March 27, 2020, the President of the United States granted the undersigned's request and declared that such a major disaster exists and ordered federal assistance to supplement state, tribal, and local recovery efforts in the areas affected by the COVID-19 pandemic, with an effective date retroactive to January 20, 2020, and continuing; and

WHEREAS, on March 29, 2020, the President of the United States extended and expanded the provisions of his Coronavirus Guidelines for America based on the ongoing nature and evolving scope of the global COVID-19 pandemic; and

WHEREAS, on April 16, 2020, the President of the United States issued new Guidelines on Opening Up America Again, which contemplate individual States reopening in phases using a deliberate, data-driven approach tailored to address the situation in each State; and

WHEREAS, on May 18, 2020, the undersigned approved and signed H. 3411, R-140, Act No. 135 of 2020, as passed by the General Assembly and ratified on May 12, 2020, which expressly acknowledged "the public health emergency associated with the 2019 Novel Coronavirus (COVID-19)" and recognized that "given the extraordinary challenges facing our State, our nation, and the world due to COVID-19, it is necessary to take emergency measures to combat the spread of this deadly virus"; and

WHEREAS, on August 2, 2020, the undersigned issued Executive Order No. 2020-50, initiating additional proactive emergency actions designed to limit community spread and transmission of COVID-19, while also superseding, rescinding, and replacing specific prior Executive Orders and consolidating, restating, or otherwise incorporating, in whole or in part, certain provisions thereof to clarify which emergency measures remained in effect; and

WHEREAS, since declaring an initial State of Emergency on March 13, 2020, the undersigned has regularly conferred with DHEC and other state and federal public health agencies, officials, and experts and has issued various Orders initiating, directing, and modifying further extraordinary measures designed to address the significant public health, economic, and other impacts associated with COVID-19 and to mitigate the resulting burdens on healthcare providers, individuals, and businesses in the State of South Carolina, certain provisions of which have been extended by subsequent and distinct emergency declarations set forth in Executive Order Nos.

2020-15, 2020-23, 2020-29, 2020-35, 2020-38, 2020-40, 2020-42, 2020-44, 2020-48, 2020-53, 2020-56, 2020-59, and 2020-62; and

WHEREAS, in addition to issuing the above-referenced Executive Orders and directing other emergency measures, the undersigned has consistently and repeatedly urged South Carolinians to practice effective "social distancing" and wear face coverings to limit community spread and transmission of COVID-19 and has further encouraged counties and municipalities of this State to enact or implement appropriate and narrowly tailored emergency ordinances, orders, or other measures requiring individuals to wear face coverings in public settings where they are, will be, or reasonably could be located in close proximity to others who are not members of the same household and where it is not feasible to maintain six (6) feet of separation from such individuals or to otherwise practice effective "social distancing" in accordance with CDC and DHEC guidance; and

WHEREAS, although the above-referenced and other measures have helped limit and slow the spread of COVID-19, the COVID-19 pandemic represents an evolving public health threat and now poses different and additional emergency circumstances, which require that the State of South Carolina take any and all necessary and appropriate actions in proactively preparing for and promptly responding to the public health emergency and mitigating the resulting burdens on healthcare facilities and resources, as well as the significant economic impacts and other consequences associated with the COVID-19 pandemic; and

WHEREAS, based on the latest data and developments, and after conferring with various state and federal public health agencies, officials, and experts regarding ongoing testing and tracing initiatives and the results thereof, the undersigned is informed that congregate settings in restaurants, bars, and other similar establishments, as well as large indoor and outdoor public gatherings, have been identified as sources of, or contributing factors to, continued community spread and transmission of COVID-19; and

WHEREAS, due to the continued spread of COVID-19, the significant number of individuals hospitalized in connection with the same, and the anticipated increase in hospitalizations in connection with influenza, the State of South Carolina must promptly take any and all necessary and appropriate steps to implement and expand certain mitigation efforts designed to reduce community transmission and to minimize the resulting strain on healthcare facilities and resources; and

WHEREAS, in view of the foregoing, and in an effort to provide for and protect the health and welfare of the people of this State, the undersigned has determined that it is necessary and appropriate to initiate or extend certain temporary, targeted, and narrowly tailored emergency measures and restrictions designed to limit community spread and transmission of COVID-19 and to mitigate the resulting strain on healthcare resources, while also hopefully avoiding the need to resort to more restrictive means of addressing the same; and

WHEREAS, in addition to initiating or extending certain measures designed to limit community spread and transmission of COVID-19, in further proactively preparing for and promptly responding to the threats posed by COVID-19, the State of South Carolina must also simultaneously confront the significant economic impacts and other consequences associated with

COVID-19 and undertake efforts to stabilize and reinvigorate the State's economy by addressing issues related to unemployment, facilitating the safe reopening of businesses and industries, permitting economic flexibility by reducing regulations, accessing and utilizing federal funds and resources to assist with emergency operations, and maximizing interagency or intergovernmental coordination, cooperation, and collaboration to enhance the State's response to COVID-19; and

WHEREAS, for the aforementioned and other reasons, the undersigned has determined that it is also necessary and appropriate to modify certain emergency restrictions as part of the process of regularly reviewing such measures to account for new and distinct threats and to ensure that any remaining restrictions are targeted and narrowly tailored to address and mitigate the current circumstances in the least restrictive manner possible; and

WHEREAS, in view of the foregoing objectives, the undersigned has deemed it necessary to supersede, rescind, and replace Executive Order No. 2020-50 and to consolidate, restate, or otherwise incorporate, in whole or in part, any modified or extended provisions thereof to clarify which emergency measures are in effect; and

WHEREAS, section 1-3-430 of the South Carolina Code of Laws, as amended, provides that when a state of emergency has been declared, the undersigned "may further, cope with such threats and danger, order and direct any person or group of persons to do any act which would in his opinion prevent or minimize danger to life, limb or property, or prevent a breach of the peace; and he may order any person or group of persons to refrain from doing any act or thing which would, in his opinion, endanger life, limb or property, or cause, or tend to cause, a breach of the peace, or endanger the peace and good order of the State or any section or community thereof, and he shall have full power by use of all appropriate available means to enforce such order or proclamation"; and

