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Secretary of State
Tre Hargett

STATE OF TENNESSEE

EXECUTIVE ORDER

BY THE GOVERNOR

No. 30

AN ORDER ALLOWING TENNESSEANS TO RETURN TO WORK SAFELY WHILE ENCOURAGING CONTINUED ADHERENCE TO HEALTH GUIDELINES TO LIMIT THE SPREAD OF COVID-19

WHEREAS, in recent weeks, local, state, and federal officials have taken numerous actions to limit the spread of Coronavirus Disease 2019 (COVID-19); and

WHEREAS, between March 22, 2020, and April 2, 2020, I issued executive orders directing that Tennesseans stay at home unless engaging in essential activity or essential services, prohibiting large social gatherings, and limiting the operation or visitation of certain businesses and venues, in accordance with guidelines issued by President Trump and the Centers for Disease Control and Prevention (CDC); 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, as the rate of increase in cases has declined considerably since the beginning of April, hospitalization rates have stabilized, and our mortality rates are lower than national averages; 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 approximately 400,000 unemployment claims filed since March 15, 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 while trusting and expecting them to continue to limit non-essential activity and follow the practices that have resulted in this progress (the "Health Guidelines"), including:

For individuals:

a. Maintaining at least six (6) feet of distance from other persons;

b. Practicing good personal hygiene and observing other CDC recommendations;
c. Remaining at home if you feel sick;
d. Working from home whenever possible;
e. Avoiding discretionary travel and social gatherings; and
f. Avoiding visitation or close contact with vulnerable persons or those who are sick; and

For employers:
a. Implementing appropriate policies and practices in accordance with state and federal guidance to facilitate social distancing, temperature checks, sanitation, use and disinfection of common areas, and reduced business travel;
b. Monitoring employees for symptoms and prohibiting employees with symptoms from returning to work until cleared by a medical provider; and
c. Cooperate with governmental contact tracing procedures for employees or customers who test positive for COVID-19; and

WHEREAS, the threat from COVID-19 is far from over, and with the increased ability to return to work and engage in essential activity comes increased personal responsibility to follow the Health Guidelines to slow the spread of this virus, which will limit the burden on health care resources and allow activities to resume sooner, and therefore, all Tennesseans are strongly urged to continue to refrain from non-essential activities and to stay at home as much as possible; 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, to keep the citizens of the State of Tennessee safe and healthy, do hereby declare a continuing state of emergency to facilitate the response to COVID-19 and order the following statewide:

1. Return to work. Persons are encouraged and permitted to return to work consistent with the provisions of this Order and while following the Health Guidelines to the greatest extent practicable; provided, that all employers and businesses are strongly urged to take steps to the greatest extent practicable to equip, encourage, allow, or require employees to work remotely or via telework from home.

2. Social gatherings of ten (10) or more remain prohibited. Persons in the State of Tennessee shall not participate in social or recreational gatherings of ten (10) or more people. Social and recreational gatherings include, but are not limited to, festivals, fairs, parades, youth and adult sporting events, overnight summer youth camps, and other types of social or recreational assemblies or gatherings.

3. Places of worship, weddings, and funerals. Religious services, rites, or gatherings, weddings, and funerals are not social gatherings under Paragraph 2, and nothing in this Order mandates closure of a place of worship, or prohibits weddings or funerals as a matter of law. However, places of worship are strongly encouraged to continue to utilize virtual or online services and gatherings and strongly encouraged to follow Guidelines to be issued by the Governor's Office of Faith-Based and Community Initiatives regarding any in-person services that can be conducted safely. Further, it is strongly encouraged that the public celebration component of weddings and funerals be postponed or attended only by close family members.

4. Staying at home when possible and limiting unnecessary activity still critically important to maintaining a healthy and economically vibrant Tennessee.

   a. This Order allows many Tennesseans to return to work; however, the threat of COVID-19 remains very serious. Because avoiding unnecessary public interactions is critical to protecting the health and safety of Tennesseans by limiting the spread of COVID-19, preserving health care resources, and sustaining the improved conditions that allow vital economic activity to resume in Tennessee, all persons are still strongly encouraged to continue to stay at home and to minimize in-person contact with people not in the same household, except when engaging in critical activities such as employment or occupational activities, activities integral to health and safety, obtaining supplies or services, engaging in permitted outdoor activity, caring for or visiting family or friends, visiting a place of worship, or travel associated with such activity.

   b. All persons are strongly encouraged, among other things, to use thoughtful planning, careful coordination, and consideration of others to minimize the need and frequency for public interactions.

   c. All persons have a civic responsibility to protect themselves and their communities by following the Health Guidelines to the greatest extent practicable when outside their homes.

