GOVERNOR DOUGLAS A. DUCEY

STATE OF ARIZONA

EXECUTIVE ORDER

Executive Order 2021-05

Next Phase of COVID-19 Mitigation
Lifting Occupancy Limits Implemented Due to COVID-19

WHEREAS, on March 11, 2020, pursuant to A.R.S. §§ 26-303 and 36-787, I, as Governor of the State of Arizona, issued a declaration of a Public Health State of Emergency due to the necessity to prepare for, prevent, respond to, and mitigate the spread of COVID-19; and

WHEREAS, on March 30, 2020, the Director of the Arizona Department of Health Services (ADHS), based on an epidemiological assessment of Arizona specific data and in alignment with the Centers for Disease Control and Prevention (CDC) guidance, recommended the State implement enhanced mitigation strategies which are continuing; and

WHEREAS, on May 12, 2020, Executive Order 2020-36, *Stay Healthy, Return Smarter, Return Stronger*, was issued directing businesses, institutions, professions and entities to develop, establish and implement policies to mitigate COVID-19; and

WHEREAS, on June 17, 2020, Executive Order 2020-40, *Containing the Spread of COVID-19*, was issued requiring businesses to enforce COVID-19 mitigation protocols and allowing local governments to adopt policies regarding the wearing of face coverings in public to mitigate the spread of COVID-19 while still keeping businesses open to the greatest extent possible; and

WHEREAS, on June 29, 2020, due to rising case numbers in the state, Executive Order 2020-43, *Pausing of Arizona's Reopening,* was issued pausing the operations of certain business determined high risk by public health entities and limitations of organized public events were put in place to limit the spread of COVID-19 and was continued by Executive Order 2020-52 and portions regarding public events were amended by Executive Order 2020-59, *Further Mitigation Requirements for Events*; and

WHEREAS, on July 9, 2020, Executive Order 2020-47, *Reducing the Risk, Slowing the Spread*, was issued limiting capacity of restaurants to slow and limit the spread of COVID-19 while still keeping them open; and

WHEREAS, on August 10, 2020, the Director of ADHS, under the authority delegated by A.R.S. § 26-307, adopted Emergency Measure 2020-02, *Slowing the Spread of COVID-19: Phased Reopening,* which implemented capacity requirements for high and medium risk businesses to mitigate the spread of COVID-19 while ensuring they were able to stay open and operate to the greatest extent possible; and

WHEREAS, since that time and into January 2021, Arizona saw increases in cases and deaths that exceeded those seen during Arizona's first wave of COVID-19; and

WHEREAS, as of March 5, 2021, there have been 823,384 diagnosed cases of COVID-19 in Arizona including 16,269 deaths; and

WHEREAS, Operation Warp Speed ("OWS") accelerated development, production and distribution of COVID-19 vaccines, therapeutics, and diagnostics to produce and deliver doses of safe and effective vaccines; and

WHEREAS, Arizona has taken the position that immunization with a safe and effective COVID-19 vaccine is a critical component of the whole government strategy to reduce COVID-19 related illnesses, hospitalizations, and deaths and to help restore societal functioning; and

WHEREAS, on December 16, 2020, Arizona administered its first COVID-19 vaccines and since that date has inoculated two million Arizona citizens; and

WHEREAS, in continuing efforts to mitigate, respond and recover from COVID-19, the deployment of the COVID-19 vaccine in Arizona has become a game changer in mitigating and responding to COVID-19; and

WHEREAS, as more and more of Arizona's population becomes vaccinated, the risk previously posed by COVID-19 that our healthcare institutions will exceed capacity is decreasing as Arizona has seen the number of cases continue to decrease over the last seven weeks; and

WHEREAS, with this decreasing risk there is the ability to strategically loosen some restrictions while others remain in place; and

WHEREAS, it is necessary to ensure clarity on those mitigation efforts that continue to remain in effect; and

WHEREAS, even as some restrictions are lifted, the data must continue to be monitored to determine the impacts of opening businesses on the rates of COVID-19 Like Illnesses (CLI) in our community to ensure that such actions are not negatively impacting the strides made to our healthcare system; and

WHEREAS, pursuant to A.R.S. § 36-787(A), during a State of Emergency declared by the Governor, ADHS has primary jurisdiction, responsibility and authority for:

1. Planning and executing public health emergency assessment, mitigation, preparedness response and recovery of the State;
2. Coordinating public health emergency response among State, local and tribal authorities;
3. Collaborating with relevant federal government authorities, elected officials or other states, private organizations and private sector companies; and
4. Coordinating recovery operations and mitigation initiatives subsequent to public health emergencies.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of the State, including but not limited to A.R.S. §§ 26-303 and 36-787, and after consultation with the Director of ADHS, do hereby order that effective immediately:

1. Businesses shall continue to assist in efforts to contain the spread of COVID-19 following all guidance from the CDC, U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) and ADHS to limit and mitigate the spread of COVID-19.

2. Any business, whether for-profit or non-profit, institution, profession or entity that physically operates in this state and serves the public or is an employer shall continue to implement, use and follow policies based on guidance from the CDC, U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) and ADHS to limit and mitigate the spread of COVID-19 including the following:
    a. Promoting healthy hygiene practices;
    b. Intensifying cleaning, disinfection and ventilation practices;
    c. Monitoring for sickness;
    d. Ensuring physical distancing;
    e. Providing necessary protective equipment;
    f. Limitations on indoor standing room where patrons can congregate; and
    g. Encouragement of reservation or appointments where possible.

3. Capacity limits for businesses, implemented and outlined by Executive Order 2020-47, *Reducing the Risk, Slowing the Spread,* ADHS Emergency Measure 2020-02, *Slowing the Spread of COVID-19: Phased Reopening*, the ADHS COVID-19 Guidance for Businesses and related requirement documents from ADHS, are rescinded. All remaining requirements implemented by ADHS for specific businesses remain in effect including but not limited to mask use and appropriate physical distancing between parties or groups.

4. Notwithstanding any other executive order, Spring Training and Major League Sports may operate upon submission and approval of a plan to ADHS or the local public health agency that demonstrates implementation of safety precautions and physical distancing. Plans that have already been submitted and approved by ADHS or other local public health agency do not need to be resubmitted or reapproved pursuant to this order.

5. Any provisions of this Executive Order that conflict with Executive Orders 2020-36, *Stay Healthy, Return Smarter, Return Stronger;* 2020-43, *Pausing of Arizona's Reopening;* 2020-47, Reducing the Risk, Slowing the Spread; 2020-52, *Continuation of Executive Order 2020-43; or* 2020-59, *Further Mitigation Requirement for Events,* govern.

6. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

7. This order shall remain in place until further notice, and shall be considered for repeal or revision at least every two weeks following issuance.

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

GOVERNOR

DONE at the Capitol in Phoenix on this fifth day of March in the year Two Thousand and Twenty One and of the Independence of the United States of America the Two Hundred and Forty-Fifth.

ATTEST:

Secretary of State