WHEREAS, pursuant to section 1-3-460 of the South Carolina Code of Laws, as amended, the foregoing and other emergency authority is "supplemental to and in aid of powers now vested in the Governor under the Constitution, statutory laws[,] and police powers of the State"; and

WHEREAS, in accordance with section 25-1-440 of the South Carolina Code of Laws, as amended, when an emergency has been declared, the undersigned is "responsible for the safety, security, and welfare of the State and is empowered with [certain] additional authority to adequately discharge this responsibility," to include issuing, amending, and rescinding "emergency proclamations and regulations," which shall "have the force and effect of law as long as the emergency exists"; and

WHEREAS, pursuant to section 25-1-440 of the South Carolina Code of Laws, when an emergency has been declared, the undersigned is further authorized to "suspend provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency"; and

WHEREAS, in addition to the foregoing, section 25-1-440 of the South Carolina Code of Laws authorizes the undersigned, during a declared emergency, to "transfer the direction, personnel, or functions of state departments, agencies, and commissions, or units thereof, for

purposes of facilitating or performing emergency services as necessary or desirable," and to "compel performance by elected and appointed state, county, and municipal officials and employees of the emergency duties and functions assigned them in the State Emergency Plan or by Executive Order"; and

WHEREAS, the undersigned is further authorized, pursuant to section 25-1-440 of the South Carolina Code of Laws, to "direct and compel evacuation of all or part of the populace from any stricken or threatened area if this action is considered necessary for the preservation of life or other emergency mitigation, response, or recovery; to prescribe routes, modes of transportation, and destination in connection with evacuation; and to control ingress and egress at an emergency area, the movement of persons within the area, and the occupancy of premises therein"; and

WHEREAS, in the context of a public health emergency, section 25-1-440 of the South Carolina Code of Laws also "authorizes the deployment and use of any resources and personnel including, but not limited to, local officers and employees qualified as first responders, to which the plans apply and the use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled, or arranged to be made available pursuant to this act"; and

WHEREAS, in accordance with section 16-7-10(A) of the South Carolina Code of Laws, as amended, "[i]n any area designated by the Governor in his proclamation that a state of emergency exists, and during the duration of the proclamation, it is unlawful for a person to: violate a provision in the proclamation including, but not limited to, any curfew set forth by the proclamation; congregate, unless authorized or in their homes, in groups of three or more and to refuse to disperse upon order of a law enforcement officer; or wilfully fail or refuse to comply with any lawful order or direction of any law enforcement officer"; and

WHEREAS, in addition to the foregoing authorities, pursuant to section 61-6-4160 of the South Carolina Code of Laws, as amended, "[i]t is unlawful to sell alcoholic liquors . . . during periods proclaimed by the Governor in the interest of law and order or public morals and decorum" and "[f]ull authority to proclaim these periods is conferred upon the Governor in addition to all his other powers"; and

WHEREAS, section 61-6-4160 of the South Carolina Code of Laws further provides that "[a] person who violates a provision of this section is guilty of a misdemeanor and, upon conviction, must be punished as follows: (a) for a first offense, by a fine of two hundred dollars or imprisonment for sixty days; (b) for a second offense, by a fine of one thousand dollars or imprisonment for one year; and (c) for a third or subsequent offense, by a fine of two thousand dollars or imprisonment for two years"; and

WHEREAS, the Attorney General has previously opined that "[t]he obvious intent of [section 61-6-4160's predecessor statute] is to afford the Governor the right to order the sale of alcoholic liquors to be discontinued during temporary periods of emergency" and that "[i]t is clear that [the Governor] ha[s] the authority . . . to order that the sale of liquors be prohibited at such places in the State in which, in [his] judgement, the interest of law and order and public morals and decorum, require such action," 1968 WL 13075, at *1 (S.C.A.G. Apr. 27, 1968); and

WHEREAS, it is axiomatic that "[t]he health, welfare, and safety of the lives and property of the people are beyond question matters of public concern, and reasonable regulations and laws designed to preserve and protect the same are clearly contained in the police power inherent in the sovereign," 1980 S.C. Op. Att'y Gen. 142, 1980 WL 81975, at *1 (S.C.A.G. Sept. 5, 1980); and

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of the undersigned's authority and responsibility to provide for and ensure the health, safety, security, and welfare of the people of the State of South Carolina, the undersigned has determined that the State of South Carolina must take proactive action and implement, extend, and modify certain extraordinary measures designed to slow the spread of COVID-19, limit the resulting strain on healthcare resources, and mitigate the significant economic impacts and other consequences associated with COVID-19.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby order and direct as follows:

Section 1. Modification, Consolidation, and Continuation of Previous Emergency Measures

A. I hereby supersede, rescind, and replace Executive Order No. 2020-50, with any remaining provisions thereof restated, in whole or in part, below or otherwise incorporated herein.

B. I hereby expressly rely upon and incorporate by reference the recitals and other specific factual findings, legal authorities, determinations, and conclusions contained in Executive Order No. 2020-50, as well as those set forth in Executive Order No. 2020-62.

Section 2. Emergency Requirements Regarding Face Coverings

A. I hereby urge counties and municipalities of this State to enact or implement appropriate and narrowly tailored emergency ordinances, orders, or other measures requiring individuals to wear a Face Covering, as set forth below and further defined herein, in public settings where they are, will be, or reasonably could be located in close proximity to others who are not members of the same household and where it is not feasible to maintain six (6) feet of separation from such individuals or to otherwise practice effective "social distancing" in accordance with CDC and DHEC guidance.

B. I hereby order and direct that individuals shall wear a Face Covering in state government offices, buildings, and facilities in accordance with guidelines and procedures developed and promulgated by the South Carolina Department of Administration ("Department of Administration"), as authorized herein, in consultation with DHEC.