5. Persons are urged to wear face coverings in public places. In accordance with CDC guidance, persons, including employees or customers of businesses, are strongly urged to wear cloth face coverings or other similar coverings in public settings where being in close proximity to others is anticipated, and particularly where other social distancing measures are difficult to maintain at all times. Such cloth face coverings can be created from household items or made at home from common materials at low cost. Cloth face coverings should not be placed on young children

under age 2, anyone who has trouble breathing, or anyone who is incapacitated or otherwise unable to remove the mask without assistance. Surgical masks and N-95 respirators should be reserved for health care workers and first responders.

6. Nursing homes and similar facilities closed to visitors. Persons shall not visit nursing homes, retirement homes, long-term care facilities, or assisted-living facilities (collectively, "Facilities") except to provide critical assistance or visiting residents receiving imminent end-of-life care, provided such visits may be accomplished without unreasonable risk to other residents or staff. Persons are highly encouraged to use available electronic or virtual communication to spend time with their family members, friends, loved ones, and other persons in such Facilities. Facilities shall follow the Health Guidelines and any other infection control policies or guidance set forth by the Department of Health or other applicable state and federal agencies or departments, and Facilities shall take reasonable steps to minimize the movement of staff between locations whenever possible.

7. 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.

8. Businesses should follow Health Guidelines and ERG Guidelines.

   a. Health Guidelines. All employers and businesses are strongly urged to take steps to the greatest extent practicable to equip, encourage, allow, or require and permit employees to work remotely or via telework from home, and employees and their customers should practice good hygiene and observe the Health Guidelines to reduce the spread of COVID-19 to the greatest extent practicable.

   b. ERG Guidelines. All employers and businesses 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. Generally applicable guidelines and industry-specific guidelines for certain industries have been and will continue to be released by the ERG. If an employer, business, or industry 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.

9. Persons with COVID-19 or COVID-19 symptoms must stay at home. In accordance with CDC guidance, persons who test positive for COVID-19 or who are suffering from COVID-19 symptoms shall stay at home, except to receive medical care, until satisfying the conditions for discontinuing home isolation, which the CDC has set forth at the following web address: https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html.

10. 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.

11. Continued closure of certain businesses, organizations, or venues.

    a. Businesses or organizations that perform close-contact personal services shall, for the time being, continue to be closed to members or the public. Such businesses or organizations include:

        i. Barber shops;
        ii. Hair salons;
        iii. Waxing salons;
        iv. Threading salons;
        v. Nail salons or spas;
        vi. Spas providing body treatments;
        vii. Body-art facilities or tattoo services;
        viii. Tanning salons; or
        ix. Massage-therapy establishments or massage services.

    b. Entertainment, recreational, and certain other gathering venues shall, for the time being, continue to be closed to members or the public. Such venues include:

        i. Bars, night clubs, and live performance venues; provided, that limited service restaurants, as defined in Tennessee Code Annotated, Section 57-4-102(22), may serve food to customers seated at tables but must follow the ERG Guidelines for restaurants in doing so, which are set forth at the following web address: https://www.tn.gov/governor/covid-19/economic-

recovery/restaurant-guidelines.html; and further provided, that such establishments may offer drive-through, pickup, carry-out, or delivery service for food or drink, and persons are highly encouraged to use such drive-through, pickup, carry-out, or delivery options to support such businesses during this emergency;

ii. Bowling alleys;
iii. Arcades;
iv. Concert venues;
v. Sporting event venues;
vi. Theaters, auditoriums, performing arts centers, and similar facilities;
vii. Racetracks;
viii. Indoor children's play areas;
ix. Adult entertainment venues;
x. Amusement parks;
xi. Senior centers or equivalent facilities; or
xii. Roller or ice skating rinks.

Notwithstanding this Paragraph 11, business and employers that are closed shall be permitted to engage in the minimal activities required to maintain such businesses, organizations, and venues, including such activities as maintaining inventory; preserving physical plant, premises, and equipment; ensuring the security of the business or organization; processing mail, payroll, and employee benefits; facilitating employees of the business or organization being able to work remotely from home; or conducting any functions related to such activities.