C. Subject to any additional or supplemental clarification, guidance, rules, regulations, or restrictions issued, provided, or promulgated by the Department of Administration, the following persons or groups of persons shall not be required to wear a Face Covering in state government offices, buildings, and facilities:

1. A child who is two (2) years old or younger or a child whose parent, guardian, or responsible adult has been unable to place the Face Covering safely on the child's face.
2. A person who is seeking to communicate with someone who is hearing-impaired in a manner that requires the mouth to be visible.
3. A person with a physical, mental, or behavioral health condition or disability (including, but not limited to, any person who has trouble breathing, or is unconscious or incapacitated, or is otherwise unable to put on or remove a Face Covering without assistance) that prevents wearing a Face Covering, provided that a non-employee or visitor who represents that they cannot wear a Face Covering for one or more of these reasons should not be required to produce documentation or any other form of proof of such a condition.
4. A person who is actively engaged in eating or drinking or obtaining a service that requires access to or visibility of the face.
5. A person who is engaging in strenuous exercise or physical activity.
6. A person who is operating or occupying a vehicle alone or with other persons who are members of the same household.
7. A person who is voting or assisting with the administration of an election, although wearing a Face Covering is strongly encouraged.
8. A person who must remove a Face Covering for purposes of identification or security screening or surveillance.
9. A person who is incarcerated in a correctional institution or short-term detention facility, which shall be governed by the rules and regulations of the applicable agency, institution, or facility.
10. A person for whom wearing a Face Covering would create a risk to the health or safety of the person due to their occupation, job function, or work assignment where wearing a Face Covering would be inconsistent with industry safety standards or protocols or federal, state, or local regulations or guidelines.

D. For purposes of this Order, "Face Covering" shall mean a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears or is otherwise wrapped around the lower face. A Face Covering can be made of natural or synthetic fabrics and can be handmade or improvised from other items. A face shield that covers the nose and mouth and extends below the chin shall satisfy the Face Covering requirements of this Order. Medical-grade masks or respirators shall satisfy the Face Covering requirements of this Order; however, according to the latest CDC guidance, these critical supplies should be reserved for use by healthcare workers and medical first responders.

E. I hereby authorize the Department of Administration to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Section or to otherwise provide clarification regarding the same, through appropriate means, without the need for further Orders.

F. This Section shall not apply to buildings or structures, or portions thereof, that are occupied or controlled by agencies, departments, officials, or employees of the Legislative or Judicial Branches of the State of South Carolina, which shall be governed by their respective orders, rules, or regulations.

Section 3. Emergency Restrictions Regarding Restaurant Operations

A. I hereby order and direct that any and all restaurants or other food-service establishments (collectively, "Restaurants"), as set forth below, which prepare, produce, or otherwise offer or sell food or beverages of any kind for on-premises consumption in the State of South Carolina, shall be subject to and shall adhere to the following restrictions and conditions of operation:

1. Restaurants that elect to provide indoor or outdoor customer dining services for on-premises or dine-in consumption, as authorized herein, shall take reasonable steps to incorporate, implement, comply with, and adhere to any applicable sanitation guidelines promulgated by the CDC, DHEC, or any other state or federal public health officials, as well as relevant industry guidance, to limit exposure to, and prevent the spread of, COVID-19.
2. Restaurants shall require that all employees, customers, patrons, suppliers, vendors, and other visitors wear Face Coverings, as defined in Section 2(D) of this Order, except while actively engaged in eating or drinking, subject to any applicable exceptions set forth in Section 2(C)(1)–(10) of this Order.
3. Restaurants shall not permit the sale or consumption of beer, wine, or alcoholic liquor between the hours of 11:00 p.m. and 10:00 a.m. the following day in accordance with Section 5 of this Order.
4. Restaurants should space indoor and outdoor tables at least six (6) feet apart, to the extent possible, to ensure that customers and patrons are at least six (6) feet apart from any other party or group.
5. Restaurants should limit seating at each table to no more than eight (8) customers and patrons, exclusive of family units or members of the same household.
6. Restaurants should adopt and enforce a process to ensure that customers and patrons are able to maintain a minimum of six (6) feet of separation from other parties while waiting to be seated. If there is any indoor or outdoor waiting area, Restaurants should use tape or other markings to help customers and patrons identify and maintain a minimum of six (6) feet of separation from other parties.
7. Restaurants should not allow patrons and customers to stand or congregate in any bar area. Restaurants should remove bar stools or arrange them in a manner that will ensure that customers and patrons are able to maintain a minimum of six (6) feet of separation from other parties.
8. Restaurants shall post signage at each public entrance informing customers, patrons, suppliers, vendors, and other visitors that entry is prohibited for individuals who are experiencing symptoms of COVID-19 or who have tested positive for COVID-19 within the preceding fourteen (14) days.
9. Restaurants shall conduct, prior to or at the beginning of each shift, an employee survey and screening process, which should include taking each employee's temperature before they begin their shift and inquiring about common symptoms of COVID-19.
10. Restaurants should immediately excuse and exclude any employees indicating symptoms of COVID-19 or who have tested positive for COVID-19 or have

been in contact with someone who has tested positive for COVID-19 within the preceding fourteen (14) days.

11. Restaurants should actively encourage and require employees who are sick, who have symptoms of COVID-19, who have tested positive for COVID-19, or who have recently had close contact with a person who has tested positive for COVID-19 to stay at home, and should develop policies to encourage any such employees to stay at home without fear of reprisal or adverse employment action on this basis.
12. Restaurants should remove common-use condiments, such as salt, pepper, and ketchup, from tables. These items should be provided upon request and cleaned and sanitized between uses if single-use options are not available.
13. Restaurants should not place utensils on a table until after a customer or patron is seated and, if possible, should offer disposable single-use utensils.
14. Restaurants should utilize disposable paper menus if possible or sanitize menus after each use.
15. Restaurants shall use approved sanitizing solutions to clean tables, chairs, and check presenters after each table turn or seating.
16. Restaurants shall provide a cleaning station or alcohol-based hand sanitizer at all entry points.
17. Restaurants shall discontinue self-service buffets or food stations to prevent customers and patrons from reusing service utensils to avoid potential physical contamination; however, employees may be permitted to dispense food via cafeteria-style buffet service.
18. Restaurants should minimize, modify, or discontinue services that allow customers and patrons to fill or refill their own beverage cups.
19. Restaurants shall sanitize all doorknobs and other shared or frequently touched surfaces as much as possible between newly arriving parties with approved sanitizing solutions.
20. Restaurants should only use kiosks or touch screens for customers and patrons if they can be sanitized between uses and should encourage touchless payment operations like credit cards with no signature required.

B. Notwithstanding the foregoing restrictions and conditions of operation, Restaurants are authorized and encouraged to prepare, produce, or otherwise offer or sell food or beverages for off-premises consumption to the extent currently authorized, permitted, or otherwise allowed by law, whether via delivery, carry-out or drive-thru distribution, curbside pick-up, or other alternate means.

C. For purposes of this Section, "Restaurants" are defined as "retail food establishment[s]," pursuant to citation 1-201.10(B)(106) of Regulation 61-25 of the South Carolina Code of Regulations, licensed or permitted by DHEC in accordance with section 44-1-140 of the South Carolina Code of Laws, as amended, or other applicable law, with the exception of "independent living food service operations" or "licensed healthcare facilities," which are expressly excluded from the definition of Restaurants. This Section does not direct the closure of retail beverage venues that currently provide for the sale of alcoholic beverages for off-site consumption and does not require the closure of production operations or wholesale distribution at breweries, wineries, or distilleries. Notwithstanding the foregoing, to the extent that Restaurants

are licensed or permitted by the South Carolina Department of Revenue ("DOR") for the on-premises sale of "alcoholic liquors" or "alcoholic beverages," as defined by section 61-6-20(1)(a) of the South Carolina Code of Laws, as amended, DOR and the South Carolina Law Enforcement Division ("SLED") are authorized to administer the provisions of this Order, and enforce compliance with the same, as necessary and appropriate. Pursuant to section 1-23-370(c) of the South Carolina Code of Laws, as amended, "[i]f the agency finds that public health, safety[,] or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action."

D. I hereby authorize and encourage law enforcement officials to enforce the provisions of this Section in accordance with Section 14 of this Order. In addition to the authorities set forth in Section 14 of this Order, noncompliance with this Section shall also be governed by the provisions of section 16-7-10(A) of the South Carolina Code of Laws. I further authorize DHEC, DOR, and SLED to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Section or to otherwise provide clarification regarding the same, through appropriate means, without the need for further Orders.

E. This Section shall not be interpreted, applied, implemented, or construed in a manner so as to limit the ability of Restaurants to impose additional restrictions or to prohibit law enforcement officers or local officials from enforcing trespassing laws or other applicable laws, regulations, orders, or ordinances in removing individuals at the request of businesses or property owners.

F. This Section shall not be interpreted, applied, implemented, or construed in a manner so as to prohibit counties and municipalities of this State from enacting or implementing appropriate and narrowly tailored emergency ordinances, orders, or other measures regarding, or applicable to, Restaurants to the extent allowed by law.

Section 4. Emergency Restrictions on Gatherings

A. I hereby urge any and all residents and visitors of the State of South Carolina to practice "social distancing" in accordance with CDC guidance and take precautions to avoid potential exposure to, and to slow the spread of, COVID-19.

B. Subject to any additional or supplemental clarification, guidance, rules, regulations, or restrictions issued, provided, or promulgated by the South Carolina Department of Commerce ("Department of Commerce"), as authorized herein, I hereby order and direct that the following categories or types of businesses, facilities, venues, services, activities, events, or mass gatherings (collectively, "Gathering"), as set forth and further defined below, shall be subject to and shall adhere to the following restrictions and conditions:

1. The total number of employees, customers, patrons, suppliers, vendors, visitors, or other persons present for or in attendance at the Gathering shall not exceed fifty percent (50%) of the location's occupancy limit as determined by the fire marshal, if applicable, or two hundred fifty (250) persons, whichever is less.

2. All employees, customers, patrons, suppliers, vendors, visitors, or other persons in attendance at the Gathering shall wear a Face Covering, as defined in Section 2(D) of this Order, subject to any applicable exceptions set forth in Section 2(C)(1)–(10) of this Order, as a condition of entry or participation.
3. The sale or consumption of beer, wine, or alcoholic liquor shall be prohibited at any Gathering between the hours of 11:00 p.m. and 10:00 a.m. the following day in accordance with Section 5 of this Order.
4. The organizers, operators, owners, or hosts of, or other parties responsible for, a Gathering shall take reasonable steps to incorporate, implement, comply with, and adhere to any applicable sanitation, "social distancing," and hygiene guidelines promulgated by the CDC, DHEC, or any other state or federal public health officials, as well as relevant industry guidance, to limit exposure to, and prevent the spread of, COVID-19.

C. For purposes of this Section, a "Gathering" shall be defined as a planned or spontaneous indoor or outdoor event that involves or is reasonably expected to involve a large number of people physically present, congregating together, or otherwise simultaneously in attendance at a single indoor or outdoor location and shall include, but not be limited to, the following: festivals, parades, concerts, theaters, stadiums, arenas, coliseums, auditoriums, grandstands, event venues, dance halls, concert halls, amphitheaters, gymnasiums, chambers, assemblies, nightclubs, performing arts centers, parks, racetracks, or similarly situated or operated businesses, facilities, venues, services, activities, events, or mass gatherings, the occurrence or resulting impacts of which could strain the public health, planning, and response resources of the community hosting the same. A Gathering shall not include individuals collectively performing or assisting with military, healthcare, public safety, or emergency response operations, as well as any other operations or services identified by the United States Cybersecurity and Infrastructure Security Agency in its March 28, 2020 Memorandum, or any future amendments or supplements thereto, as essential to continued critical infrastructure viability in connection with COVID-19. A Gathering shall not include the normal operations of public and private schools and higher education institutions or religious activities or services, including those conducted in churches, synagogues, or other houses of worship.

D. I hereby authorize and direct the Department of Commerce, in consultation with DHEC, to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Section and to provide clarification, as necessary and appropriate and in accordance with the process set forth below, regarding the application of this Section to any particular Gathering(s), or exceptions for any particular Gathering(s).