12. Take-out alcohol sales by restaurants and limited-service restaurants to continue in order to encourage carryout or delivery orders. The provisions of Tennessee Code Annotated, Title 57, and related rules and other state or local laws, orders, rules, or regulations are temporarily suspended to the extent necessary to allow restaurants and limited service restaurants, as defined in Tennessee Code Annotated, Section 57-4-102, and wine-only restaurants, as permitted by Tennessee Code Annotated, Section 57-4-101(c), to sell for take-out or delivery alcoholic beverages or beer, so long as the following conditions are met:

a. Any sale of an alcoholic beverage or beer is for consumption off of the premises of the restaurant, limited service restaurant, or wine-only restaurant (collectively referred to hereafter as "restaurant") and is accompanied by the sale of food in the same order;

b. An alcoholic beverage or beer sold under this Paragraph 12 must be packaged in a container or bottle with a secure lid or cap and in a manner designed to prevent consumption without removal of the lid or cap, and customers shall not remove such lids or caps while operating a motor vehicle;

c. Single servings of alcoholic beverages or beer and multi-serving bottles or containers of beer or wine normally sold by the restaurant may be sold under this Paragraph 12, but not bottles of spirits or liquor;

d. A restaurant selling alcoholic beverages or beer under this Paragraph 12 shall prominently post a warning in a manner reasonably calculated to provide notice to customers of open container laws, which must include the following language from Tennessee Code Annotated, Section 55-10-416: "No driver shall consume any alcoholic beverage or beer or possess an open container of alcoholic beverage or beer while operating a motor vehicle in this state.";

e. An employee or contractor of a restaurant providing or delivering alcoholic beverages or beer to a customer under this Paragraph 12 shall not provide or deliver such beverages to any person under twenty-one (21) years of age and may not provide or deliver such beverages to a person who is visibly intoxicated. Any such employee providing or delivering alcoholic beverages or beer must visually inspect a valid government-issued document deemed acceptable to the restaurant that includes the photograph and birth date of the adult consumer attempting to make an alcoholic beverage purchase and confirms that the person is at least twenty-one (21) years of age;

f. A person delivering alcoholic beverages or beer under this Paragraph 12 must be at least twenty-one (21) years of age and must have a valid driver license; and

g. An alcoholic beverage or beer sold under this Paragraph 12 must be sold during current operating hours.

13. Local orders.

a. No local orders permitted regarding dental or medical procedures. In order to ensure a comprehensive approach to the measures needed to conserve personal protective equipment, which is an issue that is statewide in scale, no local official or local governmental entity shall issue an order or measure regarding the provision of medical, dental, or oral procedures because of COVID-19 absent authority delegated by the Governor.

b. Local orders in 89 counties without a locally run county health department (all counties except for Davidson, Hamilton, Knox, Madison, Shelby, and Sullivan). The provisions of this Order shall exclusively govern on the subjects they concern in the 89 counties that do not have a locally run county health department, and this Order shall supersede and preempt any emergency order, health order, or other order issued by a local official or

local governmental entity that contravenes or would limit the application of the provisions of this Order.

c. Local orders in six counties with a locally run county health department (Davidson, Hamilton, Knox, Madison, Shelby, and Sullivan). The six locally run county health departments in Davidson, Hamilton, Knox, Madison, Shelby, and Sullivan counties shall have authority to issue additional orders or measures related to the containment or management of the spread of COVID-19, which may permit to a greater degree, or restrict to a greater degree, the opening, closure, or operation of businesses, organizations, or venues in those counties, including those listed in Paragraph 11 of this Order, except no local official or local governmental entity shall issue an order or measure regarding places of worship. Nevertheless, this Order shall govern on all subjects it concerns, except to the extent that the locally run county health department has issued differing local orders or measures regarding the opening, closure, or operation of businesses, organizations, or venues as provided for in this Paragraph 13.c.

d. Local orders of a proprietary nature. Nothing in this Order shall affect or limit local orders that do not contravene or limit the application of the provisions of this Order, such as orders or measures in which a local governmental entity acts in a proprietary capacity—for example, with respect to the opening or closure of governmental buildings, employee measures, or government operations.

14. 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.

15. Executive Order Nos. 17, 21, 22, 23, 27, and 29. Upon becoming effective in accordance with Paragraph 18, this Order supersedes and repeals the following executive orders: Executive Order No. 17, dated March 22, 2020, Executive Order No. 21, dated March 30, 2020, Executive Order No. 22, dated March 30, 2020, Executive Order No. 23, dated April 2, 2020, Executive Order No. 27, dated April 13, 2020, and Executive Order No. 29, dated April 24, 2020.

16. Executive Order No. 25. This Order does not impact Executive Order No. 25, dated April 8, 2020, concerning non-emergency dental and oral procedures and elective and non-urgent surgical and invasive procedures, which remains effective through April 30, 2020.

17. 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.

18. Term and effective date. This Order shall be effective and enforceable at 12:01 a.m., Central Daylight Time, on April 29, 2020, and shall remain in effect until 11:59 p.m., Central Daylight Time, on May 29, 2020, although it is anticipated that in the near future development of additional business guidelines will allow for reopening additional businesses safely, at which time this Order will be amended or otherwise revised accordingly.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 28th day of April, 2020.

GOVERNOR

ATTEST:

SECRETARY OF STATE