E. The organizers, operators, owners, or hosts of, or other parties responsible for, any Gathering(s) may seek clarification regarding the application of this Section to any particular Gathering(s), or exceptions for any particular Gathering(s), from the Department of Commerce using a form provided by the Department of Commerce, which shall be available for public access and submission via the Department of Commerce's website, at www.sccommerce.com. Individuals or entities may also submit questions or requests for clarification or exceptions to the Department of Commerce by email to covid19sc@sccommerce.com or by telephone at 803-734-2873. A team from the Department of Commerce will review each request for clarification or an

exception and provide a response with the Department of Commerce's determination within twenty-four (24) hours of receipt.

F. The Department of Commerce shall review any requests for clarification regarding the applicability of this Section to any particular Gathering(s) or any requests for an exception for any particular Gathering(s) and shall evaluate the same, in consultation with DHEC, and make a determination regarding whether the Gathering(s) may proceed, in whole or in part, on a normal or modified basis. The Department of Commerce shall grant exceptions only upon a thorough and satisfactory demonstration that any particular Gathering(s) will comply with, and operate according to, any applicable sanitation, "social distancing," and hygiene guidelines promulgated by the CDC, DHEC, or any other state or federal public health officials. Any determination issued by the Department of Commerce shall be deemed and considered provisional and shall be subject to revision, alteration, or revocation at any point, and in the sole discretion of the Department of Commerce, based on and to account for, *inter alia*, the evolving nature and scope of the public health emergency associated with COVID-19.

G. This Section does not apply to the conduct of official business by, or meetings of, any agency or department of the State of South Carolina or any political subdivision thereof, to include the operations of public schools and higher education institutions and the conduct of elections and related activities.

Section 5. Emergency Restrictions Regarding Alcoholic Beverages at Restaurants, Bars, and Other Establishments After 11:00 p.m.

A. I hereby determine and proclaim, pursuant to section 61-6-4160 of the South Carolina Code of Laws and other applicable law, that it is necessary and appropriate and "in the interest of law and order" and "public morals and decorum" to prohibit the sale of beer, wine, and alcoholic liquor under certain conditions and during certain periods, as set forth below, to address and reduce instances of community spread and transmission of COVID-19 among individuals congregating in restaurants, bars, and other establishments, to mitigate the resulting burdens on healthcare facilities and resources, and to maintain peace and good order during the State of Emergency.

B. I hereby order and direct that the sale or consumption of beer, wine, or alcoholic liquor on the licensed premises of all persons or businesses authorized to sell beer, wine, or alcoholic liquor in the State of South Carolina (collectively, "Licensees"), as set forth below, shall remain prohibited between the hours of 11:00 p.m. and 10:00 a.m. the following day, as previously set forth in Executive Order Nos. 2020-45 and 2020-50, for the duration of the State of Emergency unless otherwise modified, amended, extended, or rescinded by subsequent Order.

C. For purposes of this Section, "beer, wine, and alcoholic liquors" shall refer to those alcoholic beverages as defined in Chapters 4 and 6 of Title 61 of the South Carolina Code of Laws, as amended. For purposes of this Section, "Licensees" include only those persons or businesses holding the following permits or licenses issued by DOR pursuant to Title 61 of the South Carolina Code of Laws:

1. On-Premises Beer and Wine Permits (PBW) or 7-Day On-Premises Beer and Wine Permit (PO7);
2. Instate Winery Permit (PWY), Domestic Winery Permit (PDW), or 7-Day Winery Permit (P7W);
3. Brewpub Beer Permit (PBB);
4. Brewery Permit (PWY);
5. Business Liquor by the Drink License (PLB);
6. Non-Profit Private Club Liquor by the Drink License (PLC); or
7. Special Event Permit or Special Non-Profit Event Permit.

This Section does not limit the hours of sales for beer, wine, or alcoholic liquors for off-premises consumption, which shall continue to be governed by existing law.

D. Pursuant to sections 1-3-430 and 1-3-440 of the South Carolina Code of Laws, the undersigned is authorized to enforce the provisions of this Order "by use of all appropriate available means," to include, *inter alia*, "[o]rder[ing] any and all law enforcement officers of the State or any of its subdivisions to do whatever may be deemed necessary to maintain peace and good order" and "order[ing] or direct[ing] any State, county[,] or city official to enforce the provisions of such proclamation in the courts of the State by injunction, mandamus, or other appropriate legal action."

E. I hereby authorize, order, and direct DOR and SLED to administer the provisions of this Order and enforce compliance with the same as necessary and appropriate. Noncompliance with this Section shall constitute grounds for suspension of a license or permit in accordance with the provisions of Title 61, including but not limited to sections 61-4-580, 61-6-50, and 61-6-100, as amended. Pursuant to the process established in section 1-23-370(c) of the South Carolina Code of Laws, as amended, if DOR "finds that public health, safety[,] or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings." Unless otherwise provided by DOR, any summary suspension under this Section will be effective for at least the duration of this Order and any amendments to or extensions of the same. Notwithstanding the foregoing, this Section does not prevent or prohibit DOR from seeking or imposing additional penalties as authorized by law if warranted by the Licensee's actions. I hereby further order and direct DOR, upon suspension of a license or permit for noncompliance with this Section, to promptly institute proceedings in the Administrative Law Court to review the summary suspension, as required by section 1-23-370(c).

F. In addition to the foregoing authorities, noncompliance with this Section shall be further governed by the provisions of sections 16-7-10(A) and 61-6-4160 of the South Carolina Code of Laws. Pursuant to section 61-6-4160 of the South Carolina Code of Laws, "[a] person who violates a provision of this section is guilty of a misdemeanor and, upon conviction, must be punished as follows: (a) for a first offense, by a fine of two hundred dollars or imprisonment for sixty days; (b) for a second offense, by a fine of one thousand dollars or imprisonment for one year; and (c) for a third or subsequent offense, by a fine of two thousand dollars or imprisonment for two years."

G. I hereby authorize DOR and SLED to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the

application of this Section or to otherwise provide clarification regarding the same, through appropriate means, without the need for further Orders.

Section 6. Regulatory Flexibility to Accelerate Emergency Preparation and Response Measures

A. I hereby authorize and direct any agency within the undersigned's Cabinet or any other department within the Executive Branch, as defined by section 1-30-10 of the South Carolina Code of Laws, as amended, through its respective director or secretary, to waive or "suspend provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency," in accordance with section 25-1-440 of the South Carolina Code of Laws and other applicable law.

B. I hereby authorize and direct state agencies and departments to use the emergency procurement procedures set forth in section 11-35-1570 of the South Carolina Code of Laws, as amended, and any regulations issued pursuant thereto, as necessary and appropriate, to facilitate and expedite acquisition of any critical resources during the State of Emergency.

C. I hereby suspend, in accordance with section 25-1-440 of the South Carolina Code of Laws and other applicable law, any existing procurement-related regulations "if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency."

Section 7. Regulatory Flexibility and Other Emergency Measures to Expedite the Provision of Critical Healthcare Services

A. I hereby authorize and direct DHEC to suspend, for the duration of the State of Emergency, pursuant to Regulation 61-112 of the South Carolina Code of Regulations, any necessary and applicable provisions of Regulations 61-15 and 61-16, which restrict the use of unlicensed beds or space, the conversion of single and double occupancy patient rooms to account for higher patient capacity, or the establishment of wards, dormitories, or other spaces not designated as patient rooms.

B. I hereby suspend the monetary thresholds set forth in Section 102 of Regulation 61-15 of the South Carolina Code of Regulations for items requiring Certificate of Need Review, to the extent necessary and applicable, so as to permit healthcare facilities to make those capital expenditures and acquire medical equipment deemed necessary to prevent, diagnose, treat, or monitor the progression of COVID-19.

C. I further direct DHEC to suspend certain sections of the South Carolina Health Plan addressing health services requiring Certificate of Need Review, as DHEC deems necessary and appropriate, to allow a healthcare facility to provide temporary health services to adequately care for patients that may be affected by COVID-19. Healthcare facilities shall address any such requests pursuant to this Section to DHEC and coordinate with DHEC regarding the same.

D. I hereby direct the Adjutant General to continue implementing and overseeing efforts to coordinate with, between, and among the South Carolina National Guard and hospitals

or other healthcare providers, as necessary and applicable, regarding any actual or potential requirements for, or contingency plans related to, the mobilization, utilization, or acquisition of resources; the creation, modification, or construction of mobile or temporary facilities or other critical infrastructure; or other anticipated or unanticipated matters related to the State's preparation for, and response to, the evolving public health threat posed by COVID-19. In accordance with section 25-1-1840 of the South Carolina Code of Laws, Executive Order No. 2020-48, and other applicable law, I further authorize and direct the Adjutant General to activate and utilize any and all South Carolina National Guard personnel and equipment he deems necessary and appropriate and to issue the requisite supplemental orders.

Section 8. Regulatory Flexibility to Facilitate "Social Distancing" in Restaurants and Retail Settings

A. I have determined that the State of South Carolina must continue to undertake and implement additional measures to slow the spread of COVID-19, minimize the current and future strain on healthcare providers, and mitigate the economic impacts on affected individuals and businesses. In furtherance of the foregoing, and in accordance with the President's Coronavirus Guidelines for America, the State must promote and facilitate effective "social distancing" practices, including "[a]void[ing] eating or drinking at bars, restaurants, and food courts—use drive-thru, pickup, or delivery options."

B. I hereby suspend Regulation 7–702.5 of the South Carolina Code of Regulations, which provides, in pertinent part, that "[a] permit holder, employee of a permit holder, or agent of a holder must not sell or deliver beer or wine to anyone who remains in a motor vehicle during the transaction."

C. I hereby authorize and direct DOR to implement, interpret, and apply the provisions of this Order, as necessary and appropriate and in accordance with and to the extent allowed by state and federal law, in a manner that will facilitate current holders of a valid Beer and Wine Permit ("Permit"), as set forth below, selling or delivering beer and wine in a sealed container for curbside delivery or pickup and off-premises consumption.

D. Subject to any further clarification, guidance, or regulations issued or promulgated by DOR, Permit holders electing to offer curbside delivery or pickup shall be subject to the following definitions, conditions, and restrictions:

1. For purposes of this Section, "Permit" is defined as an on- or off-premises permit issued by DOR in accordance with Title 61, Chapter 4 of the South Carolina Code of Laws, with the exception of "special event" permits, for use at fairs and special functions, issued pursuant to section 61-4-550 of the South Carolina Code of Laws, as amended.
2. A retailer shall have a clearly designated delivery or pickup area abutting or adjacent to the retailer's place of business.
3. A customer who purchases beer or wine must prove at the time of curbside delivery or pickup that he is twenty-one (21) years of age or older by providing a valid government-issued identification.

4. A retailer shall not allow curbside delivery of beer or wine to, or pickup of beer or wine by, an intoxicated person or a person who is under twenty-one (21) years of age.
5. Any Permit holder's employee or agent who is responsible for delivering beer or wine in sealed containers for off-premises consumption to a customer's vehicle shall be eighteen (18) years of age or older.
6. Curbside delivery or pickup of "alcoholic liquors," as defined by section 61-6-20 of the South Carolina Code of Laws, as amended, shall be prohibited.

Section 9. Emergency Measures to Ensure the Continuity of Essential Government Operations and Emergency Services and to Provide for the Health and Safety of State Employees

A. I hereby direct that all non-essential employees and staff of the State of South Carolina, as described below, shall not report to work, physically or in-person, until further notice. For purposes of this Section, essential employees and staff are those designated by, and in the sole discretion of, the corresponding Agency Head, or their designee, as essential or mission-critical to the State's preparation for and response to emergency conditions related to COVID-19 or otherwise necessary to serving the State of South Carolina by ensuring the continuity of critical operations of state government. Essential employees and staff may still be required to report to work as determined by, and in the sole discretion of, the corresponding Agency Head or their designee. Notwithstanding the foregoing or any previous event-specific employment classifications or designations, for purposes of this emergency, essential may be defined differently than it has been defined or applied in the context of hazardous weather events. In accordance with prior directives, as well as related guidance issued by the Department of Administration, state agencies and departments shall utilize, to the maximum extent possible, telecommuting or work-from-home options for non-essential employees and staff. This Section shall apply to state government agencies, departments, and offices under the authority of the undersigned. I further direct the Department of Administration to continue to provide any necessary and appropriate supplemental guidance to such agencies, departments, and offices and to any additional agencies, departments, and offices so as to facilitate and expedite implementation of these initiatives.

B. I hereby prohibit any county, municipality, or other political subdivision of the State of South Carolina from closing any location or facility that is occupied or utilized, in whole or in part, by any agency, department, official, or employee of the State. Accordingly, pursuant to sections 1-3-410, 25-1-440, and 25-1-450 of the South Carolina Code of Laws, as well as other applicable law, I hereby direct that any such county, municipality, or other political subdivision of this State shall authorize, allow, and provide access to such locations or facilities by any state agency or department, and the officials and employees thereof, as deemed necessary and appropriate and in the manner prescribed by the state agency or department so as to ensure the uninterrupted performance and provision emergency, essential, or otherwise mission-critical government functions and services during the State of Emergency.

Section 10. Emergency Restrictions Regarding Public Beach Access Points

A. I hereby authorize any agency, department, county, municipality, or political subdivision of the State owning, operating, managing, or otherwise having jurisdiction and control

over any public beach access points to close, in whole or in part, or otherwise restrict the use of any such public beach access points, to include any adjacent or associated public parking lots or facilities, if it is determined that such action is necessary to preserve or protect public health. This authorization shall remain in effect for the duration of the State of Emergency, unless otherwise modified, amended, extended, or rescinded by subsequent Order.

B. I hereby authorize DHEC to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Section or to otherwise provide clarification regarding the same, through appropriate means, without the need for further Orders.

Section 11. Extension of Emergency Measures for Unemployment Claims and Benefits

A. The State of South Carolina must continue to undertake and implement additional measures to prepare for and respond to the economic impacts associated with COVID-19 and to mitigate the resulting burdens on individuals and businesses. In recognition of the complexities posed by the existing and anticipated emergency circumstances, the United States Department of Labor ("DOL") issued Unemployment Insurance Program Letter No. 10-20 on March 12, 2020 ("DOL Letter No. 10-20"), providing guidance to states and state workforce agencies on various matters regarding unemployment benefits and "flexibilities related to COVID-19," and in doing so, recommended, *inter alia*, that "states should consider temporarily waiving" state-specific requirements related to waiting periods for individuals who are otherwise eligible for unemployment benefits. Accordingly, to facilitate and expedite the processing of claims submitted by eligible individuals whose employment has been impacted a result of COVID-19, and in response to DOL Letter No. 10-20's recommendation, the undersigned issued Executive Order No. 2020-11 on March 19, 2020, directing, *inter alia*, the South Carolina Department of Employment and Workforce ("DEW") to waive application of the one-week waiting period for individuals who are otherwise eligible to receive unemployment benefits or to determine that otherwise eligible individuals submitting claims between March 15, 2020, and April 18, 2020, in response to the unique circumstances and public health threat presented by COVID-19 "cannot pursue other employment for the usual one week's waiting period and that the terms of the [applicable] statute cannot be met in such an unusual and limited circumstance," 1989 S.C. Op. Att'y Gen. 286 (Oct. 3, 1989). Subsequently, on March 27, 2020, the President of the United States signed the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"), Public Law No. 116–136, Title II, Subtitle A of which provides, *inter alia*, temporary full federal funding of the first week of state unemployment insurance benefits for states that do not have a waiting week or have waived any waiting-week requirement.

B. I hereby direct DEW to waive, on a temporary basis and consistent with the aforementioned DOL guidance, application of the one-week waiting period for individuals who are otherwise eligible to receive unemployment benefits, pursuant to section 41-35-110(4) of the South Carolina Code of Laws, as amended, or alternatively, to determine that otherwise eligible individuals submitting claims in response to or associated with the unique circumstances and public health threat presented by COVID-19 "cannot pursue other employment for the usual one week's period and that the terms of the statute cannot be met in such an unusual and limited circumstance." 1989 S.C. Op. Att'y Gen. 286 (Oct. 3, 1989). If and to the extent allowed by state

and federal law, I further instruct DEW to implement, interpret, and apply the foregoing directives, as necessary and appropriate, in a manner that will facilitate and expedite the processing of claims submitted by eligible individuals who have suffered an unanticipated separation from employment or reduction of hours. Subject to any additional or supplemental guidance, rules, regulations, or restrictions issued, provided, or promulgated, or which may be issued, provided, or promulgated, by DEW, and to the maximum extent permitted by state and federal law, this Section shall apply to claims submitted on or after April 19, 2020, and for the duration of the State of Emergency unless otherwise modified, amended, extended, or rescinded. Notwithstanding the foregoing, this Section shall not be construed to limit DEW's authority, to the extent allowed by state and federal law, to extend the period of any such temporary waivers or determinations to account for exigent circumstances.

Section 12. Extension of Prior Authorization for COVID-19 Support Payments by Employers

A. I have determined that the State of South Carolina must continue to undertake and implement additional measures to prepare for and respond to the economic impacts associated with COVID-19 and to mitigate the resulting burdens on individuals and businesses in the State of South Carolina. Many South Carolina employers have been financially strained by the significant economic impacts associated with COVID-19, which will negatively affect the ability of many employers to sustain operations at current levels. As a result of such operational reductions, businesses in this State may be required to furlough current employees. For purposes of this Section, a "furlough" shall mean and refer to a temporary period of time during which an employee performs no personal services for the employer as a result of a layoff caused by the economic impacts of COVID-19. Employers have stated that furloughs may be necessary to sustain an adequate level of working capital and to maintain a ready workforce in preparation for resuming operations when the risks associated with COVID-19 have dissipated. In acknowledging that employees may need to be furloughed due to the ongoing and anticipated economic impacts associated with COVID-19, some employers have indicated a desire to offset the financial impacts of such furloughs by making voluntary COVID-19-related support payments ("COVID-19 Support Payments"), as set forth below, to certain employees.

B. For purposes of this Section, "COVID-19 Support Payments" shall mean a voluntary payment, or series of payments, made by an employer to an employee in response to furloughing the employee, which is for services rendered by the employee in the past, which the employee or the employee's estate is not obligated to repay, which is provided without obligation for the employee to perform or not perform any act in connection with the individual's status as an employee, and which is made pursuant to a plan provided to DEW on a form that DEW shall prepare and publish on its website ("COVID-19 Support Payments Plan"), as set forth below and further defined herein. COVID-19 Support Payments shall be classified as a form of severance pay. South Carolina courts have interpreted severance pay as a form of payment for services previously rendered and, thus, not "wages" as that term is currently defined in section 41-27-380 of the South Carolina Code of Laws. *See S. Bell Tel. & Tel. Co. v. S.C. Employment Sec. Comm'n*, 240 S.C. 40, 45, 124 S.E.2d 505, 507 (1962). Classification of COVID-19 Support Payments as non-wages will ensure that such payments do not reduce the unemployment benefits an otherwise eligible individual would be entitled to receive, in accordance with the terms of prior Orders and as otherwise provided by law.

C. A COVID-19 Support Payments Plan submitted to DEW must detail the anticipated length of the furlough, state the amount of the COVID-19 Support Payments, identify the names of the employees receiving the COVID-19 Support Payments, and include an attestation that the employer is not making the COVID-19 Support Payments as a form of remuneration for the employees' performance of personal services during the furlough and that employees are not required to return or repay the COVID-19 Support Payments. Further, employers shall file employer-filed unemployment insurance claims, according to guidance provided by DEW, for each employee receiving COVID-19 Support Payments. A COVID-19 Support Payments Plan that satisfies the requirements set forth herein is not required to be approved by DEW prior to an employer making COVID-19 Support Payments.

D. I hereby authorize and direct DEW to interpret furloughed recipients of COVID-19 Support Payments as unemployed, pursuant to section 41-27-370 of the South Carolina Code of Laws and Regulation 47–20 of the South Carolina Code of Regulations, in response to or associated with the unique circumstances and public health threat presented by COVID-19. I further authorize and instruct DEW to implement, interpret, and apply the foregoing directives, as necessary and appropriate, in a manner such that an employee will not be considered as having been overpaid unemployment insurance benefits solely because the employee received COVID-19 Support Payments pursuant to a COVID-19 Support Payments Plan. Subject to any further clarification or guidance issued by DEW, and to the maximum extent permitted by state and federal law, this Section shall apply to any COVID-19 Support Payments paid by an employer for the duration of the State of Emergency unless otherwise modified, amended, extended, or rescinded.

Section 13. Emergency Measures to Facilitate Law Enforcement Assistance and Support

A. I hereby authorize law enforcement agencies or departments in this State to enter into mutual aid agreements in connection with the State of Emergency, pursuant to Title 23, Chapter 20 of the South Carolina Code of Laws, "for the purpose of providing the proper and prudent exercise of public safety functions across jurisdictional lines, including, but not limited to, multijurisdictional task forces, criminal investigations, patrol services, crowd control, traffic control and safety, and other emergency service situations."

B. In accordance with section 23-20-60 of the South Carolina Code of Laws, as amended, I hereby waive the requirement for a written mutual aid agreement for law enforcement services for the duration of the State of Emergency.

Section 14. Enforcement

A. I hereby authorize any and all law enforcement officers of the State, or any political subdivision thereof, to do whatever may be deemed necessary to maintain peace and good order during the State of Emergency and to enforce the provisions of this Order and any prior or future Orders issued by the undersigned in connection with the State of Emergency.

B. I hereby authorize, order, and direct any and all law enforcement officers of the State, or any political subdivision thereof, in accordance with section 16-7-10 of the South Carolina Code of Laws and other applicable law, to prohibit or disperse any congregation or

gathering of people, unless authorized or in their homes, in groups of three (3) or more people, if any such law enforcement official determines, in their discretion, that any such congregation or gathering of people poses, or could pose, a threat to public health. Pursuant to section 16-7-10(A) of the South Carolina Code of Laws, any individual who "refuse[s] to disperse upon order of a law enforcement officer," "wilfully fail[s] or refuse[s] to comply with any lawful order or direction of any law enforcement officer," or otherwise violates any provision of any Order issued by the undersigned in connection with the State of Emergency "is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days." I further authorize and instruct SLED, in consultation with the Attorney General of South Carolina, to provide any necessary and appropriate additional or supplemental guidance to law enforcement agencies, departments, or officers of the State, or any political subdivision thereof, regarding the interpretation, application, or enforcement of section 16-7-10 of the South Carolina Code of Laws.

C. In accordance with section 1-3-440(4) of the South Carolina Code of Laws, I further authorize, order, and direct any State, county, or city official to enforce the provisions of this Order and any prior or future Orders issued in connection with the State of Emergency, as necessary and appropriate, in the courts of the State by injunction, mandamus, or other appropriate legal action.

D. In addition to the foregoing, I further authorize, order, and direct DHEC to exercise and utilize any and all necessary and appropriate emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, to implement and enforce the provisions of this Order. In accordance with section 44-4-500 of the South Carolina Code of Laws, as amended, DHEC shall continue to "use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment."

Section 15. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. If or to the extent that any political subdivision of this State seeks to adopt or enforce a local ordinance, rule, regulation, or other restriction that conflicts with this Order, this Order shall supersede and preempt any such local ordinance, rule, regulation, or other restriction.

D. I hereby expressly authorize the Office of the Governor to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Order or to otherwise to provide clarification regarding the same, through appropriate means, without the need for further Orders.

E. This Order is effective immediately and shall remain in effect for the duration of the State of Emergency unless otherwise modified, amended, extended, or rescinded by subsequent Order. Further proclamations, orders, and directives deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued orally by the undersigned and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 2nd DAY OF OCTOBER, 2020.

HENRY MCMASTER
Governor

ATTEST:

MARK HAMMOND
Secretary of State